

FILED

JUN 22 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

No **23 - 5590**

IN THE Supreme COURT of
THE UNITED STATES

Jamar L. Williams - PETITIONER

VS.

Donald Leavins (warden of Santa Rosa C.I.),
Ricky D. Dixon (Sec of Florida D.O.C. - Respondents

on petition for writ of Habeas Corpus

The Eighteenth Circuit / 5th DCA; Are the last to rule
on the merits of the case.)

Petition for writ of Habeas Corpus

Jamar L. Williams
Santa Rosa C.I.
5850 E. Milton Rd.
Milton, FL 32583

QUESTION(S) PRESENTED

- (1) Why wasn't my newly discovered evidence not even considered on the merits?
- (2) Why wasn't I given an opportunity for leave as Sp. ra and Nelson states after court's stated it appeared I was arguing ineffective assistance of counsel?
- (3) Why wasn't I afforded due process by having a hearing on the newly discovered evidence claims?
- (4) Why was I even barred and denied access to the court's without any other remedy?
- (5) Why was I denied access to the court's?

List of Parties

Donald Leavins (warden of Santa Rosa C.I.),
Ricky D. Dixon (Sec. of Florida D.O.C.),

Circuit Court Judge CHARLES ROBERTS

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TABLE OF AUTHORITIES CITED

CASES

- Pruitt v. Mote, 472 F.3d 484 (7th Cir 2006)
- Pruitt v. Mote, 503 F.3d 647 (7th Cir 2007)

STATUTES AND RULES

U.S.C.A. 5th

U.S.C.A. 6th

U.S.C.A. 14th

U.S.C.A. 8th

Article I, section 9, Clause 2

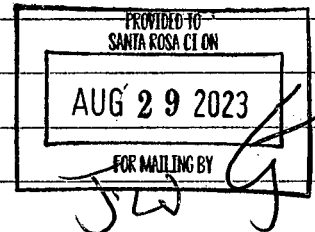
(Citations of Authority)

- (1) Article I, Section 9, Clause 2
- (2) *Pruitt v. Mote*, 472 F.3d 484 (7th Cir 2006).
- (3) U.S.C.A. 5th,
- (4) U.S.C.A. 6th,
- (5) U.S.C.A. 14th,
- (6) U.S.C.A. 8th,
- (7) *Pruitt v. Mote*, 503 F.3d 647 (7th Cir 2007)

IN THE SUPREME
Court of the UNITED STATES

Jamar L. Williams
Petitioner,

v.

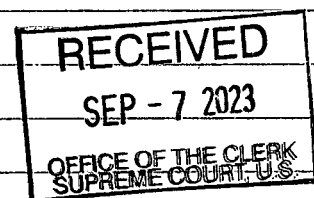


Donald Leavins (warden of Santa Rosa C.I.),
Ricky D. Dixon (Sec. of Florida D.O.C.).
Respondent

Petition for writ of Habeas Corpus
Comes Now, Petitioner Jamar L. Williams pro se -
and pursuant to Article 1, Section 9, Clause 2 res-
pectfully moves "This Honorable Court" to issue
writ against the above name Respondents ord-
ering the immediate release of above mention-
ed petitioner from its custody and state as
follow.

(Jurisdictional Statement)

The Supreme Court has original Jurisdiction in
proceedings for extraordinary relief in the nat-
ure of Habeas Corpus proceedings



IN THE Supreme Court of
the United States

Petitioner for writ of Habeas Corpus
Petitioner respectfully prays that a writ of Habeas
Corpus issue to review the judgment below:

Eighteenth Judicial Circuit

JURISDICTION

From State Courts:

The date my case was decided was March 17,
2009 a mandate was issued April 8, 2009

Constitutional/Statutory provisions involved:

- (1) Article I, Section 9, Clause 2
- (2) U.S.A.A. 5th
- (3) U.S.C.A. 6th

STATEMENT of THE Case

Petitioner was procedurally barred by the - Eighteenth Judicial Circuit Court in and for Brevard County, Florida from filing prose motions in reference to lower tribunal Case number 05-2006-CF-027085. Prior to being procedurally barred petitioner without any legal education tried every attempt to raise newly discovered evidence claims in the form of Sworn affidavits from witnesses in which would have warranted a new trial and most likely an acquittal in reference to LT#06-2006-CF-027085 had petitioner been appointed Counsel to properly raise the newly discovered evidence claims. Prior to filing this writ of Habeas Corpus to the Supreme Court petitioner petitioned the 5th DCA (Florida) in the form of a petition for writ of mandamus seeking to have post-conviction Counsel appointed for the purposes of properly raising the newly discovered evidence claims but the petition was not ruled on, instead the 5th DCA Clerk responded with a letter stating that they can't accept prose motions from petitioner due to petitioner being procedurally barred from filing prose motions in re: to LT#06-2006-CF-027085 without assistance of a licensed attorney in good faith.

(Argument)

The Eighteenth Judicial Circuit Court in and Berard County barred petitioner from filing prose motion without the assistance of Counsel in good faith but failed the petitioner a remedy in place of being procedurally barred as petitioner does have the right to access Courts and to seek redress. For the lower Courts to deny petitioner access to Courts and to seek redress and further denying petitioner appointment of post conviction Counsel to properly raise newly discovered evidence claims without providing any other remedy, violates petitioner's due process of the laws right, right to be heard, right to access Court's, right to seek redress, cruel and unusual punishment provisions etc... further it violates petitioner's right to a fair trial. Habeas, mandamus, post conviction proceedings are Civil in nature and petitioner post prose motions attempting to raise his newly discovered evidence claims should have been ~~appointed~~ heard or at the very least a licensed attorney should have been appointed to assist petitioner petitioner has a 10th grade education, no legal training etc. petitioner should have been appointed post conviction Counsel because the outcome of the newly discovered evidence claims would most likely have been a different. Petitioner is indigent and can't afford legal representation. See Pruitt v. Mote 472 F.3d 484 (7th Cir 2006) U.S.C.A. 5th 6th 8th. Petitioner isn't asking the Courts to pay for him a post conviction lawyer he is merely asking to help find him a volunteer in previous filings that were not ruled on but rejected. Also see Pruitt v. Mote 503 F.3d 647 (7th Cir 2007). Petitioner was denied a hearing as a result of all of this also denied due process of law.

(REASONS FOR GRANTING THE PETITION)

THE Clear reasons for GRANTING this petition is because petitioner did everything he was suppose to do from the beginning when he first filed the Newly discovered evidence Claims; Since then petitioner has been denied up until the lower courts procedurally barred him from being able to file any prose-motions; in which has denied him due process and any access to the courts altogether; petitioner has made many attempts in each court and has been rejected by each court without no other remedy to be able to bring his Claims or to have access to the courts.

Rule 20.1

(Why the writ of Habeas corpus will be in aid of the Court's appellate jurisdiction). Petitioner's writ will be in aid of the Court's appellate jurisdiction, because petitioner has been procedurally barred from filing any prose motions; whereas the Supreme Court has original jurisdiction in prose proceedings for extraordinary relief as this one that is before the Court's.

Rule 20.4(a)

Petitioner made application to district court. Petitioner, prior to filing this writ to the Supreme Court, petitioner petitioned the 5th district court of Florida in the form of a petition for writ of mandamus seeking to have post conviction counsel appointed for the purposes of properly raising the newly discovered evidence claims, but the petition wasn't ruled on; instead the 5th district clerk responded with a letter stating that they can't accept prose from petitioner due to petitioner be procedurally barred from filing prose motions in re: To LT# 06-2006-CF-027085 without assistance of a licensed attorney in good faith.

Rule 20.1

Exceptional circumstances warrant to the Court's discretionary powers, and why adequate relief cannot be obtained from any other court: petitioner has been denied due process to the point that he has been barred from being able to file any prose motions in regards to his newly discovered evidence claims that proves his innocence along with being denied access to the Court's without any other meaningful remedy what so ever; And there is no way adequate relief can be obtained from any other court because petitioner is prose and there has been many attempts all were rejected.

(Conclusion)

Petitioner comes to the conclusion as a result of the above stated that he is entitled to a license attorney to be appointed to him to properly raise the newly discovered evidence claims as a result of him not being able to file prose motions in the lower tribunal or at the very least a new trial and/or immediate release from respondents custody.

(Relief Sought)

Petitioner seeks to have this Honorable Court issue writ against respondents commanding them to immediately release him from custody at the very order a new trial. (release him to the custody of the Eighteenth Judicial Circuit Court in and for Brevard County to challenge his detention and any other justice deem proper. (petitioner is at least entitled to an evidentiary hearing).