

AUG 09 2023

OFFICE OF THE CLERK

23-5741
No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES
_____HEWITT A. GRANT II

— PETITIONER

(Your Name)

vs.

STATE OF Florida

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE SUPREME COURT OF Florida

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

HEWITT A. GRANT II #H12344

(Your Name)

PUTNAM C.I., 128 YELVINGTON ROAD

(Address)

EAST PALATKA, Florida 32131-2112

(City, State, Zip Code)

(Phone Number)

QUESTIONS PRESENTED

1.) QUESTION: Did The District Court (Second District) in Grant v. State, 978 So.2d 862 (Fla. 2nd DCA 2008) Fail To Follow its own case law/binding precedent in 2014 case of A initial illegal entry stated by The lower court with The identical same constitutional violations by The same identical parties of prior official misconduct without mirrored relief to The same identical United States citizen in The same District Court?

2.) IF A District Court has identical cases of illegalities by law enforcement, prior official misconduct of The warrantless entry and search of property with A subsequently consent after The initial entry. QUESTION: Why didn't or should have The District Court have mirrored The same relief of The 4th Amendment protection of illegal intrusion? To A United States citizen

3.) QUESTION: Does A District Court have To Follow its own case law?

LIST OF PARTIES

All parties appear in the caption of the case on the court page.

- SUPREME COURT OF FLORIDA
- Judges LABARGA, COURIEL, GROSSHANS, FRANKS, SASSO

RELATED CASES

Grant v. State, 978 So. 2d 862 (Fla. 2nd DCA 2008)

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Appendix "A": Order denying petition For writ of HABEAS CORPUS, Florida SUPREME COURT, CASE # SC2023-0704, July 13, 2023

TABLE OF AUTHORITIES CITED

CASES

Grant V. STATE, 978 So.2d 862 (Fla. 2nd DCA 2008)

STATUTES AND RULES

UNITED STATES 5TH Amendment
UNITED STATES 14TH Amendment

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from federal courts:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix "A" to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the Florida SUPREME court appears at Appendix "A" to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was July 13, 2023.
A copy of that decision appears at Appendix "A".

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

Constitutional And Statutory Provisions involved

UNITED STATES CONSTITUTION, 5TH AMENDMENT
UNITED STATES CONSTITUTION, 14TH AMENDMENT

STATEMENT OF THE CASE

In 2006, PETITIONER WAS CHARGED AND CONVICTED OF FLORIDA STATUTES 828.12 AND 828.122, dog Fighting.

Polk County deputies Wright and Harris went to PETITIONER home to investigate a report that more than one hundred dogs were on his property. The deputies had no evidence suggesting that any dogs were mistreated. The deputies perched over and through the slats of a six-foot privacy fence, then the deputies walked through a gate and searched the property call for backup. Deputy Wright told PETITIONER that they had searched his property and asked him to show them around. PETITIONER agreed and escorted the deputies around the property. Later the deputies obtained a search warrant.

In 2008 the Second District Court in Grant v. State, 978 So. 2d 862 Fla. 2nd DCA 2008, reversed PETITIONER's lower court case, holding that the illegalities by deputies initial warrantless search of property was not cured by PETITIONER's subsequent consent and all evidence found after securing a search warrant was fruit of the poisonous tree. (Here, the Sheriff has seen the dogs in a prior illegal search and PETITIONER later consent was acquiescence to authority.) The dogs were not visible until police entered enclosed property without a warrant and no exigent circumstances justified the warrantless intrusion. Exhibit "1"

In 2014, PETITIONER WAS CHARGED AND CONVICTED OF 828.12 AND 828.122, Florida STATUTES of dog Fighting.

Polk County deputies Dixon, Anderson, Tanner and Scarborough went to PETITIONER's business property on a tip to investigate dog Fighting and Fighting dogs. The deputies had no evidence suggesting

That any dog fighting was occurring. The deputies walked passed a four-foot picket fence with "No Trespassing" signs posted. Then the deputies broke into two six-foot privacy fences surrounding the property breaking the lock on the back of the fence failing to call out and identifying themselves and purpose, calling for backup. The deputies stated they did not have probable cause or a search warrant or exigent circumstances and petitioner was not committing a crime. While restraining petitioner the deputies saw the dogs on the property, searched the property and asked petitioner and his veterinarian's questions about the dogs and dog fighting, escorting petitioner off his property.

Exhibit "2" Petitioner was never given a Miranda warning. (Again, here, the Sheriff had seen the dogs in a prior illegal entry and search and petitioner later consent acquiescence to authority.) The dogs were not visible until police entered the enclosed property without a warrant and no exigent circumstances justified the warrantless intrusion. Later the deputies obtained a search warrant.

In 2015, on record Judge Maloney's conclusion of law and finding and the initial entry into the curtilage of the commercial property was illegal stating when the deputies walked by the "No Trespassing" signs walk through two fences, violated petitioner's 4th Amendment right, granting guaranteed protection to a U.S. citizen.

Exhibit "3"

REASONS FOR GRANTING THE PETITION

PETITIONER IS A UNITED STATES BLACK CITIZEN, RESIDENT OF Florida AND 5th AND 14th CONSTITUTIONAL RIGHTS HAVE BEEN ABRIDGED BY THIS STATE OF Florida. THE UNITED STATES CONSTITUTION PROTECTS PETITIONER'S RIGHTS TO BE TREATED ALIKE AND TO HAVE EQUAL OPPORTUNITY TO THE LAW AND EQUAL PROTECTION OF THE LAW.

Hence, THE GOVERNMENT IS VIOLATING THEIR OWN LAWS AND CASE LAW, FAILING TO GIVE DUE PROCESS TO A BLACK CITIZEN WITH THEIR OVERWHELMING RESOURCES AND POWER OF EQUAL PROTECTION OF THE LAW THAT IS GREAT IMPORTANT TO THE PEOPLE THIS COUNTRY.

CONCLUSION

THE PETITION FOR A WRIT OF HABEAS CORPUS SHOULD BE GRANTED BECAUSE PETITIONER BELIEVES A MANIFEST INJUSTICE, BY MISMANAGEMENT OF INJUSTICE HAS OCCURRED BECAUSE THE DISTRICT COURT HAS FAILED TO mirror constitutional protection relief TO A BLACK CITIZEN WHOSE PRIOR CASE AND CURRENT CASE ARE IDENTICAL VIOLATION OF RIGHTS AND OFFICIAL MISCONDUCT BY THE SAME SHERIFF, PETITIONER IS THE SAME CITIZEN VIOLATED.

THIS IS NOT A SECOND APPEAL.

PETITIONER PRAYS THIS COURT WILL REVIEW THE QUESTION AND GIVE AN OPINION THAT IS SUBSTANTIAL FACT C.I.R. GRANT V. STATE, 978 So. 2d 862 (FLA. 2ND DCA 2008) WAS NOT MIMICED AND IS IMPORTANT TO THE PEOPLE IN THIS COUNTRY.

RESPECTFULLY SUBMITTED,

Hewitt A. Grant II

HEWITT A. GRANT II, PRO SE

AUGUST 9, 2023