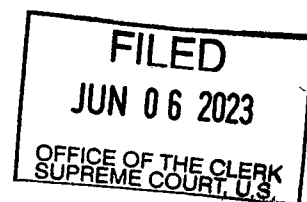


23-5763

No. _____

ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

In Re Darryl C. Daniels — PETITIONER
(Your Name)

ON PETITION FOR A WRIT OF HABEAS CORPUS

Ricky Dixon, Sec'y Fla. Dep't. of Corr. Respondents

PETITION FOR WRIT OF HABEAS CORPUS

Darryl C. Daniels
(Your Name)

Franklin Correctional Institution 1760
(Address)

Hwy 67 North Carrabelle, Fl. 32322
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Is the issuance of a writ of habeas corpus required when a judge fails to comply with the law, and deny a subject due process of law?

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

ISAIAH GRAHAM v. STATE OF FLORIDA, 826 So.2d. 361 (Fla. 2d. DCA
2002)

STATUTES AND RULES

FLORIDA STATUTE 394.910-394.931 & 394.915(C)
FLORIDA CODE OF JUDICIAL CONDUCT CANON 2A

OTHER

U.S.C.A. CONST. AMEND. FOURTEEN

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner respectfully prays that a writ of habeas corpus issue.

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☐ is unpublished.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☐ is unpublished.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 N/A to the petition and is

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☐ is unpublished.

The opinion of the N/A court appears at Appendix N/A to the petition and is

- ☐ reported at N/A; 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☐ is unpublished.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 N/A.
A copy of that decision appears at Appendix N/A.

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

FLORIDA STATUTE chs. 394.910 to 394.931

FLORIDA STATUTE 394.915(1)

FLORIDA CODE OF JUDICIAL CONDUCT CANON 2A

**STATEMENT OF THE CASE
& RULE 20.4(A) STATEMENT**

The exceptional circumstances ^{that} warrant the exercise of this Court's discretionary powers; in addition to adequate relief not being obtained in any other form or from any other court; is due to Petitioner not being able to receive any kind of habeas relief due to the extreme prejudice that he continues to experience from the lower tribunals herein Florida. Petitioner c.i.e. on numerous occasions has filed this same extraordinary Writ to the lower tribunals herein Florida; only to be denied due process of law, as said lower tribunals continually fail to review Petitioner's said extraordinary writ as it pertains to FLORIDA STATUTE 394.910 to 394.931 and 394.915(1). On Tuesday August 17, 2023 Petitioner was convicted ~~on~~ and sentenced c.i.e. by the lower tribunal of Desoto County, Florida) to The Florida Department of Corrections, c.i.e. hereinafter F.D.O.C.) Two of the offenses were sex offenses which a County Jail Corrections Officer, c.i.e. Corporal Mrs. Manuela Hiscock) was retaliatorily motivated to file criminal charges against Petitioner stemming from his petitioning the government for a redress of grievances in addition to her brazen harassment of Petitioner for the purpose of sexually provoking Petitioner. The Jurist of Said lower tribunal c.i.e. Donald Thomas Hall) failed to make a judicial determination with sworn ~~proof~~ ^{proof} that there is probable cause to believe that Petitioner fits the criteria of a sexually violent predator. Since his incarceration within F.D.O.C., c.i.e. since August 2021 Petitioner has not been interviewed by any representative of The Florida Department of Children and Family Services c.i.e. hereinafter F.D.C.F.(s) nor has any State Attorney filed an involuntary civil commitment petition on Petitioner c.i.e. which these are the proceedings when placing involuntary civil commitment on a subject) Since the jurist did ^{not} conduct these proceedings at all during His Honor's sentencing and conviction of Petitioner c.i.e. after convicting and sentencing Petitioner) said jurist failed to comply with the law; in addition to denying Petitioner due process, of which violated The Florida Code of Judicial Conduct Canon 2A which reads: "A judge shall respect and comply with the law and shall comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the

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judiciary. SEE U.S. CONST. AMEND FOURTEEN (FOURTEEN'S LAW DUE PROCESS / FUNDAMENTAL FAIRNESS AND EQUAL PROTECTION / TREATMENT PROVISIONS)

Petitioner currently has a detainer issued upon him by The FDCFS, when they failed to conduct the procedure that is normally required by the a lower tribunal during or after sentencing. While incarcerated within F.D.O.C., a representative of the FDCFS / Florida Civil Commitment Center, normally comes to F.D.O.C. to interview a subject to see if they meet the criteria for involuntary civil commitment as a sexual violent predator. Due to the authorities' failure to conduct these proceedings, Petitioner's detainer ~~and~~ should be dismissed, and for This Honorable Court to direct the release of Petitioner from The F.D.O.C. and ~~the release~~ to prevent Petitioner from being placed / confined within The Florida Civil Commitment Center.

REASONS FOR GRANTING THE PETITION

1. The Jurist violated the FLORIDA CODE OF JUDICIAL CONDUCT CANON 2A
2. Petitioner was not afforded due process
3. Petitioner has suffered prejudice and abuse
4. This issue certifies conflict with ISAIAH GRAHAM v. STATE OF FLORIDA, 826 So.2d 383 (Fla. 2d DCA 2002)

CONCLUSION

The petition for a writ of habeas corpus should be granted.

Respectfully submitted,

Darryl C. Daniels

Date: 9/24/23