

No. 23 - 5845

FILED
JUL 07 2023
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

In Re KENNEDY WRIGHT — PETITIONER
(Your Name)

ON PETITION FOR A WRIT OF HABEAS CORPUS

SECOND DISTRICT COURT OF APPEAL - STATE OF FLORIDA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF HABEAS CORPUS

KENNEDY WRIGHT
(Your Name)

Moore Haven Correctional Facility
(Address)

P.O. Box 719001, Moore Haven, FL 33471
(City, State, Zip Code)

863-946-2420
(Phone Number)

QUESTION(S) PRESENTED

Whether THE LOWER Court or District Court violated THE Defendants' Constitution Rights under Due Process OF The Law, When refused him equal Protection OF The Coterminous Law, and not ending The Sentence upon Completion of The Shortest Sentence.

Whether The decision OF the Lower Court Conflicted With other Courts on the Same Question of Law. Where the Florida Supreme Court agreed that the Coterminous Language in a Sentence is the Sole authority OF the Incarceration.

Whether The decision OF The Trial Court, appellate Court Conflicted With The Ruling in this Court under Plea Agreements. Were The Trial Court did not honor a Plea Agreement.

Whether The Trial and District Court did not honor the Federal Rule 32(b) Plain error. Were Clearly When The Plea Agreement Show that the Agreement Was not honored and Violated defendant substantial Rights.

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

Thomas v. State 912 So 2d 657
Knight v. State 611 So 2d 602
Moore v. Pearson 789 So 2d 316
DBAYA v. State 723 So 2d 924
Llerena v. State 953 So 2d 31,33

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TABLE OF AUTHORITIES CITED

CASES

Bailey v. State 313 So. 3d 749, 752 (Fla. 2nd DCA 2020)
Garcia v. State 722 So. 2d 905, 907 (Fla. 3rd DCA 1998)
Knight v. State 611 So. 2d 602, (1993)
McCullough v. State 974 So. 2d 1214, 1218 (Fla. 2nd DCA 2008)
Moore v. Pearson 789 So. 2d. 316 (Fla. 2001)
Puckett v. United States Supreme Court 556 U.S. 129, (2009)
Santobello v. New York 404 U.S. 257 (1971)
State v. Midkiff 302 So. 3d 435 (Fla. 5th DCA 2020)
Thomas v. State 921 So. 2d 457; (Fla. 2nd DCA 2006)

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STATUTES AND RULES

Fed. R. Crim. P. 52(b)

OTHER

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 _____ 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 _____ 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.

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 _____. A copy of that decision appears at Appendix _____.

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

FLORIDA CONSTITUTION ARTICLE I, § 9

UNITED STATES CONSTITUTION, FIFTH AMENDMENT

UNITED STATES CONSTITUTION, SIXTH AMENDMENT

UNITED STATES CONSTITUTION, FOURTEENTH AMENDMENT

STATEMENT OF THE CASE
& RULE 20.4(A) STATEMENT

The petitioner has exhausted available remedies in the State Court in the Sixth Judicial Circuit Court For and in pinellas County.

The petitioner has exhausted available remedies with a appellate review by the Second District Court of appeal in Lakeland Fl.

Petitioner are seeking relief by this Court, because the issue shows that the exceptional circumstances warrant the exercise of this Court discretionary powers, and that adequate relief cannot be obtained in any other form or from any other Court.

On May 5th 1998, petitioner entered into a plea Bargain, which consisted of "(ADJ-Guilt 30 yrs Doc Habitual 2^o Felonies Concurrent AND Cotermius With each other AND Concurrent AND Cotermius w/Robbery Charge #97-16257; (5yrs on 3^o Felonies).

The Florida Sentencing Code States that the word Cotermious Supersedes any sentencing provision as to sentence length, according to the lawmakers and the interpretation language inside the Florida sentencing book, which is written by William Burgess III.

All orders denying petitioner's motion's was always Summary denied, never not once was the denial was refuted by the plea Agreement or by any records,

according to the Cotermious language the petitioner sentence shall end upon the completion of the shortest, soonest ended of the sentence. Now the petitioner has been Falsly imprisoned for over Two Decades,

Petitioner now seeks timely review in this Court.

REASONS FOR GRANTING THE PETITION

Because Legislature Stated Courts and Prosecutors should be aware that where a Petitioner is being sentenced to or incarceration for multiple offenses, language in the Plea agreement or in the Judge's Sentencing order that the sentences shall be coterminous means that all sentences will end simultaneously with the shortest sentence.

Florida Supreme Court Quoted in Moore v. Pearson 789 So.2d 316 (Fla. 2001) Stated that the coterminous language of the judgment are the sole authority of the Petitioner's incarceration.

Legislature also stated that this word cotermination will trump all other provisions as to sentence length, minimum mandatory sentence, habitual offender sentence, and prison releasee offender sentence. Petitioner sentence has this same language and the same sentencing provisions. equal protection of the law are not being applied to this sentence.

Thus, this Court should find that the Lower Court abused its discretion when it failed to honor the Agreement it made with the Petitioner alone with the State Attorney office, resulting in violation of Petitioner's Constitutional Right to Due Process and equal protection under Florida Law.

CONCLUSION

The Petition for a writ of habeas corpus should be granted based upon the foregoing.

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

Respectfully submitted,

Kennedy Wright

Date: 9-14-23

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

KENNEDY WRIGHT — PETITIONER
(Your Name)

VS.

STATE OF FLORIDA — RESPONDENT(S)

PROOF OF SERVICE

I, KENNEDY WRIGHT, do swear or declare that on this date,
Sept., 2023, as required by Supreme Court Rule 29 I have
served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*
and PETITION FOR A WRIT OF HABEAS CORPUS on each party to the above
proceeding or that party's counsel, and on every other person required to be served, by
depositing an envelope containing the above documents in the United States mail
properly addressed to each of them and with first-class postage prepaid, or by
delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 9-14, 2023

Kennedy Wright
(Signature)