

No. : USAP 11 23-10301

23-6303

ORIGINAL

IN

THE

FILED

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

SUPREME COURT OF THE UNITED STATES

In re [WALTER DRUMMOND] - PETITIONER

VS.

BROWARD COUNTY - RESPONDENT(S)

ON A PETITION FOR AN EXTRAORDINARY
WRIT OF HABEAS CORPUS

11TH COA

(NAME OF COURT THAT LAST RULED ON MERITS)

Walter Drummond

#M33531

Union C.I - Legal Mail

P.O. Box 1000

Raiford, FL. 32083

As instructed UNDER SUPREME COURT RULE 20.2, "insofar as applicable" the Petitioner has followed the form of a petition for a writ of certiorari prescribed by Rule 14:

QUESTIONS PRESENTED FOR REVIEW

- 1.) At STATE OF FLORIDA v. WEISS, 935 So. 2d 110; 112 (Fla 4th DCA 2006) it states "As the state concedes, the warnings were inadequate under *Roberts v. State*, 874 So. 2d 1225 (Fla. 4th DCA 2004), rev. denied sub. nom. *State v West*, 892 So. 2d 1014 (Fla. 2005)"; which means; ¹ the State admits to Broward County's unlawful warnings, and through so, ² put this under the name *Roberts v. State*. Further, in abbreviation, it speaks of a review denial for the State under the same name, by which they include *State v. West*, 892 So. 2d 1014 (Fla. 2005), but, through address, they are actually speaking of a joint time that the Supreme Court of Florida "ordered that the petitions for review are denied" for the State under same address, but, named State of Florida vs. West, President, Roberts together. What is this stipulating otherwise than being a collateral and retroactive joining like *Miranda v Arizona*, et. al, for that time period? (Please Note that it stipulate *State vs. West, President, Roberts* and not the inclusion of "8")
- 2.) At STATE OF FLORIDA v. WEISS, 935 So. 2d 110; 115 (Fla. 4th DCA 2006) it stipulates after "the defendant" Weiss "filed a renewed motion to suppress, citing "our" "recent decision" (same time) "in *Roberts v. State*, 874 So. 2d 1225, 1226 (Fla 4th DCA 2004) "Based on Roberts", the trial court granted the defendant's renewed motion to suppress statement and vacated its previous order." Wasn't that a Retroactive GRANT due to the same time illegal Broward County form?
- 3.) What conflicts to the Petitioner's findings/Newly Discovered Evidence??

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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:

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APPENDIX A STATE OF FLORIDA v. WEISS, 935 So.2d 110

APPENDIX B ROBERTS v. STATE OF FLORIDA, 874 So.2d 1225

EXHIBIT A - The Florida Bar notice of Mr. ELLIS S. Rubin being unfortunately deceased

APPENDIX C MIRANDA vs ARIZONA, 86 S.Ct 1602

APPENDIX D DUCKWORTH v EAGAN, 109 S.Ct 2875

other case retroactivity/collaterally OVERTURNED ~~THE~~ RELATED BY THE BROWARD FAULTY FORM

E¹ Franklin v State of Florida, 876 So.2d 607

E² President v State of Florida, 884 So.2d 126

APPENDIX E³ STATE OF FLORIDA vs. West, President, & Roberts, 892 So.2d 1014

E⁴ West v State of Florida, 876 So.2d 614

APPENDIX F The Petitioners' Evidence of unfair treatment by the lower court

1 EXHIBIT

2 EXHIBIT

3 EXHIBIT

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State of Florida v Drummond (the Petitioner), L.T. 02-004343cf102 can be also called to this HONORARY SUPREME COURT @ TTPg 370, line 23 - TTPg 386, line 9 by THIS SO HONORABLE SUPREME COURT per Art. III, sec. 2, cl. 2; "the Exception" of THIS at time unprerequisite Broward County Miranda Warning, both as to Law and Fact that these "Absolute Prerequisite Rights" were never advised to the Petitioner.

TABLE OF AUTHORITIES CITED

CASES

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR AN EXTRAORDINARY WRIT;

PETITION FOR ACCORDED RELIEF (HABEAS CORPUS)

Petitioner respectfully prays that an accorded, equit, & equal review and a justice-filled judgment be Constitutionally conducted for this extraordinary writ below.

OPINIONS BELOW

(as prescribed in SUPREME COURT RULE 14 (i), (i) & (ii))

(the Letter (i), No. (i) & (ii))

RULE 14 (i), (ii)

[✓] THIS HONORARY UNITED STATES SUPREME COURT OVERRULING OPINION APPEARS AT Appendix E to the petition and is

[✓] reported at MIRANDA v ARIZONA, et al., 384 US at 470-72, [28], [29], & [2] [30]

[✓] lower federal courts have always been known to "reach different conclusions" in this matter as so stipulated in Appendix B to the petition and is

[✓] reported at Roberts v State, 874 So. 2d 1225; @ 1228

[✓] by which, that is the reason for THIS HONORABLE UNITED STATES SUPREME COURT to have last 1/2 1/2, resolute at Appendix C to the petition and is

[✓] reported at MIRANDA v ARIZONA, et al., 384 US at 463^{463R}

and at Appendix D to the petition and is

[✓] reported at DUCKWORTH v EAGAN, 100 LED 20 166; @ 166 - pg 167

[✓] For case from state courts:

The ~~opinion~~^{ruling} of the highest state court to review the merits appears at Appendix E³ to the petition and is

[✓] reported at State vs. West, President, & Roberts, 892 So. 2d 1014 (FL. 2005) & rev. denied sub. no. 6.

[✓] The opinion of the trial court appears at Appendix A to the petition and is

[✓] reported at State v Weiss, 935 So 2d 110; @ 112 & 115; "under/Based on Roberts"

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GRANTED

[✓] *ipso jure*;

As condoned by THIS HONORABLE SUPREME COURT (RULES OF THE
Supreme Court of the United States - ADOPTED DECEMBER 5, 2022
EFFECTIVE JANUARY 1, 2023) under SUPREME COURT RULE 20. Procedure
for an EXTRAORDINARY WRIT, authorized by 28 U.S.C § 1651(a) (Rule 20.1)
and the UNITED STATES CONSTITUTION, under Article III Judicial
Power, Sec. 1, Supreme Court; "The judicial Power of the United States
shall be vested in one supreme court" ¹⁾ this heretoforth court lacked
its attendance, to THIS day, to THIS OVERALL SITUATION; Pursuant
28 USCS 2244. Finality of determination (b)(2)(A); "collateral review
by the Supreme Court" of State v. Weiss, 935 So. 2d 110; 112 & 115
(Fla. 4th DCA 2006) "Under / Based on Roberts", "Roberts" being
a same arrest time case, found in this petition, at Appendix B
that got "Weiss", found at STATE, ID (WEISS) in this petition at
Appendix A OVERTURNED ("GRANTED", finally, PLEASE SEE STATE, ID
(WEISS) @ 115) and also, same arrest time as the Petitioner, which
is found by case number, same as Roberts in Appendix / Exhibit E,
to the "state concede" of an UNLAWFUL "Miranda 1" form by
Broward County existing at the time, by which, Per the
Equality Clause of U.S. Constitution Amendment 14, the
Petitioner is due equal benefit of this already at same
time "state concede" fracture (STATE, ID (WEISS) @ 112).
[✓] This was an "Absolute Prerequisite" that was, at time, omitted by Broward County.

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[✓] Per SUPREME COURT RULE 14:

The Petitioner has already exhausted available remedies in the Federal Courts with his § 2254 in the Southern District, District Court in 2016. This Newly Discovered Evidence, found in all due diligence and being an Absolute Prerequisite to Law, mistakenly got denied by the Petitioners ignorance to law by the 11th COA in 10/2022.

[✓] the same trial court:

Has denied the Petitioner from filing any further Pro Se pleadings, found so, in this petition at Appendix F⁶, while, "considering" a Evidentiary Hearing, found in this petition at Appendix F⁷ 5 days later that hasn't yet commenced, in all injustice and actual prejudice.

The reason for not making application to the district court of the district in which the Petitioner is held is because this Newly Discovered Evidence won't get past the COA (11th cir.) and the Second or Successive Application under § 2244 (b)(3)(A). This is Newly Discovered Evidence that fits the "2 prongs" though - 1.) Being discovered by the Petitioner Post trial, and 2) the improper procedure and being deprived life, liberty, & property by wrongful incarceration and without due process of full advise of Law as the Petitioner wasn't properly advised, and, these RIGHTS being an "Absolute Prerequisite" Miranda 384 at 471-72 ~~that~~, the Petitioner deserves Constitutional Reprimand.

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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- 1 PER U.S CONSTITUTIONAL Amendment 14, Section 1 - "All person from U.S and Subject to its jurisdiction are citizens of the U.S and their reside state. No state shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the U.S, nor shall any state deprive any person life, liberty, or property without due process of law, nor deny to any person the equal protection of the laws."
- 2 2244 § (b)(2)(A) (the Petitioner had to use 2244(b) with 11th COA 11/22 which is prohibit for furtherance by § 2244 (b)(3)(E) because the Supreme Court has yet to perform an appropriate "collateral review" according to 2244 § (b)(2)(A))
- 3 5TH Amendment
- 4 6TH Amendment

STATEMENT OF THE CASE

COMES NOW, the Petitioner, at no other resource due to poverty and false imprisonment *Pro Se*, in actual ignorance of law, but, gradually learning through readings, though he was innocent in the first place, only prejudice and racial stereo-types has blocked him from Justice, RESPECTFULLY AND OBIDIANT; CONCISELY AND APPROPRIATELY APPROACHES THIS HONORABLE UNITED STATES SUPREME COURT, ACCORDINGLY USING HIS U.S CITIZEN EQUALITY FOURTEENTH AMENDMENT RIGHTS, PER; THE "RARELY", AS, HIS FOURTEENTH AMENDMENT CONSTITUTIONAL RIGHTS HAVE INDEED BEEN VIOLATED.

Per *State of Florida v Weiss*, 935 So.2d 110; 112 & 115 (Fla 4th DCA 2006); "under/Based on Roberts", he has now realize, through reasonable diligence; he has been violated of "Absolute Prerequisite Rights" *Miranda*, 384 US at 470-71 eitherway, being arrested by Broward County, who, at that time, and the time of his arrest, had an unlaw ful "Miranda" form". By citing the at time decision of *Roberts v. State*, 874 So.2d 1225, 1226 (Fla. 4th DCA 2004) : REVERSED in part, AFFIRMED in part and REMANDED (PLEASE JUSTICE SEE TO APPENDIX A @ 935 So.2d 110; 115), *Roberts*, (PLEASE JUSTICE SEE TO APPENDIX B) a near identical and same Year as the Petitioners' Broward L.T CASE No *Roberts*; L.T Case No. 02-004214 CF10A and the Petitioners; (Please Justice See to Appentix F3) L.T Case No 02-004343 CF10A, Weiss case was OVERTURNED, after a second petition, due to the "preprinted Miranda Form" as labeled in *Roberts* @ Procedural Posture (PLEASE JUSTICE SEE TO APPENDIX B, first page @ Procedural Posture that stipulates that at time form "did not clearly inform of right to counsel during questioning". Justice under *Miranda*, these are "Absolute Prerequisite Rights" that were not advised due to this invalid form. All the cases from Appendix A, B, & E were relieved cause of THIS Respondent fault and Per the Equality of the U.S 14th Constitution Amendment the Petitioner shall also in the same nature, which will be = The Petitioners Release

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REASONS FOR GRANTING THE PETITION

1 THIS HEREFORTH LACK OF "ABSOLUTE PREREQUISITE RIGHTS"

Miranda v. Arizona, 16 LED 2d 694; @ [28] on pg 721 stipulates

"No effective waiver of the right to counsel during interrogation can be recognized unless specifically made after the warnings we here delineate have been given." The state "concede" in STATE (Weiss) @ 112 Appendix A "under Roberts" Broward County, at time, did not give/advise these rights. U.S.C.A 14 so stipulates in its Section 1 "Nor shall any state deprive any person life, liberty, or property without due process of law." The petitioner has ~~been~~ been deprived of his life, liberty, and property without this advise, by Broward County and their illegal

form, by which, its inclusion, correctly and fully, which under Roberts "the state already concede that ~~it~~ it wasn't, would've been "due process of law" By LAW, due to the Petitioners deprive without due process of law this herewith petition shall be granted ~~and released because of being deprived this right~~ (like probable cause) 2 Per the Equality Clause of the 14th Amendment in which stipulates equal protection of the law, as in State v. Weiss, 935 So. 2d. 110; 112 & 115 (Fla 4th DCA 2006) "under/Based on Roberts" the Petitioner being apart that cause by the Respondents ~~for~~ unlawful form.

REASONS FOR GRANTING THE PETITION

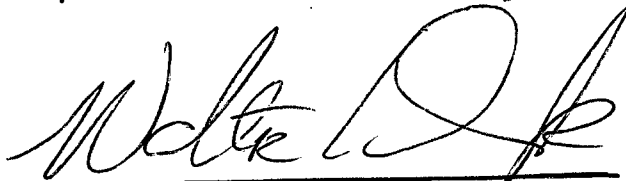
3. Broward County, a suburban white County, has been known for being "swift" and misadvising, specifically African-Americans' (PLEASE JUSTICE SEE TO *Brown v. Crosby*, an early '90s case, 249 F. Supp. 1285 (S.D. Fla 2003): OVERTURNED) prejudicially of the same exact Rights. They have totally ridiculed the Petitioners name (PLEASE JUSTICE see Appendix F' - Appendix F⁵, mistakenly barred ~~the~~ ^{him} from Pro Se Pleadings (PLEASE JUSTICE see Appendix F⁴) then 5 days later called for an "Evidentiary Hearing" that never commenced (PLEASE JUSTICE see Appendix F⁷), they "concede" (PLEASE SEE APPENDIX/EXHIBIT F⁸ & F⁹) ^{the Petitioner has} ~~never~~ had any "SPECIAL PROVISIONS". This is really any example of Police brutality and LAWFULLY the Petitioner needs to be released. ~~Per~~ ^{As} explained to THIS HONORABLE SUPREME COURT in this Petition @ the TABLE OF CONTENTS (@ the bottom) This Petition shall be GRANTED for this, in all means of LAW and JUSTICE to occur.
- 4 The Petitioner is innocent.
5. THIS case is not fair.
6. THIS HONORABLE COURT drastically needs to go through an appropriate "collateral review" due to the later discovery of the at time used unlawful form by Broward, so, Per § 2244(b)(2)(A), the Petitioner can appropriately file ACCORDINGLY to LAW. This is Newly discovered Evidence is an reasonable diligence finding of an "Absolute Prerequisite" *Miranda*, at 384 U.S. 471-72 (PLEASE JUSTICE SEE TO APPENDIX 5 at 471-72) which basically means it is mandatory for this to be advised by the Broward Official beforehand, and, it wasn't. The Petitioner wasn't allowed to file and ACCORDED successive petition ACCORDED to § 2244(b)(2)(A) and can only file a successive petition with the 11th COA under § 2244(b)(2)(B)(i) & (ii). The 11th COA won't see the collateral review, though, "under/Based on Roberts" @ Weiss that shows collateral activity. (PLEASE JUSTICE SEE TO APPENDIX A) (Weiss and Roberts also had the same Lawyers Ellis S. Rubin who unfortunately deceased PLEASE SEE EXHIBIT A in 2006)
7. This Petition needs to be GRANTED **LEGAL PAPER** For an Evidentiary Hearing.

Broward County is the "Lawbreaker Government" talk of in Appendix C, Chambers of Florida 2 See please to Chambers v. State of Florida, 60 S.Ct 472 @ 477 where it stipulated how Broward was a "tyrannical government" to make scapegoats of racial minorities.

CONCLUSION

THIS petition for an extraordinary writ should be granted.

Respectfully submitted,



Date: 11/8th/2023

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