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23-6578

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IN THE
SUPREME COURT OF THE UNITED STATES

Jeffrey Ray Sundwall PETITIONER
(Your Name) DC# 829113

vs.

St. of Fla. — RESPONDENT(S)

AMENDED

ON PETITION FOR A WRIT OF CERTIORARI TO

Monroe Co. Fla. 16th Jud Cir & FL. 3rd DCA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

"Denial"

"P.C.A."

PETITION FOR WRIT OF CERTIORARI

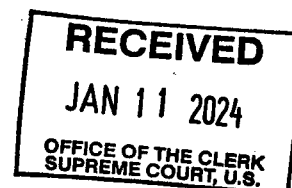
Jeffrey Ray Sundwall
(Your Name) DC# 829113

Dade C.I., 19000 S.W. 377th St.
(Address)

Fla. City, Fla. 33034
(City, State, Zip Code)

N.A.
(Phone Number)

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QUESTION(S) PRESENTED

#1) Are State Courts Lawfully permitted to, "PCA without a opinion", ignoring "Plain errors" and failing to "fix" them?

Herein specifically the Fla 3d DCA did "Per Curiam Affirm" (PCA) my Appeal # 3d23-0462 failing to issue any opinion, when my Initial Brief had clearly Presented illustrations of the Fla. 16th Jud. Cir. Ct.'s Fundamental Error, in its order Denying my motion to correct illegal sentence, expressly mis-constructing Criminal Post Conviction Deadlines that "have a Great effect on the Proper Administration of Justice". see Fla. R. App. P. R# 9.030 (a)(2)(B)(ii), on

Fla. Sup. Ct. Discretionary Jurisdiction, Fla. 1st DCA's see: Comm. on PCA Dec. Final Report & Recommendations <http://www.flcourts.org/ct/setdocs/library.htm#reports> May 2000 Prohibiting "PCA without an opinion" applied to "Plain Error" cases

#2) Does a "Procedural Declaration" that, if correct "could have been" grounds for "Procedural Dismissal" of a motion. Cited in an order that "Denied" a motion on the merits, hold any force against later filings that the Declaration Rule Boundaries, if correct would have barred?

3) Are State courts permitted to NOT follow Court rules that they themselves wrote & implemented as Fla. R. crim. P. R# 3.350(b) time Limitations for a Criminal Post Conviction motion to "vacate; set aside, or correct Sentence" may not be filed or considered if Pled more than 2 years After the Judgment & sentence became final ... when the Judgment & sentence did not "finalize"

Because of Post Conviction Filings of
A) R#3.800 "motion to correct Ill legal Sentence
B) R#3.600 (a) "motion for new trial" and
C) R#3.170 (L) motion to withdraw Plea.
Wherein all 3 Timely, Procedurally
correct Petitions toled petitioners post-
conviction 3.850(b) deadline because all
3 Petitions challenged the Judgment or
Sentence prohibiting those Judgements
and Sentences from "becoming final".

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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:

- Monroe County Fla, Key West's : 16th Incl. Cir. cl. Judge Mark Jones.
- Miami Fla. 3d DCA Judge Logue C.J., Hendon & Garbo JJ

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INDEX TO APPENDICES

APPENDIX AS Follows :

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Index To Appendices

1-12 = 1) Oct-1-23 Defective "Petition For A writ of Certiorari."

13 = 2) Nov-1-23 us. sup. ct. clerk's order to "Resubmit" with Attachments

14-17 = 3) Nov-2-23 "Motion for Leave to Amend Petition"

18 = 4) Nov-20-23 clerks moot Amending

19 = 5) Nov-18-23 FL. DOC. Returning Legal Documents mailed from "Key west the Blue Paper."

20 = 6) Dec. 18-23 Petitioners "Request" to deliver e-mail declaring suit Seanes

21 = 7) Dec 18-23 Released e-mails of:

22-24 → A) Dec. 22-2022 "Motion To Correct Illegal Sentence" ("M.C.I.S.")

25-26 → B) Mar. 7-2017 "Arrest Warrant"

27-29 → C) July 26-2018 "Plea"

30-31 → D) July 26-2018 "Seizure sheet"

32-34 → E) Feb. 2-2023 "Order Denying M.C.I.S."

35-36 8) Oct. 10-2023 FL. 3d DCA case # 3D23-462 "Appeal Docket", 2

37-48 → A) May 3-2023 "Initial Brief on Appellant"

49 → B) May 11-2023 order to Show Cause

50-60 → C) May 15-2023 FL. State Att. "Response"

61-65-8) ... D) Jun. 16-2023 "Motion for Related Reply,
& Reply

66 → E) Jun. 27-2023 order excepting Reply

67 → F) July 5-2023 3d DCA "Per-Chrisian"
without opinion

68 → G) July 5-2023 Order Denying Petitioners'
Lost "Motion to Hear & Render"

→ * NOTE: Miami, Fla. Asst. Att. Gen. Failed to
Provide / Serve Petitioner with
the states 5-15-23 "Response"

DPH
Sides

69-70 → H) July 13-2023 "Motion For Rehearing" (MFR)

NOTE: Lost M. F. R. order
on 6-3-2023 at RMC.

71- → I) _____ order "Denying Rehearing"

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Sundwall vs FLA # 3D23-0462	2

STATUTES AND RULES

FL.R. APP. P. # 9.030 (5)(2)(B)(ii)	2
FL.R. CRIM. P. # 3.170	3
" # 3.600	3
" # 3.800	3
" # 3.850(b)	3

OTHER

FL 1st DCA, May 2000, Committee on PCA Dec 2
 final report & Recommendation
<http://www.flcourts.org/Set/Setdoee/Library>
 Htm #

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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 ~~(7)~~ ~~(E)~~ to the petition and is a: Fla. 16th Jud. Cir.

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

The opinion of the Miami, Fla. 3d DCA court appears at Appendix ~~(8)~~ ~~(F)~~ 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 Feb 2-2023.
A copy of that decision appears at Appendix (7) (E).

☒ A timely petition for ^{Appeal}~~rehearing~~ was thereafter ~~denied~~ on the following date: March 15-2023, 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 12-31-2023 (date) on Nov. 1-2023 (date) in ~~Application No. ____ A ____~~. Appendix (#2)

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

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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- U.S. Const. 5th Amend — Due Process criminal
- U.S. Const. 14th Amend — Equality Protection
 - indigent incarcerated persons don't get a fair "Day in Court". We get crazy claims to avoid dispensing Justice for us
- FL. R. Crim. P. #3.850(b) — Post-arrestion Time Lines
- 28 USC #2244 — Hab. " " Time Lines
- FL. Statute # 924.051 — criminal App.
- FL. R. App. P. R. # 9.020 (G)(2)(B)(i) when order Final

FL. Legislative Provision on when "PCA" is proper

Illustrating DCA courts to redress Lower Tribunals' orders that contain abuse of PCA

P#11.

STATEMENT OF THE CASE

- Petitioner was Arrested on 3-5-2017 in case #17-160-AK, #17-164-AK, #17-314-AK.
- a Global Plea was accepted by the Cr. Ct., while Defendant was incompetent; due to psychotropic meds.
- A dispositive issue was reserved for App. per Fla. R. Crim. P. 3.170 (L)
- a motion to "withdraw Plea", and for a "New Trial" was filed & App. This Ct. chose not to entertain cert on both.
- a 3.800 Illegal sentence was filed and Denied on the merits as "Harmless" However
- In Judge Jones' Denial he claimed the Del.'s Post-conviction time had lapsed.

Note: only 78 days were used.

- App. #3d23-0462 was undertaken to correct Judge Jones' error.
- The 3d DCA "Plea" my appeal, when there is "Plain Error" on the Cr. Ct.'s part.
- the 3d DCA declined to consider/observe the Plain Error.

Fact: Petitioners Criminal cases have Topped upon Appeals, and Fla. Sup. Ct. Reviews, and Petitions for cert. Before this Ct. as illustrated in Fla. R. Crim. P. #3.850(b) nine lines.

REASONS FOR GRANTING THE PETITION

It would be a manifestation of injustice for the Fla. 3d. DCA's abuse of the "PCA" without an opinion to violate Petitioner's Right to due Process and redress of deprivations of due Process, when it is clear that Petitioner is intitled to adherence to Law and court procedures by all criminal courts.

wherein All citizens of the us are protected by the us. Const. to insure wrongs and errors are properly Redressed when courts error, especially in criminal cases. The 16th Jud. Cir. Ct.'s repeated departure from the Court Rules of engagement becomes the duty of the DCA to properly correct those violations.

Failure to redress court's abusing criminal Defendants is a Nation wide systemic problem of GREAT PUBLIC Concern for Justice Reform.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: Jan. 3d - 2024