ORIGINAL

No. 23-6624

FILED
JAN 03 2024
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE SUPREME COURT OF THE UNITED STATES

IN RE: Johnny J. Jones - PETITIONER
(Your Name)

vs.

State of Florida et al. -RESPONDENT(S)

WRIT OF EXTRAORDINARY HABEAS CORPUS

Middle District of Florida (Orlando Division)
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

WRIT OF EXTRAORDINARY HABEAS CORPUS

Johnny J. Jones
(Your Name)

6901 S.R. 62
(Address)

Bowling Green Fla. 33834
(City, State, Zip Code)

(Phone Number)

QUESTIONS PRESENTED.

DOES THE LAW AS ENACTED BY THE 1974, LEGISLATURE IN CHAPTER 74-121 APPEAR IN THE 1974 SUPPLEMENT TO FLORIDA STATES 1973?

Does Statute 794.011(2) exist as a valid law? When it appears that from its creation S.B. 74-121 on May 31,st 1974. The replacement bill never again appears in another session in the 1974 journals for it to be made an authentic law laid out by the legislature in the journals.

Was statute 794.011(2) ever sent back to the legislature by any record recordings in the journal records of revisors bills or votes passing the bill or votes passing the bill or records showing any of the mandatory constitutional requirements that the legislature handled or performed that would give the bill it's authenticated promulgated validity. The legislative act when made should appear and be a written expression of the legislative will. In evidence not only of the passage but of the authority of the law making power, is nearly or quite a self evident proposition. On the face of such authority, in order that it should clearly appear, upon simple inspection of the written law and journal records of the legislature.

DOES THE SB 74-121 THE CREATION OF STATUTE 794.011(2) LEAVES THE COURTS IN WANT OF SUBJECT MATTER JURISDICTION? THE ISSUE IS NOT WHETHER THE LAWS CHARGED AGAINST YOU OR LAWS LIKE THEM WERE PASSED BY THE

LEGISLATURE (OR CONGRESS) BUT THEY DON'T EXIST IN THEIR CURRENT STATE AS VALID LAWS. THE LINE WHICH SEPARATES ERROR IN JUDGEMENT FROM THE USURPATION OF POWER IS VERY DEFINITE. SINCE HERE THE LAWS THAT ARE IN USE TODAY ARE INVALID ON THEIR FACE. IT DEPRIVES THE COURT'S OF SUBJECT MATTER JURISDICTION.

Only the amendments and the adoptions were voted on and approved in that session on May 30th 1974 the creation was never considered or layed out, only addressed by title only. And being that this was the last day of legislation, for the creation of this Statute chapter 794. please note that it never was returned to the legislature in any other session in 1974 or 1975 after the date (May 30th 1974). Judicial notice will show that it never went back, it surely takes the place of any proof, and seek for all invalidation. Please note that these are not the same laws that were published in the 1974 supplement to Florida Statutes 1973. In violation of Article III Section b of the Florida Constitution.

The Legislature failed to adopt chapter 794. Furthermore, the Statutory Revision Division never prepared a Revisers Bill as proof of its submission of the Bill (CS for SB 959 the creation of chapter 794 on May 30th 1974), to the Legislature for its consideration, according to § 11.242 Powers Duties and functions as to Statutory Revision. It demands that it be legally followed throughout the State as far as any session of legislation, and shall be complied and included with prima facie evidence. Chapter 794.

From its creation and the many amendments throughout the years until the reenactment attempt in 1999, there has been no documentation of a Revisers Bill in the session of its creation in 1974 to the amendments of 1984. And just by this

Courts Judicial Notice it can easily be discovered that the Legislature failed to adopt chapter 794 as it appeared in The 1974 Supplement to Florida Statutes 1973 and again in 1984 when the amended chapter (794) appeared published in the 1984 Supplement to Florida Statutes 1983 Chapter 794 did not appear as amended by the Legislature. It was reworded and the changes never appeared in the 1984 Supplements of Florida Statutes 1983.

Please be reminded § 11.2422 Statutes repealed states, if it is not included, adopted or amended or recognized or continued in force by reference there in §§ 112423 or 112424 as amended, is repealed.

The creation of chapter 794 is not an amendment or part of an amendment it is a implied repeal and creation of a Statute as stands repealed by this Statute 11.2422 not included as adopted.

A CASE FROM THE LOWER COURT

Was arrested in May, 1988 by an Information that was filed on May 9th, 1989. Was convicted on December 12, 2023 1990, was Sentenced on January 30, 1991 on Case Number, 1988-CF-4096 for the charge under FS. 974.011(2), A Statute that is invalid and is up for Review on Judicial Notice. While the Defendant is being unlawfully detained and should be discharged and the charges dismissed.

TABLE OF CONTENTS

INDEX TO APPENDICES

INDEX TO APPENDIXES

EXHIBITS

EX. A

EX. B

EX. C

EX. D

See: Footnotes and attachments

EX PARTE APPLICATION

CASES AND AUTHOURITES

Ex Parte Long 85 U.S. (18 Wall)

Ex parte Ballman 8 U.S. (4 Cranch @ 135

U.S. v. Hamilton 3 U.S.45 (3Dallas @18 pg 2

Ex Parte Milburn 34 U.S. (9 pet) pg 2

Ex Parte McCardell 19 L. Ed 264, 7 Wall 506 pg 2

Ex Parte Yorbrough 110 U.S. 654 [Bk 28, L. Ed 274] pg 2

Ex Parte Royall 29 L. Ed 868 117 U.S. 241-pg.2

CERTIORARI

House v. Mayo 324 U.S 42,65 S.ct 517,89 L. Ed 739 (1945) 28 United States

Constitution § 1254,2253(c)(1) Pg 2 Certiorari

Hohn U.S. 118 S. ct 1969 (1998)

People Ex Rel Drake v. Mahoney 13 Mich. 481 pg 2 Cert.

U.S. Constitution Article 6 clause 2 pg Cert.

United States Supreme Court. 11 (L.Ed. Hr (2) pg 4 Cert.

Gibson v. Ogden 22 U.S. 1, 9 wheat 1 210, 6 L Ed.23(1824) pg 5 Cert.

Committee substitute for Senate Bill 959 under chapter 74-121

Zedalis v. Foster 343 So.2d 849,850 (Fla. 2nd DCA 1976) pg 6 Cert.

Oldham v. Rooks so.2d 140 (Fla.1978) pg Cert.

HABEAS CORPUS

Ex Parte McCardell 19 L. ed 264,7 Wall 506

Ex Parte Royall 29 L. ed 868, 117 U.S. 241

Ex Parte Yorborgh 110 U,S 654 (BK 28 L.ed 274)

Ex Parte Buford 2 L ed 495,3 Crauch 448

Act of 1867

Ex parte McCardell, 6 Wall 318,18 L ed 816

Rex v. The Justices London, 3 Burr 1456, Norris v. Crocker 13 Low, 429, Ins. Co.v

Ritchi, 5 Wall 541, 18 L. Ed 540; Gale v. Wells, 7 Low P.R. 191; Hollingsworth v Va, 3 Dall. 378 Surtes v. Ellison 9 B+ C750; Butler v. Palmer 1 hill 324.2 pg 2

D Warris Staat.538 pg 3

Chapter 74-121 F.S. 794.011, chap 84-86 1974 supplement to the Florida statute 1973; F.S. 794.011. F.S. 11. 2422 pg 4

Quotes from the Court of Appeals of Kentucky-North Carolina Supreme Court,pg 4

CERTIORARI

Wade v Atlantic Lumber Co. 51 Fla. 628, 41 South 72 Mathis Pgs. 7 and 8 v, (74 Fla. 561) 31 Fla. 291,12 South 681.

State Ex Rel Markins v Brown 20 Fla. 407 pg 8

State Ex. Rel Turner v Hooker, 36 Fla. 358, 18 South 767 pg 8

Blochim v Florida Cent. And P.R.Co. 35 Fla. 625, 17 South 902 pg 8

State v. Maine 69 Conn. 123, 37 Atl, 80, 36 L.R.A 623, 61 Amst. Rep 30-pg 8

[74 Fla. 565] pg 9

Fla. Statutes 90.201-90.202(5)-794,011(2) pg 9

11.2422

1974 supplement to the Florida statutes 1973

House Bill 2151

Chapter 74-121 F.S.11.2421- F.S. 11.2423- F.S. 11.2424-F.S. 794.011 pg 10

1984 supplement to the Florida Statutes 1983 pg.11

Chapter 74-121 chapter 99-3 chapter 85-89 ss.chapter 93-156 chapter 99-3 pg 11

Title 18 USC§ pg 14

Nevell v. Peoples New 9,97 pg 15

Baskin v. State 232 Pac 388,389,107 Okla 272 (1925)

Judge Cooley on the Constitution pg 17

Butler Taconite v.Roener ,282 N.W.2d 876,870. (Minn 1979) pg 17

U.S. v. Siviglia 686 F.ed. 2d832,835 (1981) cases cited pg 18

Chap.74-121 F.S. 794.011 F.S 22.2421

Orange City Water Company v Town of Orange City, 255. So.2d 257 (Fla.1971) pg7 Cert.

State v. Newell 85 So.2d 124 (Fla. 1956) pg 7 Cert.

Brevard County v. Board of Public Instruction of Brevard County. 159 Fla. 869. 33 So.2d 54 (1974) pg 7 Cert.

Town of Palm Beach Local 1866 ,I.A.F.F.275 So.2d 247 (Fla.1973) pg 7 Cert.

State Ex Rel attorney general v Green 36 Fla. 154,18 south 334 pg 7 Cert.

WRIT OF ERROR

AUTHORITIES

25th Sec. of the Judiciary Act of 1789 Pg 1 Writ of error

Robb v. Connolly 111 U.S.637 [B K 28 L.Ed 545] Pg3 Writ of Error

State V. Yardley 32 S.W. 481,482,95 Tenn 546 (1895) Pg 3 Writ of Error

Supreme Court of Michigan "Judge Cooley on" Constitutional limitations in the 7th Edition Pg 193- pg 3 and 4of Writ of Error

People Ex Rel Drake v Mohoney 13 Michigan 481 Pg 4 Writ of Error

Ex Part Siebord 100 U.S. 376[BK 25 L.Ed 719]

Taylor v Carryl 20 How 595[6] U.S. [B K 15 L.Ed 1028] Pg 5 Writ of Error

Cobel v. Heyman 115. 182 [B K 28 L Ed.393] Pg 5 Writ of Error

[117 U.S. 253] Pg 6 Writ of Error

Ex Parte Bridges Z Woods,428 Pg 6 Writ of Error

Ex Parte Lang 18 Wall 163 [85 U.S. B K21 L.Ed 872] Pg 7 Writ of Error

(United States 117 U.S. 254) Pg 7 Writ of Error

People Ex Rel Drake v Mahovey 13 Mich 481 pg 9 Writ of Error

Mcdonald v. State 86 Wis 407, 50 N.W. Rep 185 pg 9 Writ of Error

MOTION

Johnson v.Mckinnon 54 Fla.221, 45 So.23 (1907)

Foley v. State 50 So.2d 179,183 (Fla. 1951

Dougherty v. Wainwright 491 F.supp 1317 (U.S. Dist Ct. M.D. (1980)

Freeman v. State 616 So.2d 181,187 Fla. Law Weekly D882 (Fla. 2nd DCA 1993)

Waugh v. State 661 So.2d 78,20 Fla. Law Weekly D1476 (Fla.2nd DCA 1995)

Shuman v. State 358 So.2d 358 1333 (Fla. 1978)

McCully Ford Inc v. Calvin 308 So.2d 189 (Fla. 1st DCA 1974)

Chiles v. A,B,C,D,E and F, 589 So.2d 260,264 (Fla. 1991)

Jeffries v. State 610 So.2d 440,441 (Fla.1992)

Perkins v. States 576 So.2d 1310,1312 (Fla.1991)

Zedalis v. Foster 343 So.2d 849,850 (Fla.2nd DCA1976)

Oldham v. Rooks 361 So.2d 140 (Fla. 1978)

State ex rel. attorney general v Green, 36 Fla.154,18 south 339

Wade v. Atlantic Lumber Company 51 Fla. 628,41 south 72 Mathis v.[74 Fla. 561]

States, 31 Fla. 291, 12 South 681 State ex rel Markens v. Brown 20 Fla. 407

Messer v. Jackson, 126 Fla. 678 171So. 660,662 (Fla. 1936)

State ex rel Bladock v. Lee 1 So.2d 193,194 (Fla. 1941)

Amos v. Mosley 74Fla. 555. 77 So. 619 (Fla.1917)

TABLE OF AUTHORITIES CITED

CASES PAGE NUMBER

STATUTES AND RULES

OTHER

STATEMENT OF JURISDICTION

This a "Case" seeking relief for an immediate and redressable injury, i.e., wrongful detention in violation of the constitution. There is adversity as well as the other requisite qualities of a "case" as the term is used in Article III of the constitution concerning the statute under collateral attack. Since we find no jurisdiction for this court under § 1254 (1) we must address the fact that this court can issue a common law writ of certiorari or extraordinary habeas corpus, under the all writs act, 28 U.S.C. § 1651. The all writs act provides that "The Supreme Court may issue writs necessary or appropriate in aid of (its) Jurisdiction and agreeable to the usages and principles of law.' As expressly noted in this courts Rule 20.1 issuance of a writ under § 1651 "is not a matter of right, but of discretion sparingly exercised." And to justify the granting of any such writ, the petitioner must show that the writ will be in aid of the courts appellant jurisdiction, that exceptional circumstances warrant the exercise of the courts discretionary powers and that adequate relief cannot be obtained in any other form in any other court. If a judicial notice by this court, should end up in the lack of subject matter jurisdiction in all of the lower courts then this will be the only court left to apply the proper relief necessary. A case that is in desperate need of the aid of this court discretionary powers to justify the granting of this "case" and its writ.

The appellant jurisdiction of this court exercisable by habeas corpus, extends to a "case" of imprisonment upon conviction and sentence in an inferior court of the United States, under and by virtue of an unconstitutional act of congress. Whether this court had jurisdiction to review by writ of error or not.

The jurisdiction of this court by habeas corpus, when not restrained by some special law, extends, generally, to imprisonment by inferior tribunals of the United States which have no jurisdiction of the cause, or whose proceedings are otherwise void and not merely erroneous; and such a "case' occurs when the proceedings are had under an unconstitutional act.

But when the court below has jurisdiction of the cause and the matter charged is indictable under a constitutional law, any errors committed by the inferior court can only be reviewed by writ of error. This is not the case here.

Where personal liberty is concerned the judgment of an inferior court affecting it, is not so conclusive, but that the question of its authority to try and imprison the party, maybe reviewed on habeas corpus by a superior court or Judge having power to award the writ.

It very well should be held, that the question of the constitutionality of said law is good ground for this court to issue a writ of habeas corpus, to inquire into the legality of the imprisonment under such a conviction; and if the laws are determined to be unconstitutional the prisoner should be discharged.

The doctrine of this court reaffirmed, and the cases cited, that where a prisoner shows that he is held under a judgment of a court made without authority of a law, the supreme court will by writs of habeas corpus and certiorari look into or provide a judicial notice of the record so for as to ascertain that fact, and if it si found to be so, will discharge the prisoner.

But this power cannot be so used as to violate the guarantees of personal rights found in the common law and in the constitutions of the United States and in the union.

This court has no general authority to review as error or appeal the judgments of the circuit courts of the United States in cases within their criminal jurisdictions.

But when a prisoner is held under the sentence of the United States in regard to a matter wholly beyond or without the jurisdiction of that court, it is not only within the authority, but it is the duty of this court to inquire into the "case" of commitment and to discharge him from confinement. By attaining this courts review of judicial notice, when the matter is properly brought to its attention, and if found to be as charged a matter of which such court had no jurisdiction, to discharge the prisoner from confinement. Ex parte Keamy, 7 Wheat, Ex Parte Wells 18 How, 307 [59 U.S. XV, 421] Ex Parte Lange, 18 Wall, 163 [85 U.S. XXI 872] Ex Parte Parks, 93 U.S. 18 [XXIII, 787].

It is however to be carefully observed that this latter principle does not authorized the court to convert the writ of habeas corpus into a writ of error, by which the errors of laws committed by the court that passed the sentence can be reviewed here, for if that court had jurisdiction of the party and of the offense for which he was tried and has not exceeded its powers in [110 U.S. 654] the sentence in which it pronounced this court can inquire no further.

This principle disposes of the argument made before us or the sufficiency of the indictments under which the prisoners in this were tried.

Whether the indictments set forth, in comprehensive terms the offense which the statue describes and forbids and for which it prescribes a punishment, is in every case a question of law, which must necessarily be decided by the court, in which the case originates and is there-fore clearly within its jurisdiction.

Its decision on conformity of the indictment to the provisions of the statute may be erroneous, made by a court acting within its jurisdiction, which could be corrected on a writ of error if such a writ was allowed, but which cannot be looked into on a writ of habeas corpus limited to enquiry into the existence of jurisdiction on the part of the court.

This principle is decided in Ex Parte Parks, 93 U.S. 21 [XXIII, 788]. This however leaves for consideration the more important question, the one mainly relied by counsel for Petitioners, whether the law of congress, as found in the

revised statutes, under which the Prisoners are held, is warranted by the constitution or, being without such warrant is null and void.

If the law which defines the offense prescribes its punishment is void, the court is without jurisdiction and the prisoners must be discharged. This would be an error but it would be constitutionally illegal in the eyes of the law. An act of, and if by divine providence a flaw has been placed in some current legal system (Florida) a cause to operate without subject matter jurisdiction, violating due process, and thirsting for a higher court when the lower courts are without jurisdiction, and have no authority all proceedings are rendered void, but not only void, but is also usurpation. Jurisdiction is a fundamental prerequisite to a valid prosecution and conviction, and a usurpation there of, is a nullity and good treason.

The Petitioner has shown that this writ is in desperate need of the aid of this courts appellant or original, or common law jurisdiction, and these exceptional circumstances warrant the exercise of this courts discretionary powers to eliminate any further illegal damage or punishment from this illegal imprisonment in compliance with this courts Rule 20.1. Because the lower courts have no jurisdiction, this is the only court that can provide the proper relief in compliance with this courts Rule 20.4.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

There are for all statutes mandatory constitutional and statutory provisions, which stem from revisers bills, and enactment clauses ect...making the nature of laws and the source of authority the legislature of congress. Laws within the statutes at large, laws that shall be recorded in the senate journals where they can be identified by the courts and the public as laws. Acts which were laws ratified resolutions or proclamations so designed by the legislature and by their identifying enacting clauses and titles. It should obviously mean to the court of the united states that these laws are constitutionally as a written visual observation. A true act of congress bears evidence of being such by way of journal noted revisers bills and enactment clauses. The greatest evidence of true law is that which bears enactment clauses made by the legislature according to the constitutional statutory provisions. That are provided by congress and the constitution itself. The object of revisers bills and enacting clauses ect... is to show that the act comes from a place pointed out by the constitution as the source of power provided by congress giving authority to laws. For without it the law is *void* and *invalid*. Furthermore statutes repealed 11.242 clearly, states all chapters and sections compiled shall be included with a history note clearly showing that said section or chapter was not part of the revision at the time of its adoption. And given the proper legislative session laws chapter and section number. Understanding the powers and duties of this statute

11242, to prepare and submit to the legislature revisers bills and bills for the amendment, consolidation, revision, repeal or other alterations or changes in any general statute or law or parts thereof a general nature or application of the proceeding session or sessions which may appear to be subjected to revision or any revision either complete, partial, or topical.

Prepared for submission to the legislature shall be accompanied by revision and history notes relating to the same showing the changes made within and the reason for such recommended change. There is an implied repeal by the creation of the statute 794.011.

Then there is a statutes repeal by § (112422) statutes repealed for not being a part of the adoption of the biennial 1974 supplement of Florida statutes 1973. 74-121 is not a part of this sessions transactions it was still a bill May 31st 1974. And was never returned to the legislature or in any other session that year. And the only adoptions that were made by both sessions, May 31st 1974 and the June 2nd 1975 session for the adoption of 794.011(5), 800, 801, 802 and 1974 from the 1973 laws. And in 1975 the adoption from 1973 is the only law available is 05, 800 ect...from the 1974 sessions. 74-121 is still an unpassed bill in its creation. Which was never sent back to the legislature to become enacted. And is not the law that appears in the 1974 supplements of Florida statutes 1973 and has been a victim of both implied repeal and statutes repealed 112422.

Statute 794 was never enacted by the legislature although passed by the governor's office, from this point on it's no longer in the hands of he legislature and according to the legislative sessions calendar from 1974 was never sent back to the legislature. The question is does the law as enacted by the 1974 legislature in chapter 74-121 appear by the 1974 supplement to the Florida statute 1973? Also does the law enacted by the legislature in chapter 84-86 appear in the 1984 supplement of the Florida statutes 1983? Finally is an unenacted law not only a violation of the state and federal constitutions, but not a law and totally void of any sort of subject matter jurisdiction in any court in the united states. The answer to these questions are found by looking at: *State exrel. Blakock v. Lee* 1 So.2d 193, 194 (Fla. 1941). "If it was not a law then it never became a valid law."

In so many words the created chapter 794 was unconstitutionally enacted by the revisers service and thus is void abnitio as aposed to being merely voidable. All parts of an act void because of defective enactment never have any actual effect including repealers. See e.g. *Messer v. Jackson*, 126 Fla. 678, 171 So. 660, 662 (Fla. 1936). *Amos v. Mosely*, 74 Fla. 555, 77 So. 619 (Fla. 1917).

As a citizen of this state the defendant is presumed to know the statutes and existing rules of law of this state, and if the legislature created a valid law and to no fault of the legislature the laws in question are as a matter of law unconstitutional and have created an invalid, void presentation of legal example.

But more importantly a desperate need of the want of subject matter jurisdiction. Our system of justice is built on the rule of law, not a rule of expedience. A rule of law requires that laws be written and adopted properly. So that all may know what the law prescribes.

Whereas there can be no "revival" of the predecessor statute, as this would be clairvoyance. Continuing in this direction, the above mandatory, precise, and definitive applicable controlling authorities of the constitution, confirm the legislature creates valid law. And when the law has not been properly ratified a supreme court once said: "the man could not be convicted of a crime because the statue used did not state an offense. Which meant the court was without subject matter jurisdiction.

An invalid, unconstitutional, or nonexistent statute also effects the validity of the "charging document". That is the complaint, indictment or information. If these documents are void or fatally defective, there is no subject matter jurisdiction since they are the basis of the courts jurisdiction.

When a criminal is indicted under a not yet effective statute the charging document is void. The indictment or complaint can be invalid if it is not constructed in the particular mold or form prescribed by the constitution or statute. (42 CJS "Indictments and Information's" § 1, p. 833). But it can also be defective

and void when it charges a violation of a law, and that law is void, unconstitutional or non existent.

If the charging document is void the subject matter jurisdiction of a court does not exist. The want of a sufficient affidavit, complaint or information goes the jurisdiction of the court, and renders all proceedings prior to the filing of a proper instrument void abinitio.

When the information charges no crime the court lacks jurisdiction to try the accused. And a motion to quash the information or charge is always timely. Please understand that the point being administered here is not who passed the law as enacted: but does the law stand constitutionally valid because of who enacted it?

Senate Bill 959 on May 30th 1974 was read for the third time, voted on, and passed. The only (2) amendments to adoptions or subjects dealt with in this session were, amendment 1 on page (2) and amendment 2 on page (5) in amendment 1 Mrs J.W. Robinson moved the adoption of the amendment which was the adoption. And in amendment 2 on page (5) line a strikes the word third and inserts the word second. These actions were voted on and passed to end that session. 74-121 has nothing to do with this passage for the breakdown of the created chapter was never displayed. Now on May 31st 1974 74-121 was created and laid out and read for the first time and the last time. It was not read three times in three different sessions, not enacted, not voted on, and did not receive the proper ratification from the legislature which is mandatory according to the provisions provided by the constitution. Where is the authenticity of legislation that makes a law valid?

Without such, it, the constitution would determine a law invalid and fatally defective which would leave void any complaint, indictment or information. Which would lead to a lack of subject matter jurisdiction. Which would lead this court to announcing the fact call for the dismissal of the cause.

When the biennial adoption comes in 1976 Florida statutes 112421, 112422, 112424, and 112425 the only approved section for adoption is amendment 1 of 959 the 1973 laws 794.011(5).

The only thing left of the now implied repealed 1973 laws through the adoption of 1975 which also has repealed anything that wasn't a part of that adoption statute repealed 112422 has repealed. In 1976 since 74-121 is not a part of the adopted laws of "73" only section (05) can be adopted everything else that's not a part of that adoption 112422 statutes repealed shall repel it. 74-121 is still a Bill never enacted into law. Except for the adoption of section (05) everything else stands repealed.

UNITED STATES
SUPREME COURT
OF WASHINGTON, D.C.

Ex Parte Cleven Ghent,
Ex Parte Wyndel Hall,
Ex Parte Johnny Jones,
Petitioners,

vs. Case No: CR-88-4096

State of Florida, Et al,
Respondent,

_____/

EXTRAORDINARY
HABEAS CORPUS

COMES NOW, the *Pro Se* litigate Johnny Jones to this most Honorable Supreme Court presents a motion for relief by Habeas Corpus application.

CASE SUMMARY

Motion for relief from a law that is found to be invalid creating a want for subject matter jurisdiction or the lack of jurisdiction thereof. It is generally held that plain constitutional injunctions as to the mode and manner of enacting law are mandatory. In testing a question whether an act of the legislature (or an act of its revisers committee) was passed in conformity to the requirements of the Constitution. The Journal of the Houses of the legislature will be examined. (An act for judicial notice) and if the journals furnished conclusive evidence that any bill was not passed in a constitutional manner it can not be recognized as law.

This motion is filed for relief stemming from a law that was found to be invalid or void and has suffered multiple repeals over the period of time. Where as the subject matter jurisdiction has become a primary issue. And the only option of relief of this most Honorable Court is to announce the fact and dismiss the cause. For without jurisdiction the court can not proceed at all in any cause. Jurisdiction is power to declare the law. And when it ceases to exist the court must dismiss the cause.

As sited in: Ex-Parte *McCardell* 19 Led 264, 7 Wall 506 also: Ex-Parte *Royall* 29 Led 868, 117 U.S. 241; Ex-Parte *Yarbrough* 110 U.S. 654 [BK28Led 274] Ex-Parte *Buford* 2 Led 495, 3 *Cronch* 448. It was very clearly established in *McCardell* Supra that the court had no jurisdiction of the proceeding and appealed from the lower courts except under the act of 1867 and so that court held, on the motion to dismiss by Ex-Parte *McCardell*, 6 Wall 318, 18 Led 816, "when the jurisdiction of a court to determine a case or class of cases depends on a statute, and the statute is repealed the jurisdiction ceases absolutely. If any cause be pending at that time of such repeal it falls. *Rex vs. The Justices London*, 3 Burr, 1456; *Norris vs. Crocker* 13 Low, 429; *Ins. Co. vs. Ritchi*, 5 Wall 541, 18 Led 540; *Gale vs. Wells*, 7 Low Pr. 191; *Hollingsworth vs. Va*, 3 Dall. 378; *Surtes vs. Ellison* 9 B+C 750; *Butler vs. Palmer 1 Hill* 324.2. The act confirming the jurisdiction having been repealed, the jurisdiction ceased; and the court had thereafter no

authority to pronounce any opinion or render any judgment in the cause. It can make no difference at what period in the progress of the cause the jurisdiction ceases, after it has ceased no judicial act can be formed. These courts affirmed and acted upon the same principles. Without jurisdiction the court can not proceed at all in any cause. Jurisdiction is power to declare the law and once it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause. And this is not less clear upon authority then upon principle. On the other hand, the general rule supported by the best elementary writers (*Dwarris* Stat. 538) is that "when an act of the legislature is repealed, it must be considered, except as to the transactions past closed, as if it never existed."

Finally last but not least there are a set of constitutional provisions that are mandatory and must be followed, in order to create laws. That all the States of the Union must follow. Or the law or statute will be considered invalid. And there is no subject matter jurisdiction to any invalid laws. The State of Montana said it this way "Concerning a defective enacting clause" The Supreme Court after quoting the Constitutional Sections said that; "These provisions are to be construed as mandatory and prohibitory because there is no exception in their requirements expressed anywhere in the Constitution. We think that the provisions of the Constitution are so plainly and clearly expressed and are so entirely free from ambiguity that there can be no substantial ground for any other conclusion. We

feel that Chapter 74-121 in the creation of Statute 794.011 in 1974, also in 1984, Chapter 84-86 just on the fact that there was no revisers bill submitted, which is proof that the bills never made it to the legislature to be enacted and that the Statute 794.011 was not a part of the said adoptions of, 1974 Supplement of the Florida Statutes 1973, or the 1984 Supplement to the Florida Statutes 1983, and certainly stands repealed by 11.2422 Statutes repealed. Both House Journals should show 794.011 was not enacted in accordance with the mandatory provisions of that instrument and that the act must be declared invalid.

The court of appeals of Kentucky held that: "A statute void for not having an enacting clause holding that all constitutional provisions of the Constitution of the State. by common consent they are all deemed mandatory. No creature of the Constitution has the power to question its authority or to hold inoperative any section or provision of it. The bill in question is not complete, it does not meet the plain Constitutional demand without an enacting clause it is void." There is no need to go on State by State, but the State of North Carolina court put it this way: "The very great importance of the Constitution, as the organic law of the State and People can not be overstated. It is not to be disregarded, ignored, suspended, or broken, in whole or part when it prescribes when a particular act or thing shall be done in a way and manner specified, such direction must be treated as a command. And a observance of it essential to the effectiveness of the act or thing to be done.

OATH

Under penalties of perjury and administrative sanctions from the Department of Corrections, including forfeiture of gain time if this motion is found to be frivolous or made in bad faith, I certify that I understand the contents of the foregoing motion, that the facts contained in the motion are true and correct, and that I have a reasonable belief that the motion is timely filed. I certify that this motion dos not duplicate previous motions that have been disposed of by the Court. I further certify that I understand English and have read the foregoing motion or had the motion read to me, and that the facts contained therein are true and correct.

/s/ Johnny J. Jones

STATEMENT OF THE CASE

The Applicant was by information charged and tried by the lower courts of Florida under statute 794.011(2), a law that was never enacted, which in its creation was a bill and the bill was 74-121, created on May 31st 1974.

A Bill that the revisers committee never returned a revisers bill and submitted it to the legislature. So that the bill could receive the proper and mandatory constitutional provisions from the legislature. Enacting and ratifying the bill into valid law.

It must also further be stated the bill 74-121 in its creation does stand as a implied repeal, only adopting 05, 800, and again in a 1975 session by annually adopting, 05, 800, under statutes 112421, 112423, 112425, from May 12th 1975 – May 30th 1975 under HB 2151 Biannually adopting 05, 800, the vote was taken on June 2nd 1975 HB 2151.

The point is that the 1975 sessions transactions have additional acts that provide for the transaction by the house that provide for the adoption of the 1974 supplement of the Florida Statutes 1973. It shall certainly appear that one of the main issues provided to this most Honorable Court for its judicial notice is, does the law as enacted by the 1974 Legislature in chapter 74-121 sections 1, 2, 3, appear in the 1974 supplement of the Florida Statutes 1973?

Especially the Legislative intent under the adoption being executed in the session in 1975 HB 2151.

For if it is not included (chap. 74-121) In the 1974 supplement to the Florida Statutes 1973 as adopted. It not only stands alone and excluded but is also subject to and attached to Statute 112422 statutes repealed which states as follows: 11.2422 Statutes repealed every statute of a general and permanent nature enacted by the State or by the territory of Florida at or prior to the regular 1973 Legislative session and every part of such Statute not included in the Florida Statute 1975 as adopted by statute 11.2423 and 11.2425 as Amended is repealed. By law 794.011(2) and its creation stands repealed and still is in the State of a bill in its creation.

The statute was never laid out to show what the creation read, nor how it was corrected, or amended, or revised, or where the amendments or adoptions were placed. It should definitely show the implied repeal of what the law was and what it is being changed to now.

Regardless of the fact it was read 3 times in one day (where constitutionally it says it should be read 3 times in 3 separate sessions) besides, each reach should provide the visual evidence of the changes made in that reading all that is revealed in this session on May 30th 1974 is the adoption and the amendment made.

CS for SB 959 on May 30th 1974 which was read by title only. There is no evidence or visual observations of any sort that a creation of a statute (in this case 794) is on display or being handled, or voted on, or revised, or anything. The mandatory Constitutional provisions definitely are not being exposed in any way or being applied in this session. (The laying out of the statute and the showing of the changes made underline, or deleted ect.)

The Constitution also regulates the form and style in which laws are to be enacted to make them laws of the State. Which are essentials of the law and thus be included at all times to make it a valid law. The title and enacting clause of a law are two aspects of its form and style which are necessitated by both fundamental law and Constitutional mandate.

The selected Legislative bodies are unable to violate the fundamental rights which the constitution was formed to protect. By only being able to enact laws in the manner and process prescribed by the constitution. But when unselected bodies such as (boards, commissions, beurous, agencies, revisers, trusts, and governors, ect.) Are given unconstitutional and invalid authority and power to create artificial paths to Legislate what the laws are to be and enact them. But the true legislative body are the only ones assigned that could do things the way prescribed by the constitution.

This statute from its creation (794) in 1974 May 31st until the re enactment of 1999, 99-3 § 99 has been a complete cover-up the mistakes made that would render any statute void and invalid. When it does not comply with the mandatory ratifications of the constitution. We pointed out that our constitutional debates indicated that the constitutional requirement relating to revisers bills and enactments of statutes were intended to by remedial and mandatory. Remedial; at guarding against recognized evils arising from lose and dangerous methods of conducting legislative, and mandatory; as requiring compliance by the legislature without discretion on its part to protect the public interest against such recognized evils, and that the validity of statutes should depend on compliance with such requirements. *Bull v. King*, 286 N.W. 311, 313 (Min. 1939).

REASONS FOR GRANTING THE PETITION

Judicial notice is a duty of the court and it must be affirmative observed evidence from both journals of the house. For it is the duty of the legislative to write and record the actions of the sessions. This is the only way that the courts are to fulfill their purpose of identifying and observing the lawmaking authority of the law. Such recordings should show the authority by which a bill was enacted into law. Where such a recorded observation reprove that the act came from a case pointed out by the constitution as the place of legislature. May 31 was the first time the replacement bill 74-121, was laid out. It should've been read 3, times voted on and passed a long with the recorded dates of legislation by way of revisors bills and enacting clauses. When there are no records of recordings of these sessions the bill cannot be recognized as a valid law, judicial notice of the journals makes it simple and easy to determine whether a bill was passed according to the constitutional provisions provided by the constitution. The constitution will determine whether or not it stands as a valid law. If a statute is determined to be invalid than the whole proceeding is void. If there is no law then there is no subject matter jurisdiction of the cause, and when the court makes an affirmed judicial notice of these facts the only thing left for the court to do is announce the fact and dismiss the clause

CONCLUSION

If there is no legitimate observation that 794.011(2), is a valid law according to the constitutional provisions provided by the U.S. constitution, then there is no subject matter jurisdiction being that these provisions are mandatory, such provisions must be strictly followed or else the resulting act or law is unconstitutional and invalid, an invalid, unconstitutional or non-existant statute also affects the validity of the "Charging document". That is, The complaint, Indictment or Information.

If these documents are void or fatally defective there is no subject matter jurisdiction; since they are the basis of the courts power to hear a case. Please note that the indoctrination of replacement Bill 74-121 (a total revision) of statute 794.011 acts as a implied repeal to the Laws of 1973 back, it only adopted 05 from the previous Laws, everything else was repealed, Then in 1975 statutes repealed 112422. The question is since 74-121 never was sent back to the legislature and never became a valid law, (with the exception of 05 which was adopted and is the only valid legal piece of law when adoption of 1975 appears,05, is the only legal valid piece of law that can be adopted), and according to statutes repealed by statute 112422, and this is valid law. When a Supreme Court has carefully examined, comprehended and affirmed the lack of the necessary established

mandatory provisions of the act of Congress which provides for the exercise of jurisdiction or in this case the negation of all such jurisdiction.

Having not been observed or established or affirmed by the Journals of the House, the consequences that are provided by the Constitution itself. When it rules a Statute invalid, not Law, or void or unconstitutional and then when followed by such repeals, one cannot inquire into the motives of the legislature, we can only examine under the power of the constitution. What then is the repealing act upon the case before us, we can not doubt to this without jurisdiction the court cannot proceed at all in any cause. Jurisdiction is the power to declare law and when it ceases to exist the only function remaining to the court is that of announcing the fact and dismissing the cause and this is not less clear upon authority then upon principal.

This is applicable judicial notification that falls under the review of this most honorable and powerful Supreme Court.

This statute from its creation (replacement Bill 74-121) on May 31st, 1974, until the re-enactment in 1999 has been a complete cover up of invalid attempts to masquerade and patch up the mistakes and constitutional provisional defaults that would render any statute void and defectively invalid. When a statute doesn't comply with the mandatory ratifications of the constitution without the mandatory provisions of the Constitution (enactment clauses, revisors bills, the reading of a

bill 3 times, votes , ect...) the intent of the legislature is concealed and cloaked from public view, get a specific purpose or function of these provisions to a law to "protect the people against covert legislation" *Brown v. Clower,*166, S.E 2d 363, 365, 225, GA 165 (1969). However, when the nature and intent of the "LAW", in the "Florida Statutes " have been concealed and made uncertain by its non use the constitutional provisions and procedures the true nature of the subject matter of the law therein is not made clear without the mandatory constitutional process. Thus another purpose of these Provisions is to apprise the people of the nature of legislation thereby preventing fraud or deception In regards to the laws that are to follow. The U.S. Supreme Court in_____, the purpose of such provisions in the state constitution said, "The purpose of the constitutional provision is to prevent inclusion of _____, and unrelated matters in the same measure and to against _____, stealth and fraud in legislation" .

Court's strictly enforce such provisions in cases that fall within the reasons on which they rest, and hold that, in order to _____, the setting aside of enactments for failure to comply with the rule, the violation must be substantial and plain *Posados v*_____*B & Co.* 279 US, 340, 344 1928: Also _____ *Shoe Co. v. Shartel* 279 U.S. 429,434 (1928)

We pointed out that our constitutional debates indicated that the constitutional requirements relating to the enactments, revisors bills that being read 3 times and voted on Ect..., before being passed such an enactment of a statute were intended to be remedial and mandatory, as requiring compliance by the legislature without discretion on its part to protect the public interest against recognized evils and that the validity of statutes should depend on compliance of such requirements.

Bull v. King ,286 N.W. 311,313 min. (1939) it should be noted that the laws in the above cases were held to be void for having no enacting clauses despite the fact that they were in on official Statute's book of the State, and were next to other Laws which had proper enacting clauses

The proceeding examples and declarations on the use and purpose of enacting clauses shows beyond doubt that nothing can be called or regarded as a Law of the State which is published without an enacting clause on its face.

Nothing can exist as a State Law except in the manner prescribed by the constitution and should show a noted history of revisors bills,votes of yeas and nays standing as proof of the authentic enactment of the proper source of legislation that is provided by congress without the handling of the legislature and proof thereof from the Journals, a Law or a Statute cannot be established as being a true and authentic Law of the State. These are very specific portions of a statue

which gives it Jurisdictional authenticity. *Joiner v. State* 155 S.E.2d 8,10 (CGA 16) The failure of the Journals to show that the legislature handled and enacted a law deprives it of legality and renders a statute which omits such a clause as a nullity and of "No force of Law" *Joiner v. State supra.*

The Statutes cited in the complaints have no jurisdictional identity and are not authentic Laws under the constitution. The Statute 794.011, in its creation was never read 3times, was never voted on or passed, or submitted by revisors bill to the legislature. If it is in fact a invalid statute, how then can anyone adopt, amend, revise, or reenact a statute that doesn't exist? Which was done through the years, from its creation in 1974 up until the reenactment of 1999. If the statute 794.011 from its creation is invalid, void or defective, nothing, or no further legal application can be employed.

Everything must be refreshed and resubmitted according to the constitution to receive the proper authenticity that is ratified by the legislative powers exercised by and through the constitution itself. Only then can one amend, revise, adopt or reenact a bill or a statute. Please note that 74-121 was still a bill not Law or Statute.

And furthermore in 1992-135 all the way up until 1999, chapter 99-3 § 99, the reenactment of an unpublished Law, the Constitution says: "Nothing can exist as a State Law except in the manner prescribed by the State Constitution." One of these provisions is that "All Laws", must bear on their face a specific enacting

style. "Be it enacted by the legislation of Florida". All Laws must be published with this clause in order to be valid Laws. Since the statutes in 1992, the "Florida Statutes" are not published, they are not valid laws of the State. The Supreme Court of Arkansas in construing what the essentials of law making, and what constitutes a valid Law, stated, the following "A legislative Act, when made should be a written expression of the Legislative will, in evidence, not only of the passage, but of the authority of the Law making power, is nearly or quite a self evident proposition. Likewise we regard it as necessary that every Act thus expressed should Show on its face the authority by which it was enacted and promulgated. In order that it should clearly appear upon simple inspection of the written law. That it was intended by the legislative power which enacted it, that it should take effect as law. These relate to legislative authority as evidence of the authenticity of the legislative will. These are features by which courts of justice and the public are to be judge of its Authenticity and Validity . These then are the essentials of the weightiest importance and the requirements of their observants in the Enacting and Promulgation of Laws are Absolutely Imperative. Not the least important of these essentials is the style or enacting clause. The common means by which a Law is "promulgated" is by it being printed and published in some authorized public statute book. Thus that made of promulgation must show the enacting clause of each Law therein on its face, that is, on the face of the Law as it is printed in the

Statute book. This is the only way that the "Courts of justice and the public are to judge of its authenticity and validity."

Not to also mention that 112422 statutes repealed states: "Any Law being adopted 112421, 112413,112425, According to these statutes, and are not a part of said adoption 112422 stands repealed by statutes repealed."

Obviously if 794.011 was not published and made a valid Law, could not be adopted and definitely stands repealed for not being a part of any adoption. It would appear that there is a want of subject matter jurisdiction.

One Law is being repealed, the other is invalid and unconstitutional for at least the next six years. Unleashing 7 repeals during that time period.92 for 90; 93 for 91; 94for 92; 95 for93; 96 for 94; 97 for 95; 98 for 96, nor was it adopted 7 times.

ONE LAST LOOK OF REVIEW

To take a clear and honest look at things, from a constitutional position of values an act cannot be processed in legislation by its Title only. A bill must be laid out every detail open and displayed until all of its sections by numbers and letters are completed, and supply a completed definition of what the bill is. A true and necessary definition made of legislative intent, lining up with the Constitutional provisions provided by the Constitution. An implication, an avowed object of the law as it is expressed in the title.

It Must Totally and Wholly express the title of the act in the body there of, to serve as an original independent piece of legislation, especially serving as an implied repeal, a new creation of law. Without undertaking or purporting any specific prior existing law, would have effectually wrought any and all of the Constitutional changes from the former existing laws, without any mention of the new creation or its body as an implied repeal, or the definitions thereof.

How can legislature enact a law? Where do you apply the Constitutional implications that would enact in full the revision of Amendment of Statutes, or Sections of Statutes by their title only do not apply to a total revision or a new creation of a Statute, which would allow the legislature to redefine as the Constitution permits.

Our Constitution does not prohibit the repeal of a Statute or part of a Statute by implication. To contend that the act is unconstitutional because it was introduced an passed through 3 readings in the Senate by title only. A new creation implied re-peal that would strike out all existing en-acting clauses, and the new chapter794 was passed and a new title was given to it not germane to the original title.

And because the act was passed but was never considered no body presentation was layed out to be voted on, it was never considered by the Senate at all, only the recorded amendments and adoptions, were voted on and passed. The creation was not read or layed out or shown at all.

What the substance of the bill as it came in as, was nowhere shown, in that legislative session on May 30th 1974. CS for SB 959 Journal of the House of Representatives page 1161. On evidence affirmed by this Judicial Notice . See attached exhibit.