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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

MARCO THONY CADEJUSTE — PETITIONER
(Your Name)

vs.

STATE OF FLORIDA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Fourth District Court of Appeal
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MARCO THONY CADEJUSTE

(Your Name)

Santa Rosa Annex
5850 E. Milton rd. Milton, FL 32583

(Address)

(City, State, Zip Code)

(Phone Number)

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QUESTION(S) PRESENTED

1. Can The STATE OF FLORIDA Hold Self-Represented Suspects And Prisoners To The Same Standards Of Formally Trained Lawyers? And Utilize Such Pretexts To Abandon Its Gatekeeping Function To "Notice Errors Errors On Their Own... or If They Otherwise Seriously Affect Fairness, Integrity Or Public Reputation Of Judicial Proceedings (Silber v. U.S. 370 U.S. 717 (1962))" Where It "Was Apparent," The State Court Is & (Was) Precluded By The United States Constitution From Halling A Defendant Into Court On A Charge... (Menna v. New York 423 U.S. 61)";

- PREJUDICE -

2. Where It Is Debatable Whether These Errors, Objected To By Self-Represented Petitioner In Pretrial And Trial Proceedings (See Exhibit Appendix B), Were, Properly, Improperly (As Asserted By The 4TH D.C.A.) Preserved. And, Harmful (As Asserted By Petitioner), Harmless (As Asserted By The 4TH D.C.A.) Where;

2.A. The State Was Noticed Of Substantive Rights Rights Violations Of Brady Violations [redacted] / Discovery Violations, Failing To Allow Impeachment Of State's Fact (6th Amend. Right To - Present Defense Strategy Through Showing Motive For Bias See Appendix B Page 45, 48 Citing Davis v. Alaska -) Witnesses. And Due Process Duty To "Hold Defendants Pro Se Pleadings And Objections To Less Stringent Standards Than Lawyers (See Appendix B Pages- 55-56 Citing Hughes v. Rowe, 449 U.S. 5, 9-10, Weixel v. Bd. of Educ. of City of New York). Which Denied Petitioner A 5th Amend. Due Process Access To Appellate Review Courts And Where The Underlying Mens Rea Motive Is Believed To Be In Retaliation For Successfully Filing Motions To Disqualify Two Biased Judges, Writ of Prohibition, Two Motions To Dismiss And (2)

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...Two Motions for Speedy Trial on Demand; Complaining
OF Selective Prosecution, Material False Evidence
Gov.'t Misconduct & Wide Spread Internal Harboring
OF Racially Discriminatory Intent & Conduct Towards
Members OF My Belonged To Classes And Myself, In
Contradiction To The Civil Rights Acts of 1866 &
1968 While Under Color OF Law 18 U.S.C. 241,
242, 1ST Amend. Free Speech Right To criticize And
Complain Gov.'t Actors On Illicit And Proven Conduct?

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
Sti v. Glosson 482 So 2d 1082	vii
U.S. v. Schmucker (citations omitted)	vii
Murray v. St. 3 So. 3d 1108	vii
Lowe v. St. 40 So 3d 789	vii
Howett v. St., 260 So 2d 878	vii
U.S. v. Thurston 362 F. 3d 1319	vii
U.S. v. Lusby 972 F. 3d 1032	2
Silber v. U.S. 370 U.S. 717	2
Menna v. New York 423 U.S. 61	2
Davis v. Alaska 415 U.S. 308	2
Hughes v. Rowe, 449 U.S.S. 9-10	2
Weixel v. Bd. of Educ. City of New York 287 F. 3d 138	2
 STATUTES AND RULES	
18. U.S.C. 241, 242	3
Civil Rights Acts of 1866 + 1968	viii, 3
F.L.R. Crim. Proc. 3.190	vii
F.S. 776, 013, 12	vii
§ 2241	vii

OTHER

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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 March 13, 2024.
A copy of that decision appears at Appendix A.

☒ A timely petition for rehearing was thereafter denied on the following date: March 13, 2024, and a copy of the order denying rehearing appears at Appendix C.

☐ 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).

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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 A to the petition and is 4123.0224

☐ 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.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. 6TH Amend. Right To Present Defense And Self-Representation
2. 5TH Amend. Due Process Right OF Access To The Courts
3. 1ST^{Amend.} Right To Free Speech And From Retaliation For Complaining & Criticizing OF Unlawful Gov.'t Actions.
4. 14TH Amend. Right To Due Process fairness, To Be Free From Gov.'t Misconduct And Equal Prot. OF The Law

STATEMENT OF THE CASE

1. Petitioner was involved in an affray between his girlfriend at the time and her male friend at a public place he was @ at first where the male attacked Petitioner with a screwdriver stabbing him in the chest twice where Petitioner's ex-girlfriend then aided this male friend as the struggle for the weapon was being fought by both males. While this occurred the ex-girlfriend grabbed Petitioner's arm he told her to stop and she did not. Upon gaining control of the screwdriver Petitioner in fear for his life stabbed the male friend once and ex-girlfriend once.

Both parties friends and relatives whom were present then swarmed Petitioner in a pit styled affray and struck him with all sorts of heavy hard objects including the aforementioned initial parties and petitioner swung wildly fighting for his life, was knocked down and ran away. This was testified to and sworn to in a Sworn Motion To Dismiss Fl. R. Crim. P. 3.190 invoking defenses of Stand Your Ground Defense F.S. 776.013, 12; Material False Info. Prior To Information Filed - Subjecting it to dismissal St. v. Glosson 482 So2d 1082, Murra v U.S. St 3 So 3d 1108; Selective Prosecution U.S. v. Schmucker (citations omitted); Material & Fatal Variance in the information Long v St, Houkett v St. (citations omitted due to missing legal property)

2. The State never traversed the above alleged Sworn Facts and the trial Court denied the Motion To Dismiss on the basis that his previous public defender had waived his arraignment. Petitioner within a timely rehearing provided caselaw showing his former P.D. committed extrinsic fraud upon the Court by waiving his arraignment without his consent and never notifying Pro Se Petitioner. Requested a fraud upon the Court hearing on said matter. Denied. In Rehearing Petitioner also shown Court that Stand Your Ground immunity applies to all criminal stages of the proceedings and not subject to before or at arraignment procedural rule. Petitioner also shown that state waived their right to an evidentiary hearing on the matter where the motion itself served as adequate notice to traverse. Finally it was argued in rehearing that Petitioner raised fundamental error defenses and satisfied cause to entertain Motion To Dismiss. Jeopardy attached to such immunities and defenses which would attach to any untraversed Motion To Dismiss - where the dismissal would be with prejudice and any filing would constitute bad faith, multiple prosecution harassment Double Jeopardy. The State Amended/Dismissed The Agg. Battery info then filed 1st Murder Cts. Conceding Jeopardy Attached

3. Petitioner filed for a Motion for Speedy Trial On Demand and with 06

(Backside Cont'd STATEMENT OF THE CASE)

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had on 12/19/22 in St. Lucie Co. Case # 22-1079. After losing trial I immediately filed an injunction and request for review to the Southern Dist. Federal Court prior to sentencing Case No. 2:23-cv-14007-JEM. The issues raised: 1) Jeopardy attached to the Untraversed Sworn To Pro Se Motion To Dismiss Adjudicated in State Courts; and Review after issuance of an injunction was necessary per *Younger v. Harris* (citations omitted) due to ^{possibility of} judgement becoming final, and the issue ~~was~~ becoming a Due Process Violation through fundamental Miscarriage of Justice where Plain Error Analysis ~~shows~~ I'm innocent on the face of proffered records.

The Court did not respond prior to 1/18/23 sentencing and allowed the time to elapse then opined "I was not entitled to an injunction or review because I waived the Court's ~~and~~ Jurisdiction on the 2241 filed because I had proceeded to trial". The Court cited "a dissimilar case involving a petitioner who it deemed ^{waived} 2241 jurisdiction by taking a plea". Petitioner was thus retaliated against contrary to the 1st Amend Right To Grieve Gov. Actors and Denied 5th Due

Process Access To The Courts Where The State Courts refused to hear and entertain Civil Rights Acts of 1866 + 1968 claims of Judicial Biasness used to retaliate on petitioner because of his minority status - having moving to successfully disqualify 2 pretrial judges that conspired to deprive Petitioner of Equal Prot. of The Law 14th Amend Access To The Courts while he sought disposition of numerous defenses pretrial and articulated selective Prosecution within his Motion To Dismiss. Petitioner Also served the Trial Ct. with Notice of The Civil Rights Acts of 1866 + 1968 violations.

violations.

4. Petitioner timely appealed the 11th circuit which rescinded silently on its own decision in U.S. v. Thurston (Citations omitted) and contrary to U.S. v. Lusby (Citations omitted) another Circuit/federal court which opined "Jeopardy can attach to a Motion To Dismiss if the facts are not disputed," where Petitioner attached voluminous state caselaw on the same 5th Double Jeopardy issue. The court shirked a response leaving Petitioner suffering sabotage by the

STATEMENT OF THE CASE

On Direct Appeal Review, Appendix B, A, C, My Direct Appeal Attorney Did A minimal Showing Of Claims with Demonstrating Full Prejudice on claims raised. The Attorney And I were In Actual Conflict Where I will serve The Court Judicial Noticing Of filed Ineffective Asst. Of Appt. Counsel when Complete. Somebody, Some Entity Took Advantage Of The Situation And The Courts And Actors Need To Be Assured That Their Actions Are Not Above The Law And That I will Not Give Up Where Their Actions Are Dangerous.

REASONS FOR GRANTING THE PETITION

1. In Petitioner's Ineffective Assistance of Appellate Counsel Brief he's still working he articulates the Full parameters of Civil Rights Acts of 1868 + 1968 presumptive violations throughout the state judiciary; which presumptively has retaliated on Petitioner for successfully filing motions along these lines and to prevent him from having success through the exercise of his constitutional rights asserted. Where Florida is a traditional Jim Crow State, Notice is now given that, FLORIDA has violated its Articles granting limited sovereignty through Flagrant violations of its consented to Reformation principles under the Civil Rights Acts of 1866 + 1968.

1.A. Minorities Have A Right To Fair ^{Amend.} Self-Representation Status & Review Per *Haines v. Kerner* 404 U.S. 519

2. Such retaliatory and internal ^{Amend.} harborings of racially discriminatory animus has targeted minorities in general and particular ex. convicted Felon minorities and all individuals whom seek to aid them, irregardless of their color creed ilk or ~~sex~~ social ties or association they belong to.

2. A. There exists widespread customs and policies that are unwritten and perpetuated by the 19th Judicial Circuit Court with the Aid & Complicity of the 4th DCA to shield and inculcate ~~was~~ such unconstitutional, unfederal behavior under color of Law 18 U.S.C. 241, 242; which has become the moving force of Petitioner's current demise as another representative of his asserted and recognized underprivileged ex convicted Felon, poor, Haitian Afri Can American U.S. Citizen - Whom has been treated unfairly contrary to the Equal Protection Clause (14th Amend.) because of the status' aforementioned. See *Liability under Monell v Dept. of Soc. Services*, 436 U.S. 658

3. These widespread racist unwritten customs and policies is of public interest and importance because the minorities are WORE to these maneuvers and feel their only redress are in means unlawful. Thus there is no sustainability to

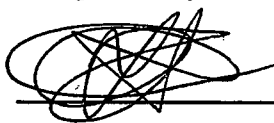
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...the Fabric of Federalism under U.S. of A tenets where the State of Florida has Noticed the Union of the U.S. of A its departure and declaration of War over minorities exercising the constitutional Rights to present their full defenses Pursuant to the 6th Amendment, while SELF-REPRESENTED pursuant to the 6th Amendment.

3.1. These unwritten policies have a chilling Effect on minorities and ex. convicted Felon, poor, Haitian African American Citizens feeling as a whole and singly, feeling such cultural widespread injustice, is oppression and deliberate to deny the pursuit of life, liberty and happiness ~~in~~ through peaceful operations; in order to revive the master & servant relationship from the Pre Civil War Era. Where their disgruntled feelings has transformed into a hatred of life, unlawful desires to retaliate and outmaneuver said tactics, and passions of True Black Revolution, This is what the people feel to express in closed doors, in Florida. And they also work in government positions. Thus this matter is of great Public Importance. **CONCLUSION**
Discharge. I am Actually Innocent.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

 M.T.C.

Date: 5/14/24

Un Notarized Oath ~ I swear under the penalty of perjury the foregoing is true and accurate. ~~M.T.C.~~ M.T.C. 5/14/24