

No. 23-780

1/12/24

In The
Supreme Court of the United States

EUGENE MISQUITH,

Petitioner,

v.

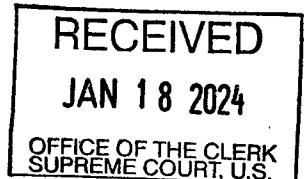
ST. MARY'S MEDICAL CENTER,

Respondent.

**On Petition For Writ Of Certiorari
To The Supreme Court Of Florida**

PETITION FOR WRIT OF CERTIORARI

EUGENE MISQUITH
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Palm Beach Gardens, FL 33410
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misquith@bellsouth.net
Petitioner



QUESTIONS PRESENTED

DID THE SUPREME COURT OF FLORIDA, BY DECLINING JURISDICTION IN THIS CASE:

1. INVALIDATE THE LAW ITSELF WHEN IT DID NOT ASSUME MANDATORY JURISDICTION, AS MANDATED BY THE FLORIDA CONSTITUTION, AND FLORIDA STATUTES ON APPELLATE PROCEDURE?
2. CONDONE THE INVALIDATION OF FLORIDA STATUTE BY THE 4TH DCA, WHICH DISMISSED MY APPEAL ON A MOTION TO DISMISS, WHICH IN EFFECT MAKES OUR APPELLATE PROCESS NULL AND VOID?
3. CONDONE THE 4TH DCA NOT ASKING THE APPELLEES FOR AN ANSWER BRIEF PRIOR TO DISMISSING MY APPEAL, WHICH IN EFFECT AIDED AND ABETTED FRAUD IN THIS CASE, AS OUTLINED IN MY INITIAL BRIEF TO THE 4TH DCA?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

RELATED CASES

Misquith v. St. Mary's Medical Ctr. SC2023-0976

Misquith v. St. Mary's Medical Ctr. 4D2023-0406

Kelly v. St. Mary's Medical Ctr. 502019CA10824XXXMB

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OPINIONS

Eugene Misquith, Petitioner(s) v. St. Mary's Medical Center, Inc., Respondent(s), SC2023-0976 Lower Tribunal No(s).: 4D2023-0406; 502019CA010824XXXMB

This cause having heretofore been submitted to the Court on jurisdictional briefs and portions of the record deemed necessary to reflect jurisdiction under Article V, Section 3(b), Florida Constitution, and the Court having determined that it should decline to accept jurisdiction, it is ordered that the petition for review is denied. No motion for rehearing will be entertained by the Court. See Fla. R. App. P. 9.330(d)(2).

JURISDICTION

The date on which The Florida Supreme Court decided my case was December 6, 2023.

This writ has been filed within the time limit of 90 calendar days.

This Court has jurisdiction pursuant to 28 U.S.C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

CONSTITUTIONAL PROVISIONS

U.S. Constitution, Amendment XIV, Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof,

are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Fla. Constitution, Article V

(b) JURISDICTION. – The supreme court:

(1) Shall hear appeals from final judgments of trial courts imposing the death penalty and from decisions of district courts of appeal declaring invalid a state statute or a provision of the state constitution.

STATUTES

Fla. R. App. P. 9.135(c), MOTIONS NOT PERMITTED: This rule may be invoked only on the court's own motion. A party may not request Summary Disposition.

Fla. R. App. P. 9.030, JURISDICTION OF COURTS
(a) Jurisdiction of The Supreme Court Of Florida. (1) Appeal Jurisdiction. (A) The Supreme Court shall review by appeal: (ii) decisions of district courts of appeal declaring invalid a state statute or a provision of the state constitution.



STATEMENT OF THE CASE

This is a medical malpractice case in which I was a defendant.

I discovered fraud in this case that I brought to the Trial Judge in this case, during Discovery and He denied my Motion for Relief. App. 5. I bring this up not to have The Supreme Court re-adjudicate this, but rather in the spirit of full disclosure and to make known, that my intentions in this case were and are to uphold the Integrity of our Judiciary.

I filed an Appeal against the Dismissal of Co-Defendant St. Mary's Medical Ctr., and this case was accepted by the 4th DCA and I filed my Initial Brief, which outlined fraud involving the Appellee.

However, the 4th DCA dismissed my Appeal on a Motion to Dismiss, which is prohibited by law. App. 3.

My Quest for Justice in this case predates my settlement, which was done, as this case was taking a toll on my family. However, this did not stop me from my intent as stated above, as my Appeal to the 4th DCA shows.

**REASONS FOR GRANTING
THE WRIT OF CERTIORARI**

**MATTER OF GREAT PUBLIC IMPORTANCE.
THE PUBLIC NEEDS TO TRUST OUR JUDICI-
ARY.**

1. My Appeal to the 4th DCA succinctly outlined the Fraud in this case, that happened at my deposition, perpetuated by The Appellee.
2. It is my Constitutional and Civic duty to bring this to light.
3. The Integrity of our Judicial system is threatened by this case.
4. The 4th DCA is complicit in the fact that they read my Initial Brief outlining Fraud yet dismissed the case. The opinion the 4th DCA illegally stated is that I had no standing to bring this case, because I had settled this case. I have a Constitutional standing to bring this case, to preserve the Independence and Integrity of our Judiciary.
5. Besides I have been adversely affected by The Appellee's fraud, that is why I am taking this to the Highest court in the land.
6. The Florida Supreme Court had a Mandatory duty to accept Jurisdiction, as the 4th DCA invalidated the law. Both the 4th DCA and the Florida Supreme Court invalidated the law.

THIS IN SIMPLE TERMS DENIED ME MY 14TH AMENDMENT CONSTITUTION RIGHT TO DUE PROCESS AND EQUAL PROTECTION OF THE LAW.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

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Date: January 12, 2024

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