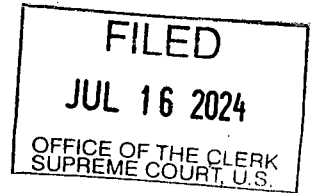


No. 24 - 5205



IN THE
SUPREME COURT OF THE UNITED STATES

CARMEN A. ZAMMIELLO — PETITIONER
(Your Name)

vs.

ASHLEY MOODY, AG, et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SUPREME COURT OF THE STATE OF FLORIDA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

CARMEN A. ZAMMIELLO, #083535
(Your Name)

O.C.I. 3420 NE 168 TH ST.
(Address)

OKEECHOBEE, FL. 34972
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1. IS CH. 79, FLA. STATS. AND ART. 1 sec. 9 FLA. CONST. IN-
CONSISTENT WITH THE DETERRENT POLICY OF SEC. 1983
AND THE 4th AND 14th AMENDMENTS PROTECTION OF
LIFE AND LIBERTY, THEREBY IN EFFECT, MAKING IN-
FERIOR CONGRESSIONAL ENACTMENTS AND RIGHTS
WHICH UNDER YOUR JURISPRUDENCE ARE INTENDED
TO BE PARAMOUNT AND SUPREME ??
..
2. IN ARBITRARY AND ERRONEOUSLY "DENYING AS PRO-
CEDURALLY BARRED" ZAMMIELLO'S HABEAS PETITION,
DID THE STATE COURT "INTERFERE WITH AND DEPRIVE
ZAMMIELLO OF HIS FEDERALLY- PROTECTED DUE PROCESS
RIGHT OF ACCESS TO THE COURTS WHICH IS PROTECTED
BY SECTIONS 1985(2) AND (3) AND THE 14th AMENDMENT,
WHERE THE TOUCHSTONE OF DUE PROCESS IS [MY] PRO-
TECTION AGAINST ARBITRARY ACTION OF THE FLORIDA
GOVERNMENT" ??
..
3. WAS DUE PROCESS VIOLATED, WHERE THE FACT-FINDING
PROCEDURE ARBITRARY EMPLOYED BY THE FLORIDA SUPREME
COURT DID NOT ADEQUATELY PROVIDE A FULL AND FAIR
HEARING WHEN MY HABEAS CLAIMS HAS "A REASONABLE
BASIS IN FACT OR LAW" ??
..
4. WAS IT A "STRUCTURAL ERROR" FOR THE STATE
SUPREME COURT TO ARBITRARY GRANT SUMMARY

QUESTION(S) PRESENTED

JUDGMENT, i. e. "DENYING AS PROCEDURALLY BARRED" MY HABEAS PETITION, FOR THE RESPONDENT(S) ON QUALIFIED IMMUNITY GROUNDS, "WHERE GENUINE ISSUES OF MATERIAL FACT EXIST WITH RESPECT TO ZAMMIELLO'S HABEAS CLAIMS" AND THE ERROR WAS NOT HARMLESS ??

5. IN ARBITRARY "DENYING AS PROCEDURALLY BARRED" ZAMMIELLO'S STATE HABEAS PETITION, DID THE STATE SUPREME COURT "DEPRIVE ME OF LIBERTY WITHOUT DUE PROCESS BY INDEFINITELY CONTINUING MY 'FALSE IMPRISONMENT AND CONTINUOUS ILLEGAL DETENTION' WITHOUT PROBABLE OR DUE PROCESS AND THEREBY, DISCRIMINATED AGAINST RIGHTS ACCRUING UNDER FEDERAL LAWS. . ."??

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:

RICKY DIXON, SECY. DEPT. OF CORR. et al.

SCOTT ROSENWASSER, ASST. PROSECUTOR

RICHARD A. LUCE, TRIAL JUDGE (RET.)

DAVID MAUCH, THE LYING POLICE OFFICER

STEPHAINE BANKS, THE CRS POLICE OFFICER

MARIO MANETTA, THE LYING OWNER/VICTIM

RELATED CASES

FOR QUESTION #1 U.S. - V- WATSON, 423 U.S. 411 (SAME). BELL - V- HOOD, 327 U.S. 678 (SAME). MARTINEZ - V- CALIFORNIA, 414 U.S. 277 (SAME). PARRAT - V- TAYLOR, 451 U.S. 527 (SAME). ARMSTRONG - V- MANZO, 380 U.S. 545 (SAME). ROBERTSON - WEGMANN, 436 U.S. 584 (SAME). BURNETT - V- GRATTAN, 468 U.S. 42 (SAME). JOHNSON - V- RAILWAY EXPRESS, 421 U.S. 154 (SAME). BELL - V- CITY OF MILWAUKEE, (7th CIR. 1984) (SAME). RYLAND - V- SHAPIRO, (5th CIR. 1983) (SAME). DONALDSON - V- O'CONNOR, (5th CIR. 1974) (SAME). SCULL - V- STATE, (FLA. 1990) (SAME) (QUOTING FLA. CONST. ART. I, sec. 9)) AND QUARLES - V- STATE, (FLA. 1st DCA 2011) (FACTUALLY THE SAME) (QUOTING ch. 79, FLORIDA STATUTES)).

FOR QUESTION #2 ARMSTRONG - V- MANZO, (1965) (SAME); BODDIE - V- CONNECTICUT, (1971) (SAME). LOGAN - V - ZIMMERMAN BRUSH CO., (1982) (SAME); JOHNSON'S

CONT. RELATED CASES

RESTS, INC. - V - N. L. R. B., SUPRA Id (SAME). WOLFF - V - MCDONNELL, (1974) (SAME). BOUNDS - V - SMITH, (1977) (SAME). COUNTY OF SACRAMENTO, - V - LEWIS, (1998) (SAME). BELL - V - CITY OF MILWAUKEE, (7th CIR. 1984) (SAME) AND BYLAND - V - SHAPIRO, (5th CIR. 1983) (FACTUALLY THE SAME).

FOR QUESTION #3 TOWNSEND - V - SAIN, (1963) (SAME) (OVERRULED ON OTHER GROUNDS). ARMSTRONG - V - MANZO, (1965) (SAME). PARRATT - V - TAYLOR, (1981) (SAME). BODDIE - V - CONNECTICUT, SUPRA, Id. (SAME). LOGAN - V - ZIMMERMAN BRUSH CO., SUPRA, Id. (SAME). JOHNSON'S RESTS, INC. - V - N. L. R. B., SUPRA, Id. (SAME). WOLFF - V - MCDONNELL, SUPRA, Id. (SAME). COUNTY OF SACRAMENTO, - V - LEWIS, SUPRA, Id. (SAME). BOUNDS - V - SMITH, SUPRA, Id. (SAME). MCKNETT - V - ST. LOUIS & S.F.R. CO., SUPRA, Id. (SAME) (REITERATING THAT: "EACH STATE MAY NOT DISCRIMINATE AGAINST RIGHTS ACCRUING UNDER FEDERAL LAWS"). BELL - V - CITY OF MILWAUKEE, SUPRA, Id. (7th CIR. 1984) (SAME) (CITING SECTIONS 1985(2) & (3) COLLECTIVELY)) AND BYLAND - V - SHAPIRO, SUPRA, Id. (5th CIR. 1983) (FACTUALLY THE SAME).

FOR QUESTION #4 HARLOW - V - FITZGERALD, (1982) (SAME). ANDERSON - V - CREIGHTON, (1987) (SAME). JACKSON - V - VIRGINIA, (1979) (SAME). ARMSTRONG - V - MANZO, (1965) (SAME). PARRATT - V - TAYLOR (SAME). MARTINEZ - V - CALIFORNIA, (1986) (SAME). WOLFF

CONT. RELATED CASES

MCDONNELL (1974) (SAME). COUNTY OF SACRAMENTO - V - LEWIS, SUPRA, Id (1998) (SAME). MCKNETT - V - ST. LOUIS & S.F.R. CO, SUPRA, Id (1934) (SAME). BELL - V - CITY OF MILWAUKEE, SUPRA, Id (7th CIR. 1984) (SAME). RYLAND - V - SHAPIRO, SUPRA, Id (5th CIR. 1983) (SAME) AND RICCIUTI - V - N.Y.C. TRANSIT AUTHORITY, SUPRA, Id (2nd CIR. 1995) (FACTUALLY THE SAME).

FOR QUESTION #5 TOWNSEND - V - SAIN, SUPRA, Id, (1963) (SAME). ARMSTRONG - V - MANZO, SUPRA, Id (1965) (SAME) (QUOTING THE 14th AMENDMENT). PARRATT - V - TAYLOR, SUPRA, Id (1981) (SAME). MARTÍNEZ - V - CALIFORNIA, SUPRA, Id (1986) (SAME). DANIELS - WILLIAMS, SUPRA, Id (SAME). WOLFF - V - MCDONNELL, SUPRA, Id (1974) (SAME). BOUNDS - V - SMITH, SUPRA, Id, (1977) (SAME). COUNTY OF SACRAMENTO, - V - LEWIS, SUPRA, Id (1998) (FACTUALLY THE SAME). MCKNETT - V - ST. LOUIS & S.F.R. CO, SUPRA, Id (1934) (SAME). BELL - V - CITY OF MILWAUKEE, SUPRA, Id (7th CIR. 1984) (SAME). RYLAND - V - SHAPIRO, SUPRA, Id (5th CIR. 1983) (SAME). DONALDSON - V - O'CONNOR, SUPRA, Id (5th CIR. 1974) (FACTUALLY THE SAME). RICCIUTI - V - N.Y.C. TRANSIT AUTHORITY, SUPRA, Id (2nd CIR. 1997) (SAME). SCULL - V - STATE, SUPRA, Id (FLA. 1990) (SAME) (QUOTING FLA. CONST. ART. I. Sec. 9)) AND ALLEN - V - BUTTERWORTH, SUPRA, Id (FLA. 2000) (FACTUALLY THE SAME).

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APPENDIX B <u>ARBITRARY DECISIONS OF STATE DISTRICT COURT.</u>
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APPENDIX D <u>STATE PETITION FOR WRIT OF HABEAS CORPUS.</u>
APPENDIX E <u>POLICE REPORT/FALSE ARREST AFFIDAVIT.</u>
APPENDIX F <u>DEFECTIVE CHARGING INFORMATION.</u>
APPENDIX G <u>THE LYING OFC. MAUCH DEPOSITION.</u>
APPENDIX H <u>THE LYING VICTIM MANETTA DEPOSITION.</u>
APPENDIX I <u>THE ALTERED JURY VERDICT.</u>

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

[SEE APPX. "D" STATE HABEAS CORPUS AT PP. 1 - 20 AND COMPARE TO "THE QUESTIONS PRESENTED AND RELATED CASES" PORTIONS OF THIS INSTANT PETITION AND THEN TO ALL OTHER APPENDICES COLLECTIVELY].

STATUTES AND RULES

28 U.S.C. Sec. 2403(b), APPLIES TO REVIEW CONSTITUTIONALITY OF FLORIDA STATE STATUTES.

42 U.S.C. SECTIONS 1981, 1983, 1985, AND 1986, COLLECTIVELY.

ch 79, FLORIDA STATUTES.

Sec. 810.02, FLORIDA STATUTES.

Sec. 810.015, FLORIDA STATUTES.

RULE 1.630 FLA. R. CIV. P.

OTHER

U.S. CONST. AMEND. 4.

U.S. CONST. AMEND. 14.

FLA. CONST. ART. I. Sec. 9.

FLA. CONST. ART. 11 Sec. 3.

FLA. CONST. ART. V. SECTIONS 2(a), 15.

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

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

The opinion of the DISTRICT AND TRIAL COURT'S court appears at Appendix "B-C" 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 6-11-24.
A copy of that decision appears at Appendix "A" AT Pg. 3

☒ A timely petition for rehearing was thereafter denied on the following date: JUNE 11th 2024, and a copy of the order denying rehearing appears at Appendix "A" AT Pg. 3

☐ 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

[SEE APPENDIX "D" THE PETITION FOR WRIT OF HABEAS CORPUS AT PP. 1 - 20 AND COMPARE TO "THE QUESTIONS PRESENTED AND RELATED CASES" PORTIONS OF THE INSTANT PETITION COLLECTIVELY AND THEN TO ALL OTHER APPENDICES COLLECTIVELY].

42 U.S.C. SECTIONS 1981, 1983, 1985, AND 1986, COLLECTIVELY.

U.S. CONST. AMEND. 4

U.S. CONST. AMEND. 14

FLA. CONST. ART. I SEC. 9 (DUE PROCESS)

SEC. 810.02 FLORIDA STATUTES (BURGLARY STATUTE).

SEC. 810.015 FLORIDA STATUTES (LEGISLATION INTENT).

CH. 79, FLORIDA STATUTES (HABEAS CORPUS LAW).

FLA. R. CIV. P. 1.630.

FLA. CONST. ART. V. SECTIONS 2(a), 15.

FLA. CONST. ART. II SEC. 3.

28 U.S.C. SEC. 2803(b), APPLIES TO REVIEW CONSTITUTIONALITY OF FLORIDA STATE STATUTES.

STATEMENT OF THE CASE

THE CORE FACTS IN THIS EXTRAORDINARY CASE PRESENT SEVERAL IMPORTANT ISSUES INVOLVING THE RECONSTRUCTION PERIOD CIVIL RIGHTS STATUTES 42 U.S.C. 1981, 1983, 1985, AND 1986, COLLECTIVELY, AND THEIR INTERPLAY WITH STATE LAW, ALONG WITH PROCEDURAL ISSUES AND THE MATERIAL FACTS ARE NOT IN DISPUTE. See e.g. CF. WILSON - V - LAYNE, SUPRA, Id. 526 U.S. 603 (1999) (SAME) (QUOTING CONN - V - GABBERT)

THIS CASE ARISES OUT OF THE FALSE ARREST/
FALSE IMPRISONMENT AND CONTINUOUS
ILLEGAL DETENTION OF THE PETITIONER,
"BASED UPON DIVERSITY OF CITIZENSHIP,
RACIALLY MOTIVATED MISUSE OF GOVERN -
MENT POWER, AND DUE TO AN IMPROPER
POLICE INVESTIGATION," IN VIOLATION
OF THE CONSTITUTION, LAWS, OR TREATIES
OF THE UNITED STATES AND FLORIDA, AND
TO BE SURE, "THE RIGHT TO BE FREE FROM
ARREST OR PROSECUTION IN THE ABSENCE
OF PROBABLE CAUSE AND WITHOUT DUE

PROCESS OR EQUAL PROTECTION OF THE LAWS, 'IS A LONG ESTABLISHED CONSTITUTIONAL RIGHT' THAT MUST BE RESPECTED AND ADHERED TO BY POLICE OFFICERS IN ACCOSTING OR RESTRAINING AN INDIVIDUAL. . . " [SEE ALL APPENDICES "E - H" COLLECTIVELY]; eg. CF. UNITED STATES - V - WATSON, SUPRA, Id. 423 U.S. 411 (SAME) (POWELL, J. CONCURRING) (HOLDING THAT: [T]HE FOURTH AMENDMENT EXPRESSLY DECLARES THE "RIGHT OF THE PEOPLE TO BE SECURE IN THEIR PERSONS. . . AGAINST UNREASONABLE SEARCHES AND SEIZURES. . . SHALL NOT BE VIOLATED. . ."); BAKER - V - MCCOLLAN SUPRA, Id. 443 U.S. 137 (1979) (SAME); GERSTEIN - V - PUGH, SUPRA, Id. 420 U.S. 103 (1975) (SAME); ARMSTRONG - V - MANZO, SUPRA, Id. 380 U.S. 545 (1965) (SAME) (REITERATING THAT: "[T]HE FOURTEENTH AMENDMENT ENTITLES AN INDIVIDUAL TO A FAIR OPPORTUNITY TO PRESENT HIS OR HER CLAIMS"); PARRATT - V - TAYLOR, SUPRA, Id. 451 U.S. 527 (1981) (SAME) (REAFFIRMING THAT: "[T]HE FUNDAMENTAL REQUIREMENT OF DUE PROCESS IS THE OPPORTUNITY TO BE HEARD AND IT IS THE OPPORTUNITY WHICH MUST BE GRANTED AT A MEANINGFUL TIME AND IN

A MEANINGFUL MANNER"). MARTINEZ - V - CALIFORNIA, SUPRA, Id. 444 U.S. 277 (1986) (SAME) (STATING THAT: "[T]HE FOURTEENTH AMENDMENT PROTECTS INDIVIDUALS FROM DEPRIVATION BY THE STATE OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS OF LAW"). WOLFE - V - McDONNELL, SUPRA, Id. 418 U.S. 539 (1974) (SAME). BODDIE - V - CONNECTICUT, SUPRA, Id. 401 U.S. 371 (SAME). MCKNETT - V - ST. LOUIS & S.F.R. CO, SUPRA, Id. (1934) (FACTUALLY THE SAME) (REITERATING THAT: "[A] STATE MAY NOT DISCRIMINATE AGAINST RIGHTS ACCRUING UNDER FEDERAL LAWS"). WILLIAMSON - V - F. H. MILLS, SUPRA, Id. 65 F3d 155 (11th CIR. 1995) (SAME) (STATING THAT: "[T]HE FOURTH AMENDMENT PERMITS WARRANTLESS ARREST 'IF' MADE WITH PROBABLE CAUSE"). BELL - V - CITY OF MILWAUKEE, SUPRA, Id. 746 F2d 1205 (7th CIR. 1984) (SAME) (REITERATING THAT: "[R]ACIALLY MOTIVATED MISUSE OF GOVERNMENTAL POWER FALLS WITHIN THE AMBIT OF THE LANGUAGE OF 42 U.S.C. § 1981 WHERE ONE OF THE ENUNCIATED RIGHTS IS DENIED"). RYLAND - V - SHAPIRO, SUPRA, Id. (5th CIR. 1983) (FACTUALLY THE SAME). DONALDSON - V - O'CONNOR,

SUPRA, Id (5th CIR. 1974)(SAME)(STATING THAT:
["IN FLORIDA, "A CLAIM FOR FALSE IMPRISONMENT
WAS 'CONTINUING VIOLATION' AND THUS NOT
BARRED BY STATUTE OF LIMITATIONS"], VACATED
ON OTHER GROUNDS, 422 U.S. 563 (1975). RICCIUTI
-V- N.Y.C. TRANSIT AUTHORITY, SUPRA, Id (2nd
CIR. 1997)(SAME)(CITING GERSTEIN-V-PUGH
(1975)). BYARS-V-STATE, SUPRA, Id (FLA 2002)
(SAME). SCULL-V-STATE, SUPRA, Id (FLA 1990)
(SAME)(QUOTING FLA. CONST. ART. I. SEC 9.)).
SWARTZ-V-STATE, SUPRA, Id (FLA. 4th DCA
2003)(SAME)(QUOTING ILL-V-GATES (1983)).
CITY OF ST. PETERSBURG-V-AUSTRINO, SUPRA, Id
(FLA. 2nd DCA 2005)(FACTUALLY THE SAME)
(QUOTING ILL.-V-GATES (1983)) AND QUARLES
-V-STATE, SUPRA, Id (FLA 1st DCA 2011)(SAME)
(QUOTING FLA. STATS. Ch. 79)), ARE THE BINDING
APPLICABLE AUTHORITIES FOR THE RELIEF
SOUGHT HEREIN.

CONSEQUENTLY, THE PETITIONER ZAMMIELLO'S
CLAIMS ARISE FROM A SINGLE ENCOUNTER
WITH MEMBERS FROM THE ST. PETERSBURG POLICE
DEPT. (SPPD) AND THE CASE FILE RECORD
EVIDENCE VEHEMENTLY SUGGEST THAT: ON

MARCH 10th 2004, "THE SPPD OFFICERS D. MAUCH AND S. BANKS, 'WHILE ACTING UNDER COLOR OF STATE LAW IN CONCERT, COLLABORATION, AND CONSPIRACY WITH M. MANETTA,' BASED UPON DIVERSITY OF CITIZENSHIP, RACIALLY MOTIVATED MISUSE OF GOVERNMENTAL POWER AND DUE TO AN IMPROPER POLICE INVESTIGATION, — ILLEGALLY ARRESTED ZAMMIELLO WITHOUT REASONABLE SUSPICION, PROBABLE CAUSE, A VALID COMPLAINT OR WARRANT AND WITHOUT DUE PROCESS OR EQUAL PROTECTION OF THE LAW," IN VIOLATION OF THE CONSTITUTION, LAWS, OR TREATIES OF THE UNITED STATES, AND TO BE SURE, THE RECORD REVEALS EVIDENCE FROM WHICH A JURY COULD FIND THAT THE POLICE OFFICERS MAUCH AND BANKS,

CONSPIRED WITH MANETTA, PREPARED FALSE POLICE REPORTS, LIED, FABRICATED EVIDENCE AND CONSPIRED MALICIOUSLY TO PROSECUTE ME ON A FALSE BURGLARY CHARGE BUT, LYING IS WRONG, AND WHEN, AS HERE, MAUCH AND BANKS LIED WHILE ACTING IN THEIR OFFICIAL CAPACITY, THEY ALSO VIOLATED THE PUBLIC TRUST. . " [SEE APPX "D" AT PP 1-20 AND

COMPARE TO APPX. "E" AT PP 1-4; APPX "F" AT PP 1-4 AND THEN TO BOTH APPENDICES "G AND H" COLLECTIVELY]; e.g. CE LAWHORN -V- ALLEN, SUPRA, Id. (11th CIR. 2008)(SAME) (CITING GERSTEIN-V-PUGH); SWINT-V-CITY OF WADLEY, ALA, SUPRA, Id. (11th CIR. 1995)(SAME) (REITERATING THAT: "[N]O ARGUABLE PROBABLE CAUSE EXISTED TO RAID A NIGHTCLUB WHEN 'LAW ENFORCEMENT OFFICIALS LACKED ANY INFORMATION' THAT EMPLOYEES, PATRONS, OR OWNERS OF THE CLUB WERE INVOLVED IN SUSPECTED DRUG ACTIVITY"); BELL-V-CITY OF MILWAUKEE, SUPRA, Id. (7th CIR. 1984)(SAME) (AND CITING CASES THEREIN); BYLAND-V-SHAPIRO, SUPRA, Id. (5th CIR. 1983)(SAME) (AND CITING CASES THEREIN); DONALDSON-V-O'CONNOR, SUPRA, Id. (5th CIR. 1974)(SAME); RICCIUTI-V-N.Y. C. TRANSIT AUTHORITY, SUPRA, Id. (2nd CIR. 1997)(FACTUALLY THE SAME); BYARS-V-STATE, SUPRA, Id. (FLA. 2002)(SAME); RAY-V-STATE, SUPRA, Id. (FLA. 4th DCA 2006)(SAME) (CITING BOTH FLA. STATS 810.02 AND 810.015 COLLECTIVELY); SWARTZ-V-STATE, SUPRA, Id. (FLA. 4th DCA 2003)(SAME) (STATING THAT: [I]N FLORIDA, "PROBABLE CAUSE TO ARREST

EXISTS ONLY WHEN THE 'TOTALITY OF THE CIRCUMSTANCES' MORE LIKELY THAN NOT POINTS TO THE COMMISSION OF A CRIME") (CITING ILL. - V - GATES (1983)) AND CITY OF ST. PETERSBURG - V - AUSTRINO, SUPRA. ID. (FLA. 2ND DCA 2005) (FACTUALLY THE SAME) (CONCLUDING THAT: [I]N FLORIDA, "AN ARRESTING OFFICER IS REQUIRED TO CONDUCT A REASONABLE INVESTIGATION TO ESTABLISH PROBABLE CAUSE FOR ARREST") (CITING ILL. - V - GATES (1983)), ARE THE BINDING APPLICABLE AUTHORITIES FOR THE BELIEF SOUGHT HEREIN.

MOREOVER, OF IMPORTANCE TO THE CIRCUMSTANCES OF THIS CASE, "THE TIPSTER EMPLOYEES WHO INITIALLY REPORTED THE ALLEGED BURGLARY IN-PROGRESS WAS NOT INTERVIEWED OR INVESTIGATED BY MAUCH OR BANKS PRIOR TO ZAMMIELLO'S ILLEGAL - UNLAWFUL ARREST. WHAT WAS FATALY MISSING FROM THE OFFICERS OBSERVATIONS AND KNOWLEDGE, HOWEVER, WAS ANY LINK BETWEEN THE SUSPECTED CRIMINAL ACTIVITY AND ZAMMIELLO, AND AS SUCH IS TRUE, AN OFFICER IN MAUCH'S SHOES COULD NOT HAVE REASONABLY CON -

CLUDED THAT HE HAD ANY ARGUABLE PROBABLE CAUSE TO ARREST THE PETITIONER. . " [SEE APPX. "E" AT PP. 1-4; APPX. "F" AT PP. 1-4 AND COMPARE TO APPX "G" AT PP. 1-5 AND APPX. "H" AT PP. 1-13, COLLECTIVELY].

THUS, MAUCH AND BANKS, ARE NOT ENTITLED TO QUALIFIED IMMUNITY FROM MY CLAIMS OF FALSE ARREST BECAUSE ANY REASONABLE OFFICER. . . . IN THEIR SHOES, POSSESSING THE INFORMATION THEY POSSESSED, COULD NOT HAVE BELIEVED THAT THEIR EVIL MOTIVATED CONDUCT COMPORTED WITH THE FOURTH AMENDMENT AND TO BE SURE, "IN PARTICULAR, PRE-EXISTING LAW COMPELS THE CONCLUSION THAT MAUCH ARRESTED THE PETITIONER WITHOUT REASONABLE SUSPICION, PROBABLE CAUSE, A VALID COMPLAINT OR WARRANT AND WITHOUT DUE PROCESS OR EQUAL PROTECTION OF THE LAW, AND AS SUCH IS TRUE," THE RIGHT TO BE FREE FROM ARREST OR PROSECUTION IN THE ABSENCE OF PROBABLE CAUSE IS A LONG ESTABLISHED CONSTITUTIONAL RIGHT THAT MUST BE RESPECTED AND SHALL NOT BE VIOLATED, WHERE THE TOUCH -

STONE OF DUE PROCESS IS PROTECTION OF THE PETITIONER ZAMMIELLO AGAINST ARBITRARY ACTION OF THE FLORIDA GOVERNMENT. . "THUS, "LIKE A PROSECUTOR'S KNOWING USE OF EVIDENCE TO OBTAIN A TAINTED CONVICTION, 'A POLICE OFFICER'S FABRICATION AND FORWARDING TO PROSECUTORS OF KNOWN FALSE EVIDENCE' WORKS AN UNACCEPTABLE CORRUPTION OF THE TRUTH-SEEKING FUNCTION OF THE TRIAL PROCESS. . " [SEE ALL APPENDICES "D - H" COLLECTIVELY]; e.g. CF. LAWHORN - V - ALLEN, SUPRA, Id., (11th CIR. 2008)(SAME). WILLIAMSON - V - F. H. MILLIS, SUPRA, Id., (11th CIR. 1995)(SAME). BELL - V - CITY OF MILWAUKEE, SUPRA, Id. (7th CIR. 1984)(SAME). RYLAND - V - SHAPIRO, SUPRA, Id., (5th CIR. 1983)(SAME). DONALDSON - V - O'CONNOR, SUPRA, Id., (5th CIR. 1974)(SAME). DRAKE - V - PORTUONDO, SUPRA, Id. (2nd CIR. 2009)(SAME). RICCIUTI - V - N.Y.C. TRANSIT AUTHORITY, SUPRA, Id. (2nd CIR. 1997)(FACTUALLY THE SAME). SCULL - V - STATE, SUPRA, Id., (FLA. 1990)(SAME)(QUOTING FLA CONST. ART. I sec. 9)). BYARS - V - STATE, SUPRA, Id. (FLA. 2002)(SAME). RAY - V - STATE, SUPRA, Id. (FLA. 4th DCA 2006)(SAME). SWARTZ - V - STATE,

SUPRA, Id. (FLA 4th DCA 2003)(SAME)(QUOTING ILL.-V-GATES)) AND CITY OF ST. PETERSBURG -V- AUSTRINO, SUPRA, Id. (FLA 2nd DCA 2005) (FACTUALLY THE SAME)(QUOTING ILL.-V-GATES)),

ARE THE BINDING APPLICABLE AUTHORITIES FOR THE RELIEF SOUGHT HEREIN.

AT ZAMMIELLO'S TRIAL IN 2005, "IN ORDER TO COMPENSATE FOR THE LACK OF EVIDENCE OF MOTIVE, THE ASST. PROSECUTOR SCOTT ROSENWASSER, KNOWINGLY PERMITTED THE INTRODUCTION OF FALSE-PERJURED TESTIMONY AND THEN CAPITALIZED ON IT IN CLOSING ARGUMENT, 'PERMEATED VIRTUALLY EVERY ASPECT OF MY TRIAL, REINFORCED THE DECEPTION OF THE USE OF FALSE TESTIMONY' AND THEREBY, CONTRIBUTED TO THE DEPRIVATION OF DUE PROCESS AND THE JURY VERDICT MAY BE ALTERED AND THUS, HABEAS CORPUS BELIEF SHOULD HAVE BE GRANTED FOR 'IM-PROPER PROSECUTORIAL MISCONDUCT' WHEN, AS HERE, THERE HAS BEEN A VIOLATION OF DUE PROCESS. . ." [see ALL APPENDICES "D-I" COLLECTIVELY]; e.g. CF. ROMINE-V-HEAD,

SUPRA, Id. (11th CIR. 2001)(SAME). DEMARCO - V - UNITED STATES, SUPRA, Id. (11th CIR. 1995)(SAME) (CITING GIGLIO - V - U.S. AND NAPUE - V - ILL. COLLECTIVELY)); DAVIS - V - ZANT, SUPRA, Id. (11th CIR. 1995)(SAME). RYLAND - V - SHAPIRO, SUPRA, Id. (5th CIR. 1983)(SAME). DRAKE - V - PORTUONDO, SUPRA, Id. (2nd CIR. 2009)(SAME) (CITING GIGLIO - V - U.S. AND NAPUE - V - ILL. COLLECTIVELY)) AND RICCIUTI - V - N.Y. C. TRANSIT AUTHORITY, SUPRA, Id. (2nd CIR. 1997)(FACTUALLY THE SAME)(CITING GIGLIO - V - U.S. AND U.S. - V - AGURS, COLLECTIVELY)), ARE THE BINDING APPLICABLE AUTHORITIES FOR THE RELIEF SOUGHT HEREIN.

"THE JUDICIAL PROCEEDINGS"

THIS IS A DEPRIVATION OF DUE COURSE OF JUSTICE CASE. THE PETITIONER SUCCINCTLY SUMMARIZED THE KEY FACTS CONCERNING THIS EXTRAORDINARY CASE IN HIS STATE HABEAS PETITION AND THE FACTS VEHEMENTLY SUGGEST THAT ZAMMIELLO HAS SUFFERED A SERIOUS DEPRIVATION OF HIS CONSTITUTIONAL RIGHTS AND A DEPRIVATION OF DUE COURSE OF JUSTICE.

THE ALLEGED POLICE SPONSORED AND OPERATED FALSE BURGLARY OCCURRED OVER 20+ YEARS AGO AND SINCE THEN, TO PUT IT IN COLLOQUIAL TERMS, THE CASE HAS BEEN TIED UP IN THE COURTS BUT, IN ABUNDANCE OF CAUTION,

TO VINDICATE THE VIOLATIONS OF MY FUNDAMENTAL CONSTITUTIONAL RIGHTS, i.e., THE RIGHT TO BE FREE FROM ARREST AND PROSECUTION IN THE ABSENCE OF PROBABLE CAUSE OR DUE PROCESS AND TO GIVE THE STATE AN OPPORTUNITY TO CORRECT THEIR OWN ERRORS AND THE PRESENT MISCARRIAGE OF JUSTICE IN THIS CASE,

"IN MARCH 2024, THE PETITIONER FILED HIS STATE HABEAS PETITION UNDER Ch 79, FLA. STATS. (2024), IN THE FLORIDA SUPREME COURT BECAUSE THE DISTRICT COURT OF APPEAL HAD DECLINED TO RULE ON THE ISSUES PRESENTED IN THE PETITION AND THUS, 'THE PETITIONER WAS DENIED HIS CONSTITUTIONAL RIGHT OF ACCESS TO THE COURT' FOR A FAIR OPPORTUNITY TO PRESENT HIS CLAIMS. . " [SEE APPX "A" AT PP. 1 - 2 AND COMPARE TO APPX "B" AT PP. 1-4.

APPX. "C" AT PP. 1-2 AND THEN TO APPX. "D"
AT PP. 1-20, COLLECTIVELY; e.g. cf. ARMSTRONG
-V- MANZO, SUPRA, Id. (1965)(SAME)(HOLDING
THAT: "[T]HE FOURTEENTH AMENDMENT ENTITLES
THE INDIVIDUAL TO A FAIR OPPORTUNITY TO
PRESENT HIS OR HER CLAIMS"). BODDIE - V -
CONNECTICUT, SUPRA, Id. (1971)(SAME). PARRATT
-V- TAYLOR, SUPRA, Id. (1981)(SAME). WOLFF - V -
MCDONNELL, SUPRA, Id. (1974)(FACTUALLY THE
SAME). BOUNDS - V - SMITH, SUPRA, Id. (1977)
(SAME)(REITERATING THAT: "[J]UDICIAL ACCESS
MUST BE "ADEQUATE, EFFECTIVE, AND MEANING-
FUL"). MCKNETT - V - ST. LOUIS & S.F.R. CO.,
SUPRA, Id. (1934)(SAME)(STATING THAT: "[A]
STATE MAY NOT DISCRIMINATE AGAINST RIGHTS
ACCRUING UNDER FEDERAL LAWS"); RYLAND -
V - SHAPIRO, SUPRA, Id. (5th CIR. 1983)(FACTUALLY
THE SAME). ALLEN - V - BUTTERWORTH, SUPRA, Id.
(FLA. 2000)(SAME). SCULL - V - STATE, SUPRA,
Id. (FLA. 1990)(SAME)(QUOTING FLA CONST. ART.
1 sec. 9)). TOPPS - V - STATE, SUPRA, Id. (FLA. 2004)
(FACTUALLY THE SAME)(REITERATING THAT: "[I]N
FLORIDA, "A RULING MUST BE ON THE MERITS
FOR AN ISSUE TO HAVE TRULY BEEN DECIDED
AND THUS PRECLUDE THE CONSIDERATION OF AN

ISSUE ON THE BASIS OF RES JUDICATA") AND QUARLES - V - STATE, SUPRA, Id., (FLA 1ST DCA 2011)(SAME)(QUOTING CH 79, FLORIDA STATUTES)), ARE THE BINDING APPLICABLE AUTHORITIES FOR THE RELIEF SOUGHT HEREIN.

THUS, THE FACTS OF THE CASE AS ALLEGED IN MY STATE HABEAS PETITION VEHEMENTLY SUGGEST THAT ZAMMIELLO HAS SUFFERED A SERIOUS DEPRIVATION OF HIS CONSTITUTIONAL RIGHTS, "WHERE THE PETITION RAISED A NUMBER OF CLAIMS, INCLUDING BUT NOT LIMITED TO THAT: (1) ZAMMIELLO IS ACTUALLY INNOCENT OF THE FALSE BURGLARY AND THAT HIS CONVICTION AND SENTENCE THEREFORE VIOLATED THE 4th AND 14th AMENDMENTS; (2) VARIOUS STATE-LAW CLAIMS AGAINST THE RESPONDENT(S) UNDER 42 U.S.C. SEC. 1983, FOR VIOLATING MY CONSTITUTIONAL RIGHTS; (3) THAT I AM ENTITLED TO IMMEDIATE RELEASE BECAUSE I AM UNLAWFULLY DEPRIVED OF MY LIBERTY AND CONTINUOUSLY ILLEGALLY DETAINED AGAINST MY WILL WITHOUT LAWFUL AUTHORITY; (4) THE IMPROPER PROSECUTORIAL MISCONDUCT AT MY TRIAL, ENTITLES ME TO HABEAS CORPUS RE -

L.I.E.F. . . . etc. . . . etc. . . . " [see APPX. "D" AT PP 1-20 COLLECTIVELY]. THE PETITION WAS SUPPORTED BY NUMEROUS EXHIBIT ATTACHMENTS ATTESTING TO MY INNOCENCE, BUT LO AND BEHOLD, "ALTHOUGH THE STATE WAS OBLIGATED AND REQUIRED TO RESPOND TO THE WRIT BY MAKING A RETURN TO THE COURT, CERTIFYING TO THE CAUSE OF MY UNLAWFUL-ILLEGAL DETENTION AND TO RAISE ANY PROCEDURAL DEFAULT ISSUES,

THE STATE HAS AGAIN FAILED TO ANSWER THE PETITION, HAS FAILED TO MAKE AN APPEARANCE, OR IN ANY WAY RESPOND TO OR DEFEND THE ALLEGATIONS MADE IN THE COMPLAINT AND THUS, THE STATES SHORTCOMINGS 'HAS DEPRIVED ZAMMIELLO OF HIS FEDERALLY-PROTECTED DUE PROCESS RIGHT OF ACCESS TO THE COURTS, TO A FAIR NOTICE AND A REASONABLE OPPORTUNITY TO BE HEARD ALLEGATIONS CONCERNING VIOLATIONS OF FUNDAMENTAL CONSTITUTIONAL RIGHTS' BEFORE JUDGMENT IS RENDERED. . . . " [see APPENDICES "A-D" COLLECTIVELY]; e.g. CF. GRAY-V-NETHERLAND, SUPRA, ID. (1996) (SAME) (HOLDING THAT: "[I]T IS THE OBLIGATION OF THE STATE TO RAISE PROCEDURAL DEFAULT ISSUES")

COLEMAN - V - THOMPSON, SUPRA, Id., (1991) (SAME) (REAFFIRMING THAT: "[T]HE 'FUNDAMENTAL MISCARriage OF JUSTICE' EXCEPTION APPLIES TO PROCEDURALLY DEFAULTED CLAIMS"); MURRAY - V - CARRIER, SUPRA, Id. (1986) (FACTUALLY THE SAME) (REITERATING THAT: "[W]HERE A CONSTITUTIONAL VIOLATION HAS PROBABLY RESULTED IN THE CONVICTION OF ONE WHO IS ACTUALLY INNOCENT PROCEDURAL DEFAULT WILL NOT BAR REVIEW OF CLAIMS"). PARRATT - V - TAYLOR, SUPRA, Id. (1981) (SAME). WOLFF - V - MCDONNELL, SUPRA, Id. (1974) (SAME). ARMSTRONG - V - MANZO, SUPRA, Id. (1965) (SAME). SCULL - V - STATE, SUPRA, Id., (FLA. 1990) (SAME) AND QUARLES - V - STATE, SUPRA, Id. (FLA. 1 ST. DCA 2011) (FACTUALLY THE SAME) (QUOTING ch 79, FLORIDA STATUTES)); see ALSO, MCKNETT - V - ST. LOUIS & S.F.R. CO., SUPRA, Id., (1934) (SAME) (CONCLUDING THAT: "[A] STATE MAY NOT DISCRIMINATE AGAINST RIGHTS ACCR- UING UNDER FEDERAL LAWS"), ARE THE BINDING APPLICABLE AUTHORITIES FOR THE RELIEF SOUGHT HEREIN.

FINALLY, THE PETITIONER CONTENTS THAT ON JUNE 11th 2024, THE FACT-FINDING

PROCEDURE EMPLOYED BY THE STATE COURT DID NOT ADEQUATELY PROVIDE A FULL AND FAIR HEARING AND THUS, "ARBITRARY AND CLEARLY ERRED BY ERRONEOUSLY SUMMARY 'DENYING AS PROCEDURALLY BARRED' ALL MY FACIALLY MERITORIOUS HABEAS CLAIMS AND THE ERROR WAS NOT HARMLESS," AND TO BE SURE,

THE STATE COURT'S ADJUDICATION ON THE MERITS OF MY HABEAS CLAIMS "WAS CONTRARY TO, OR INVOLVED AN UNREASONABLE APPLICATION OF, CLEARLY ESTABLISHED FEDERAL LAW AS DETERMINED BY THIS HONORABLE COURT, AND THUS, 'DID NOT AFFORD PROCEDURAL DUE PROCESS AND DEPARTED FROM THE ESSENTIAL REQUIREMENTS OF LAW AND THEREBY, DISCRIMINATED AGAINST RIGHTS ACCRUING UNDER FEDERAL LAW, RESULTING IN A GROSS MIS-CARRIAGE OF JUSTICE, WHERE THE TOUCHSTONE OF DUE PROCESS IS ZAMMIELLO'S PROTECTION AGAINST ARBITRARY ACTION OF THE FLORIDA GOVERNMENT. . . ." [see ALL APPENDICES "A - D" AND COMPARE TO APPENDICES "E - I" COLLECTIVELY]. e.g. CF. TOWNSEND - V - SAIN, SUPRA, Id, (1963) (SAME). COLEMAN - V - THOMPSON,

SUPRA, Id., (1991)(SAME); MURRAY-V-CARRIER, SUPRA, Id. (1986)(SAME); PARRATT-V-TAYLOR, SUPRA, Id. (1981)(SAME); WOLFF-V-MCDONNELL, SUPRA, Id. (1974)(FACTUALLY THE SAME); ARMSTRONG-V-MANZO, SUPRA, Id. (1965)(SAME); MARTINEZ-V-CALIFORNIA, SUPRA, Id. (1986)(SAME); COUNTY OF SACRAMENTO, -V- LEWIS, SUPRA, Id. (1998)(FACTUALLY THE SAME); BOUNDS-V-SMITH, SUPRA, Id. (1977)(SAME); MCKNETT-V-ST. LOUIS & S.F.R. CO., (1934)(SAME); BELL-V-CITY OF MILWAUKEE, SUPRA, Id. (7th CIR. 1984)(SAME); RYLAND-V-SHAPIRO, SUPRA, Id. (5th CIR. 1983)(SAME); DONALDSON-V-O'CONNOR, SUPRA, Id. (5th CIR. 1974)(FACTUALLY THE SAME); DRAKE-V-PORTUONDO, SUPRA, Id. (2nd CIR. 2009)(SAME)(CITING ANDERSON-V-CITY OF BESSEMER)); RICCIUTI-V-N.Y.C. TRANSIT AUTHORITY, SUPRA, Id. (2nd CIR. 1997)(FACTUALLY THE SAME); BAKER-V-STATE, SUPRA, Id. (FLA. 2004)(SAME)(ANSTEAD, C.J., SPECIALLY CONCURRING)); SCUD-V-STATE, SUPRA, Id., (FLA. 1990)(SAME) AND QUARLES-V-STATE, SUPRA, Id. (FLA. 1st DCA 2011)(FACTUALLY THE SAME)(QUOTING Ch 79, FLORIDA STATUTES)), ARE THE BINDING APPLICABLE AUTHORITIES FOR THE RELIEF SOUGHT HEREIN.

REASONS FOR GRANTING THE PETITION

BECAUSE THE FACTS OF THIS CASE AS ALLEGED IN MY STATE HABEAS PETITION VEHEMENTLY SUGGEST THAT ZAMMIELLO HAS SUFFERED A SERIOUS DEPRIVATION OF HIS CONSTITUTIONAL RIGHTS, WHERE MY CLAIMS OR CAUSE OF ACTION WAS DISCRIMINATED AGAINST SOLELY BECAUSE IT ARISES UNDER FEDERAL STATUTES, THE PETITIONER CONTENDS THAT:

THE FLORIDA SUPREME COURTS ARBITRARY DECISION TO ERRONEOUSLY SUMMARY "DENY AS PROCEDURALLY BARRED" ALL MY HABEAS CLAIMS, RESULTED IN A DECISION THAT "WAS CONTRARY TO, OR INVOLVED AN UNREASONABLE APPLICATION OF, CLEARLY ESTABLISHED, FEDERAL LAW AS DETERMINED BY THIS COURT".

AND THUS, "VIOLATED CLEARLY ESTABLISHED PRICIPLES OF FEDERAL LAW, DID NOT AFFORD PROCEDURAL DUE PROCESS AND DEPARTED FROM THE ESSENTIAL REQUIREMENTS OF LAW, RESULTING IN A GROSS MISCARRIAGE OF JUSTICE AND TO BE SURE, THE STATE COURT'S ARBITRARY DECISION 'DENYING AS PROCEDURALLY

BARRED' ALL MY HABEAS CLAIMS, CONFLICTS WITH THE RELEVANT DECISIONS OF THIS COURT, OTHER UNITED STATES COURT'S OF APPEALS AND OTHER STATE COURT'S OF LAST RESORT, AND SHOULD BE REVIEWED FOR CLEAR ERROR, WHERE THE STATE COURTS' ARBITRARY LEGAL CONCLUSIONS IN DENYING AS PROCEDURALLY BARRED MY HABEAS PETITION AND ITS FACTUAL FINDINGS ARE CLEARLY ERRONEOUS. . " [SEE ALL APPENDICES "A - C" AND COMPARE TO APPX. "D" AT PP. 1 - 20, COLLECTIVELY]; e.g. cf. WILLIAMS - V - TAYLOR, SUPRA, Id. (2000)(SAME). ANDERSON - V - CITY OF BESSEMER, SUPRA, Id. (1986)(FACTUALLY THE SAME). TOWNSEND - V - SAIN, SUPRA, Id. (1963) (SAME)(OVERRULED ON OTHER GROUNDS). COLEMAN - V - THOMPSON, SUPRA, Id. (1991)(SAME). MURRAY - V - CARRIER, SUPRA, Id. (1986)(SAME). MCKNETT - V - ST. LOUIS & S.F.R. CO., (1934)(SAME). WOLFF - V - McDONNELL, SUPRA, Id. (1974)(SAME). BELL - V - CITY OF MILWAUKEE, SUPRA, Id. (7th CIR. 1984) (SAME). BYLAND - V - SHAPIRO, SUPRA, Id. (5th CIR. 1983)(SAME)(CITING BOUNDS - V - SMITH)). DRAKE - V - PORTUONDO, SUPRA, Id. (2nd CIR. 2009)(SAME) (CITING ANDERSON - V - CITY OF BESSEMER)) AND

BICCIUTI - V - N.Y. C. TRANSIT AUTHORITY, SUPRA, Id, (2nd CIR. 1997) (FACTUALLY THE SAME), ARE THE BINDING APPLICABLE AUTHORITIES FOR THE RELIEF SOUGHT HEREIN.

MOREOVER, THE STATE COURT'S ERRED IN ARBITRARY GRANTING SUMMARY JUDGMENT FOR THE RESPONDENT(S) BECAUSE GENUINE ISSUES OF FACT EXIST AS TO WHETHER THE INDIVIDUAL RESPONDENTS [MAUCH, BANKS AND MANETTA] "CONSPIRED WITH EACH OTHER AND KNOWINGLY FABRICATED AND DISTRIBUTED A FALSE CONFESSION TO THE PROSECUTORS" AND ALTHOUGH THE STATE COURT FAILED TO ADDRESS THIS MATTER SPECIFICALLY IN ITS ERRONEOUS "SUMMARY JUDGMENT ORDER, DENYING AS PROCEDURALLY BARRED MY HABEAS PETITION", THE PETITIONER NONETHE- LESS URGES THAT ON THIS ISSUE "SUMMARY JUDG- MENT, DENYING AS PROCEDURALLY BARRED MY HABEAS PETITION" WAS ARBITRARY AND INAPPROPRIATE GRANTED AND THUS, "THE FACT-FINDING PROCEDURE EMPLOYED BY THE FLORIDA SUPREME COURT DID NOT ADEQUATELY PROVIDE A FULL AND FAIR HEARING, DID NOT AFFORD PROCEDURAL DUE PROCESS AND DEPARTED FROM THE ESSENTIAL REQUIREMENTS OF LAW RESULTING IN A GROSS MISCARRIAGE OF JUSTICE

AND THE ERROR WAS NOT HARMLESS. . ." [see ALL APPENDICES "A-D" AND COMPARE TO APPENDICES "E-I" COLLECTIVELY], e.g. CF. TOWNSAND - V - SAIN, SUPRA, Id. (1963) (SAME); ANDERSON - V - CITY OF BESSEMER, SUPRA, Id. (1985) (SAME); BRECHT - V - ABRAHAMSON, SUPRA, Id. (1993) (SAME); WILLIAMS - V - TAYLOR, SUPRA, Id. (2000) (SAME); COLEMAN - V - THOMPSON, SUPRA, Id. (1991) (SAME); MURRAY - V - CARRIER, SUPRA, Id. (1986) (FACTUALLY THE SAME); LEE - V - KEMMA, SUPRA, Id. (2002) (SAME) AND JACKSON - V - VIRGINIA, SUPRA, Id. (1979) (FACTUALLY THE SAME), ARE THE BINDING APPLICABLE AUTHORITIES FOR THE RELIEF SOUGHT HEREIN.

THUS, THE PETITIONER HUMBL Y PRAYS THIS HONORABLE COURT "WILL GRANT CERTIORARI REVIEW, ORDERING THE RESPONDENT(S) TO FILE A BRIEF IN OPPOSITION, TO DECIDE THE CASES PRESENTING ISSUES OF IMPORTANCE AND CONSTITUTIONAL QUESTIONS BEYOND THE PARTICULAR FACTS AND PARTIES INVOLVED" AND,

TO PROMOTE CLARITY IN THE LEGAL STANDARDS FOR OFFICIAL CONDUCT, TO THE BENEFIT OF BOTH THE OFFICERS AND THE GENERAL PUBLIC AND TO PROPERLY BALANCE THE SOCIETAL INTERESTS IN FINALITY, COMITY, AND CONSERVATION OF SCARCE

JUDICIAL RESOURCES WITH THE INDIVIDUAL
INTEREST IN JUSTICE THAT ARISES IN THIS
EXTRAORDINARY CASE, WHERE THE TOUCHSTONE
OF DUE PROCESS IS ZAMMIELLO'S PROTECTION
AGAINST ARBITRARY ACTION OF THE FLORIDA
GOVERNMENT AND THUS, A STATE MAY NOT
DISCRIMINATE AGAINST RIGHTS ACCRUING
UNDER FEDERAL LAWS. . . " SEE E.G. CF.

WILSON - V - LAYNE, SUPRA, Id. (1999)(SAME)(QUOTING
CONN - V - GABBERT)); SCHLUP - V - DELO, SUPRA,
Id., (1995)(FACTUALLY THE SAME)(QUOTING
MURRAY - V - CARRIER)); COLEMAN - V - THOMPSON,
SUPRA, Id (1991)(SAME); PARRATT - V - TAYLOR, SUPRA,
Id. (1981)(SAME)(REITERATING THAT: "[T]HE
FUNDAMENTAL REQUIREMENT OF DUE PROCESS
IS THE OPPORTUNITY TO BE HEARD AND IT
IS THE OPPORTUNITY WHICH MUST BE GRANTED
AT A MEANINGFUL TIME AND IN A MEANINGFUL
MANNER")); ARMSTRONG - V - MANZO, SUPRA, Id.
(1965)(FACTUALLY THE SAME)(QUOTING THE
14th AMENDMENT)); MARTINEZ - V - CALIF -
ORNIA, SUPRA, Id (1986)(SAME)(QUOTING THE
14th AMENDMENT)); COUNTY OF SACRAMENTO

-V- LEWIS, SUPRA, Id. (1998)(SAME)(STATING THAT: "[T]HE TOUCHSTONE OF DUE PROCESS IS PROTECTION OF THE INDIVIDUAL AGAINST ARBITRARY ACTION OF GOVERNMENT"). WOLFF-V- McDONNELL, SUPRA, Id. (1974)(SAME). BOUNDS-V- SMITH, SUPRA, Id. (1977)(SAME). MCKNETT-V- ST. LOUIS & S.F.R. CO, SUPRA, Id. (1934)(FACTUALLY THE SAME)(REITERATING THAT: "[A] STATE MAY NOT DISCRIMINATE AGAINST RIGHTS ACCRUING UNDER FEDERAL LAWS"). BELL-V- CITY OF MILWAUKEE, SUPRA, Id. (7th CIR. 1984)(SAME). RYLAND-V- SHAPIRO, SUPRA, Id. (5th CIR. 1983)(SAME) AND DRAKE-V- PORTUONDO, SUPRA, Id. (2nd CIR. 2009)(FACTUALLY THE SAME)(CITING ANDERSON-V- CITY OF BESSEMER)),

ARE THE BINDING APPLICABLE DECISIONAL LAW AUTHORITIES FOR THE RELIEF SOUGHT HEREIN THE INSTANT PETITION FOR WRIT OF CERTIORARI.

CONCLUSION

WHEREFORE, FOR THE REASONS HEREIN,

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Carmen A. Zamudio, #083535

Date: JULY 12th 2024