

24-5634

No. 24

ORIGINAL

SUPREME COURT OF THE UNITED STATES

Camille A Abboud,

Petitioner,

Vs.

State of Florida, et al

Respondents.

Supreme Court, U.S.
FILED

SEP 17 2024

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*On Petition for a Writ of Certiorari
to the State of Florida DCF,
the Florida Supreme Court,
the U.S. Middle District of Florida,
Fifth District of Appeal, St. Johns
County **AND** the Seventh Judicial
Circuit for the State of Florida*

PETITION FOR A WRIT OF CERTIORARI

Camille A. Abboud
Pro Se Petitioner
100 Audubon Place
Suite 1420
Saint Johns, Florida 32259
Tel.: (720) 480-0090
Fax: (904) 606-6600
E-Mail: camilleabboud2013@gmail.com

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II. Question Presented

Where Florida 7th (Seventh) Judicial Circuit Judges **AND** the U.S. Middle District of Florida **REPEATEDLY VIOLATED** the Petitioner's the US & FL Constitutional, Civil and Fathers' Rights, **MAINLY** in the Order" **Order Determining Respondent to Be Vexatious Litigant AND Ordering Counsel**" issued on **November 13th, 2023**, Instinctively Prejudicial & Intentionally VIOLATING the Petitioner's 6th Amendment as of **February 2nd, 2023**, the Pleadings filed by the Petitioner "For Orders – Social Investigation – Retrieval of Tools of the Trade & Related Items & Documents - THREE prior Court Orders were IGNORED, filed **July 26th, 2023 & October 29th, 2023**, Motions "For the Recusal of Judges" filed **November 14th, 2023**, **AND** Petitioner's Notice/Petition "Objecting to the Destruction of ALL Evidence since **August 30th, 2021** – Date of the Initial Assault", filed **June 16th, 2023 & November 17th, 2023** **AND** Notice/Petition "Objecting to The Pre-Trial Stipulation on **November 21st, 2023**. Then, the U.S. Middle District of Florida – Jacksonville – Division, **on August 28th, 2024**, **"Dismissed With Prejudice"** the Amended Complaint, as Ordered, on August 26th, 2023, again VIOLATING the Plaintiff's Civil, Constitutional and Parenting Rights. The Second Amended Complaint filed against the State of Florida, St. Johns County, the St. Johns Sheriff, the St. Johns State Attorney, the Florida Department of Children & Families (DCF) and the 7th Judicial Circuit Judges for Intentionally & Maliciously VIOLATING the Plaintiff's Civil, Constitutional & Parenting Rights among other Federal Protection Acts. In 1975, the U.S. Supreme Court established, in *Faretta v. California*, that Defendants have a Constitutional Right to Self-Representation, implied in the 6th Amendment, and that Judges **MUST ALLOW** Self-Representation if Defendant are **Competent to Participate** in Criminal Proceedings. **Again**, in 2008, the U.S. Supreme Court stated that the Right of Self-Representation is NOT limited to Criminal Cases **but also applies** to Civil Cases in *Indiana v. Edwards*, declining an invitation to

overrule Faretta, and stated again that the Constitution Guarantees (Criminal and/or Civil) Defendants the Opportunity to Exercise Their Constitutional Rights, mainly the US Constitution' Sixth Amendment for Self-Representation as the Petitioner is a highly educated and Competent **US Citizen**. When the Petitioner "Objected" to the stated above ORDERS in open-recorded Court, invoking HIS Right for Self-Representation & "exposing" the Conspiracy of his prejudiced - accusers (ALL Defendants) mainly after Eight (8) Florida Attorneys had failed to even appeal one Prejudicial Order, at a cost of Over **\$150,000** (Raiding HIS Retirement Accounts), the Highly Educated Competent, US Citizen, himself, filed SIX (6) Florida 5DCA Appeals, FIVE (5) Florida Supreme Court Appeals, Pro Se Civil & Constitutional Federal Claims (ALL involved in this Prejudicial Conspiracy) in Florida's US Middle District, Unconstitutionally & Willfully, Maliciously in "Bad Faith" Dismissed WITH Prejudice, the Amended Federal Complaint for Civil, Constitutional AND Parenting Fathers' Rights. When All Eight (8) Florida Attorneys collectively failed, at a cost of OVER **\$150,000**, to even secure HIS Parental Rights, have "unencumbered" Access to HIS Minor Children, Restoring HIS 2nd Amendment Right, A single visit to the Marital Home to retrieve his personal property, heirlooms, FIVE (5) College Degrees, Eight (8) National Certifications, private-citizens' documents including his OWN US Citizenship Certificate, "tools of his trade", the 7th Judicial Circuit Judges stated in Court: "Your 5 Diplomas & Nuclear Documents, are Now Marital Property! If You Don't like IT, Appeal AND Restore Your Rights in Federal Court!

Under what "Conscious Circumstances or Factors" OR "LEGAL Grounds" DOES a Retired Army Colonel Circuit Judge, "Appointed" Judge by an Elected Florida Governor, AND "Appointed" U.S. Florida Middle District Judges, who ALL SWORE to uphold the US & Florida Constitutions, Intentionally AND Maliciously Violates the Petitioner's Constitutional, Civil and Parenting RIGHTS, who REPEATEDLY invoked his 1st, 2nd, 6th, 7th, 8th, 9th and 14th US Constitutional Amendments' RIGHTS, 18 U.S.C. § 241 & 242, & 42 U.S.C. § 1982 & 1983 AND Various Florida Statutes, Mainly FS 825, 943 & HB 775?

III. List Of Parties AND Related Cases/Orders

- 1. The State of Florida – Cases: 2021-1297-CFMA, 2021-1447-MMMA & 2023-1194-MMMA.**
- 2. 7th Judicial Circuit of the State of Florida – St. Johns County Cases: DR2021-1577, DR2021-1650, CA2022-1450, SP2022-508, CA2022-0295 & CA2023-1513.**
- 3. 5th District of Appeal for the State of Florida – Cases: 5D2023-3383; 5D2023-3455; 5D2023-3463, 5D2023-3482, 5D2024-0799 & 5D2024-0831.**
- 4. The Supreme Court for the State of Florida – Cases: SC2024-0142, SC2024-0143, SC2024-0144, SC2024-0623 & SC2024-1213.**
- 5. The United States Middle District of Florida – Jacksonville Cases: 3:22-CV-01204, 3:22-CV-0305 & 3:23-CV-1060.**

The Petitioner of this Writ Of Certiorari is either the Plaintiff, Respondent, Defendant in all these Above Cases.

The State of Florida – Department of Children & Families (DCF), St. Johns County, the Florida Supreme Court, the United States Middle District of Florida, St. Johns Sheriff, St. Johns State Attorney, Florida Attorney General, the Florida 5th District of Appeal AND the 7th Judicial Circuit for the State of Florida – ALL are Defendants & Respondents herein.

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<i><u>Peters v. Gunn, 33 F. 3d 1190 (9th Cir. 1994)</u></i>	
<i><u>McNeil v. Wisconsin, 501 U.S. 171 (1991)</u></i>	
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VI. Petition For Writ Of Certiorari

Camille A Abboud, an Elderly-Disabled Father was illegally arrested, falsely imprisoned and continually prosecuted without evidence OR Due Process, ever since the assault on August 30th, 2021 that left him with five (5) injuries, three (3) of which are NOW permanent. Intentionally and maliciously, under the color of law, by the State of Florida, St. Johns County Sheriff & State Attorneys continue to VIOLATE his Civil Constitutional & Fathers' Rights leading to a Prejudicial, Inhumane and Barbaric Injunction that currently ONLY "allowed" Supervised Visits with his three (3) Minor Children (Boys) for a Total of Eighty-Five (85) Hours over the Past Three (3+) Years BY the 7th Judicial Circuit of the State of Florida, the Florida 5th District of Appeals AND The U.S. Florida Middle District while "requiring" the Petitioner' to continually "raiding", "pillaging" and "plundering" his Hard-Earned Retirement (Over \$475,000), losing his "highest nuclear security clearance NEEDED to secure gainful employment", while paying Full Florida Child Support, the Entire Mortgage, AND continually ORDERED to PAY his Wife's Divorce Attorneys that "repeatedly drag" an Uncontested Divorce, "exploiting & abusing" Florida's Marsy's Law, the Never-Ending War In Ukraine, Respectfully Petitions this Honorable Court GRANTING the Elderly-Disabled Father WRIT OF CERTIORARI to Request & Review the Continued *Denial/Dismissal Prejudicial Judgments* of ALL the Orders by the *FL 7th Judicial Circuit, the FL 5th District Court of Appeals, the U.S. FL Middle District Court* AND *the FL Supreme Court* as they relate to ALL Cases (DR21-1650, DR21-1577, 5D23-3463, FL SC24-1213 & 3:22-CV-01204) within the State of Florida & The Federal Court since August 30th, 2021 and continues Today!. (See Appendices A, B, C & D).

VII. Opinions Below

The Decision by the Florida 5th District Court of Appeals issued On August 2nd, 2024 (5D23-3463) Denying the Petitioner's "Motion for Oral Argument in Support of the Appellant's Brief" and Subsequently the Florida Supreme Court Dismissing the Petitioner's "Notice To Invoke the Mandatory Review & Jurisdiction of the Florida Supreme Court", issued on August 20th, 2024, AND the IMMEDIATE Dismissal WITH Prejudice, issued on August 30th, 2024, of the Petitioner's Federal Claims (3:22-CV-1204-MMH-MCR) Amended, abiding by the Court's multiple Orders, on July 26th, 2023 (Docketed with the U.S. Middle District of Florida "Case Management Order" on January 19th, 2024) AND Motioned by Mr. Abboud's "Motion for Preliminary Injunction", filed on February 4th, 2024, adding the St. Johns Circuit Judges (DR21-1650 & DR21-1577), the Subjects of the Florida 5th District of Appeal, Five (5) 5DCA Appeals, including 5D23-3463" for Refusal to Recuse themselves (DR21-1650, DR21-1577, 23-1194MMMA), pursuant to Rule 2.330, Florida Rules of Judicial Administration, Filed on November 14th, 2024 and August 28th, 2024, for issuing Intentional, Prejudicial & Unconstitutional Continuous & Unrelenting Orders (With THREATS of Incarceration), mainly recorded "detesting" Pro Se Litigant and/or Respondent starting on March 29th, 2023! As soon as the FL Supreme Court Dismissed the Petitioner's "Notice To Invoke Mandatory Jurisdiction" on August 20th, 2024, the U.S. Middle District of Florida Court "Dismissed WITH Prejudice" the Plaintiff's Second Amended Federal Complaint (3:22-CV-01204-MMH-MCR) on August 30th, 2024 and SUBSEQUENTLY DENYING the Petitioner's In Forma Pauperis on September 5th, 2024! (See Appendices A, B, C & D).

VIII. Jurisdiction

Mr. Abboud's Petition To Invoke Mandatory Jurisdiction of the Florida Supreme Court, Expressly Construes AND Directly Conflict with other Provisions or Decisions of the State of Florida 5th District of Appeal (**5DCA**), the 7th Judicial Circuit Orders AND "Request For Oral Argument" per Florida Appellate Rules Filed July 15th, 2024 (5D23-3463) & (DR21-1650 ORDERS) – that *Was DENIED August 2nd, 2024* in Direct Conflict of Florida Constitution Provisions AND Final Orders as DEFINED under Florida Constitution *Article V, Sections 1-3* AND the Florida Supreme Court Passing upon a Question Certified (U.S. & FL Constitutions) to be of Great Public Importance, filed August 8th, 2024 (SC2024-1213) and Denied on August 20th, 2024. More so, the Second Amended Federal Complaint (3:22-CV-01204-MMH-MCR) filed July 26th, 2023, for Civil, Constitutional & Fathers' Rights Violations and OTHER Federal ACTS' Violations, the U.S. Court "Dismissed With Prejudice" on August 30th, 2024, and subsequently DENIED the Petitioner's IFP with the U.S. 11th Circuit Court of Appeals (24-12820-F), Filed and Docketed September 5th, 2024!

The Petitioner's INVOKES this Court's Jurisdiction under the U.S. Constitution, Article VI, Clause 2 – The Supremacy Clause, Amendments I, II, IV, V, VI, VII, VIII, XIV, AND 18 U.S.C. § 241 & 242, 28 U.S.C. § 1982 & 1983, TIMELY filed this Petition For A Writ Of Certiorari the Continued Denial & Dismissal Prejudicial Judgments of ALL the Orders by the FL 7th Judicial Circuit, FL 5th District Court of Appeals, the U.S. Middle District Court AND the FL Supreme Court as they relate to ALL Cases (DR21-1650, DR21-1577, 5D23-3463, FL SC24-1213 & 3:22-CV-1204) since August 30th, 2021 & continues TODAY!. (See Appendices A, B, C & D).

IX. Constitutional Provisions Involved

United States Constitution, Article VI, Clause 2:

The Supremacy Clause of the Constitution of the United States of America (Article VI, Clause 2) establishes that the U.S. Constitution, Federal Laws made pursuant to it, and treaties made under its AUTHORITY, constitute the "Supreme Law of the Land", and thus take priority over ANY conflicting State Laws.

United States Constitution, Amendment I:

The First Amendment states: "Congress OR State SHALL make no Law respecting an establishment of Religion, or prohibiting the free exercise thereof; or abridging the Freedom of Speech, or of the press; or the Right of the people peaceably to assemble, and to Petition the Government for a Redress of Grievances".

United States Constitution, Amendment II:

The Second Amendment PROTECTS an Individual Right to possess a firearm, and to use that arm for traditionally LAWFUL Purposes, such as SELF-DEFENSE within the Home or Property. Operative Clause: "The right of the people to Keep and Bear Arms shall NOT be infringed.

United States Constitution, Amendment IV:

The Fourth Amendment PROTECTS the RIGHT of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, Shall NOT be violated, and no Warrants shall issue, specifically DESCRIBING the places to be searched and the PEOPLE or things to be SEIZED, but upon probable cause, supported by Oath or Affirmation (18 U.S.C. § 241 & 242). Section 1983 of Title 42 of the U.S. Code (42 U.S.C. § 1983) is a vital part of American Constitutional Law.

United States Constitution, Amendment V:

The Fifth Amendment GUARANTEES the right to a grand jury, forbids “double jeopardy,” and protects against self-incrimination. The Fifth Amendment “Due Process” PROTECTS the U.S. Citizen from self-incrimination, from being deprived of their LIFE, Liberty, OR Property, and allows citizens an opportunity for an UNBIASED TRIBUNAL, the Right to Preserve Evidence, Cross-Examine Witnesses and a Decision based exclusively on the Evidence Presented NOT FABRICATED! Nor shall any person be subject for the same offense to be put *twice in jeopardy* of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation. In modern times, this protection has been most famously represented in the 1966 U.S. Supreme Court ruling *Miranda v. Arizona*.

United States Constitution, Amendment VI:

The Sixth Amendment GRANTS citizens the RIGHT to a jury composed of impartial members drawn from the local community. Convictions in these trials are forbidden unless every element of the crime has been proven beyond a reasonable doubt by the same impartial jury. In ALL Criminal Prosecutions, the Sixth Amendment of the U.S. Constitution PROTECTS the rights of the accused who SHALL enjoy the right to be informed of the nature & cause, a speedy & public trial by an Impartial Jury from the State & District where the crime took place & to confront the witnesses & “question” potential Jurors, BUT additionally FORBIDS “Double Jeopardy”. *Title 42 U.S. § 1983 authorizes Parties to enforce their Federal Constitutional & Statutory Rights, against Defendants who Acted Under Color of State Law.*

United States Constitution, Amendment VII:

The Seventh Amendment EXTENDS the right to a Jury Trial to Federal Civil Cases such as Disputes (False Imprisonment & False Information to Law Enforcement leading to an Arrest & Incarceration) and MOST CIVIL Discrimination Lawsuits and that right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the Common Law (28 U.S.C. § 1982 & 1983 AND 25 C.F.R. § 11.404).

United States Constitution, Amendment VIII:

The Eighth Amendment to the U.S. Constitution PROTECTS against excessive bail, fines, and cruel and unusual punishments. The Eighth Amendment's cruel and unusual punishment provision has been used to challenge prison conditions, such as: overcrowding, extremely unsanitary cells (Covid-Infested St. Johns County Jail), insufficient & inadequate medical care, and deliberate failure by prison officials to protect *injured-elderly-disabled inmates*! The exact definition of cruel and unusual punishment varies from State to State BUT it ALWAYS includes punishments that are Unnecessary, Arbitrary, and/or Overly SEVERE compared to the CRIME!

United States Constitution, Amendment XIV:

The Fourteenth Amendment of the U.S. Constitution GUARANTEES that all persons born OR naturalized in the U.S., 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 U.S. Citizens; 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.

X. Statement of the Case

Over 58 years ago, this Court held in *Miranda v. Arizona* that law enforcement May not interrogate a custodial detainee who has invoked his right to counsel, unless and until counsel is made available to him. *Miranda* holds that the right to counsel is a significant event, and once exercised, "the interrogation must cease until an attorney is present." 384 U.S. 436. On August 30th, 2021, after being assaulted in his home, Mr. Abboud, a cancer-survivor, with a weak immune system, disabled elderly father of three (3) minor boys, was "forcible removed" from his Clinic, albeit the objection of his doctors, "arrested" over "fabricated evidence and false imprisonment and statements by his then attacker" and the St. Johns Sheriff, without access to "proper and essential care for his five (5) injuries (three (3) of which are now Permanent), sent to a "Covid-Infested" jail, again without access to an attorney OR a phone, pain medication, and continued the physical and verbal abuse continued for over two (2) days, arraigned on a broken knee, bleeding kidney, dislocated shoulder and a concussion, by a zealous St. Johns Sheriff, State Attorneys and Circuit Judges, who "levied" the maximum bail as they were convinced that the "Ranting Arab Terrorist who Beats Women" is guilty as charged by the St. Johns Sheriff Deputies. These intentional and malicious violations of Mr. Abboud's Civil, Constitutional, and Fathers' Rights are well documented, starting with the 911 Actual Recording, the deliberate "lack" of "body-cams" RECORDING on the Deputies and at the Jail constitute flagrant, intentional violations of Florida Statutes 741, 817, 825 & 907, Florida HB 241 and 775, the Florida Constitution, Article I, II, mainly Article IV, Section 7(a), the Florida Civil Rights' Act AND the U.S. Constitution Article VI, Clause 2 – The Supremacy Clause, U.S. Constitution Amendments I, II, IV,

V, VI, VII, VIII, XIV and mainly 18 U.S.C. § 241 & 242, 42 U.S.C. § 1982 & 1983, and 25 C.F.R. § 11. 404, as Mr. Abboud's attacker larger & stronger stature "restrained" him "physically", interfering "substantially" with his liberty-escape to seek medical attention! None of these GUARRANTEED Civil & Constitutional Rights' prevented the St. Johns County Sheriff, State Attorneys, the Florida 7th **Judicial Circuit** & Florida 5th **District of Appeal (5DCA)** from turning a "simple request" for Divorce, into a physical, emotional, psychological (living in constant fear from "barrage" of threats) and adverse financial NIGHTMARE that continues today in the State of Florida's ENTIRE Zealot Executive & Court System & "spilling" into the Federal U.S. Middle District by the latest Dismissal in "Bad Faith", by fanatic and radical Federal & State Judges, who intentionally & maliciously "ignore" the U.S. Constitution, Civil & Parenting Rights, overstep their legal authority, and continually "breaching" the Public Trust, disregarding & infringing on Mr. Abboud's Civil, Constitutional and Fathers' Rights, lasting over three (3+) years, of the disabled-elderly, law-abiding citizen, holder of the highest Nuclear Security Clearance by the U.S. NRC! The evidence In Edwards v. Arizona, this Court held that when a custodial detainee has invoked his right to counsel, all subsequent statements, physical and verbal assaults OR "Fabricated Evidence" obtained in violation of Miranda are Constitutionally presumed involuntary and inadmissible once the accused invoked THAT right, 451 U.S. 477 (1981). This Entire Case presents the question of whether the "initiation" standard of the Edwards' Rule is satisfied when officers, state attorneys, judges violated Miranda by "forcibly" removing "a suspect", while seeking Medical Care, & who has unambiguously & persistently invoked HIS Civil, Constitutional Rights to Counsel, Recording and 1st Phone Call!

1. The Conspiracy Assault & Abboud's Incarceration

On the afternoon of August 30th, 2021, as soon as the petitioner, entered the marital home after “engaging” a divorce attorney, the conspirator-wife, who in “concert” with the St. Johns Sheriff's Department (all was uncovered and documented later by recordings, phone calls, emails and texts) had set the “stage” for the “theater” from early February 2021 (when the petitioner first asked for a divorce), that continues today, to viciously attack, with a “heavy backpack –purse”, the disabled-elderly father, leaving him with five (5) injuries – broken right knee, bruised & bleeding right kidney, dislocated and nerve-damaged left shoulder, a blinding concussion and ringing in the left ear, in front of two of his minor children, while the oldest of the two one was taken videos (3-4) of the vicious attack. The subsequent 911 actual recording documented “the *lies – the assailant's own words on the 911 call he threatened me in Arabic, he's violent, take him to jail because he has guns and will kill me and my kids at night*, all the while she was “physically”, forcibly, “restraining” & holding the petitioner “hostage” and from “leaving” the home to seek Medical Care at his clinic for his Multiple Injuries (**False Imprisonment under 25 CFR 11.404**).

That same 911 call then led the St. Johns Sheriff (911 operator, St. Johns Sheriff and deputies Robert Forrest & Sydney Fultz), to “follow” the petitioner to his clinic where he was seeking medical attention, intentionally & maliciously, under the color of law, violating the disabled-elderly's civil & constitutional rights, by “forcibly”, and against the objection of the petitioner's attending physician, to “physically” remove, falsely imprison, physically & verbally abuse the injured disabled-elderly petitioner and under “Oath” obtained the State Attorney's Larizza (Westbrook) and 7th Judicial Circuit

Judge Smith “approval” to send the “Ranting Arab Terrorist” to a Covid-Infested St. Johns County jail, where he was received by “Here comes the Arab that beats women” after he was physically and verbally assaulted by simply asking for a “Phone Call” to call an attorney! The petitioner was arraigned the next day, by Circuit Judge Christine who stated on record, while the petitioner is held up by a supporting cane and a guard, “Reading through your “Indictment” by a the “bigoted sheriff” I AM CONVINCED YOU’RE A VIOLENT PERSON” and levied the maximum bail under FS 741, which prevented the petitioner from talking or communicating with three (3) minor boys from August 30th, 2021 UNTIL December 6th, 2022 (Violations of the U.S. Constitution, the FL Constitution but mainly Federal & State Civil & Parenting RIGHTS!). The “assertion” by Judge Christine of a “violent Arab terrorist”, in front of all “bigoted” guards in jail, kept the petitioner in jail for the next two (2) days without medical care, continually physically (pushing & shoving an injured & bleeding disabled-elderly using a walking cane!) and verbally abusing him (every time he asked for a “phone” so he can “bail” himself out”) until the third day, when two (2) very large St. Johns County Sheriff Detectives continued the “physical” and “verbal” abuse, assaulted him just for asking for a “recorded interrogation” and again “access to an attorney”, it was then that the same female guard offered the petitioner a list of bondsmen & access to a collect-call so he reached his childhood friend to bail him out! Over those three (days), the petitioner’s adult daughter, his relatives from all over the world and his US friends, tried to ask the assailant-wife of his whereabouts to NO AVAIL. Although the State of Florida has “authorized” the use of “body-cams recordings” to their law-enforcement in ALL the sixty-seven (67) counties, the St. Johns Sheriff and deputies, Internal Affairs

(IA), detectives, jail guards DO NOT wear or record any interactions with any Florida Citizen. As a matter of fact, according to St. Johns Sheriff Hardwick, his IAs, State Attorney Larizza, while the petitioner was physically AND verbally assaulted, from the minute he was forcibly removed from his clinic and into the St. Johns JAIL where the abuse continued for THREE (3) days are NOT RECORDED!

Although the Petitioner was assaulted & injured with Intent to Kill by sending a Cancer-Survivor with a weak immune system to “rot” in jail without access to medical treatment or access to pain medication, amounts to NOTHING else but “attempted murder”, which under Florida (FL) Statute (FS) 825 is a 1st Degree Felony punishable by LIFE-IMPRISONMENT! Nonetheless, the St. Johns County Sheriff & State Attorneys, charged the injured disabled-elderly petitioner with a Felony under FS 741, leading to lose his “exclusive” nuclear clearance & to secure a well-deserved & gainful employment for the benefit of his minor children, ALL under the “disguise” and “Conspiracy” of Marsy’s Law! The Intentional, Malicious and Criminal Acts Committed BY ALL Involved violating his RIGHTS under FS 741, 817, 825 & 907, as well as FL HB 241 & 775 (Parenting Rights), deliberately & maliciously violating the petitioner’s Civil, Constitutional & Parenting Rights (U.S. & FL Statutes) AND THEFT (ERISA Violations of over \$1 Mil so far) by the State of Florida, FL Governor, FL AG, FL State Attorneys, St. Johns Sheriff, FL DCF, FL FDLE, FL 7th Judicial Circuit & 5th District of Appeals, FL Supreme Court AND the U.S. Middle District of Florida Court & Judges, are well documented & recorded for three (3+) years but “more cruelly” imposing a Cruel Final Injunction “allowing” the disabled-father to see his life-children-existence, Eighty-Five (85) Total Hours in a “supervised” setting over the past THREE (3+) YEARS!.

2. Direct State & Federal Civil Lawsuits AND Appeals of Prejudicial Unconstitutional Injunctions & Orders

Ever since, August 30th, 2021, after the vicious and cruel assault that caused and continue to cause permanent injuries, and over the past three (3+) years, the disabled-elderly father-respondent-plaintiff and petitioner, constantly & firmly renewed his argument that his Constitutional, Civil & Parenting Rights were intentionally, maliciously and willfully were, and Continue Today, violated when the officers illegally and against his will and the objection of his then doctor falsely accused and “cruelly arrested” him just because “he was labeled a Ranting Arab Terrorist”, cruelly ignoring his pleas for pain from his then five (5) injuries, with a bleeding right kidney, broken & swollen right knee, permanently nerve-damaged left shoulder, loss of hearing, double vision and a debilitating and blinding headache. None of these CRIMINAL Acts by the Petitioner’s attacker & accusers, documented and recorded by five (5) doctors, (including his Oncologist, as a weakened immune-system as a Cancer survivor, less than few months prior), seemed to “impress” upon bigoted and racist Sheriff Deputies (Hardwick and 13 of his deputies), Florida State Attorney (Larizza & his 7 ASAs and Florida 7th Judicial Circuit Judges (Smith, Christine, Anthony, Ferebee, McGillin, Maltz, Blocker and Woolsey) and ALL sent the “Ranting Arab Terrorist who beats women” to a Covid-Infested Florida’s St. Johns County Jail where he was falsely imprisoned, physically and verbally abused by his Guards for the next three (3) Days, without Due Process, Access to Evidence & Witnesses, Access to a COMPETENT Attorney, Recorded Interviews and/or Medical Treatment! The cruel, sadistic and barbaric treatment of a documented

disabled-elderly father, a LEGAL & Law-Abiding US Citizen for over forty-two (42) years, holder of the highest nuclear security clearance, “move” or ”impress upon” ANY of these Criminals from intentionally, maliciously and cruelly filed, over the past THREE (3+) YEARS, and continues TODAY, multiple “criminal” and “unlawful”, in DIRECT, Willful, Malicious and Intentional U.S. Constitution Article VI – Supremacy Clause 2, U.S. Constitution (1st, 2nd, 4th, 5th, 6th, 8th, 14th Amendments), Florida Constitution Article I, Sections 2,3, 4, 8, 9, 11, 12, 16 & 17, Florida Article II, Section 8, Florida Article IV, Section 7(a), 18 U.S.C. § 241 & 242, 42 U.S.C. § 1982 & 1983, 25 CFR § 11.404 – False Imprisonment, Florida Civil Rights Act (1992), Florida Statutes 741, 817, 825 & 907, Florida HB 241 (2021)–Parents’ Bill of Rights, Florida HB 775 (2023)–Shared Parental Responsibilities, Elder Justice Act (2010), Employee Retirement Income Security (1974)–ERISA, Americans with Disabilities Act (1990), Atomic Energy Act (1954) AND the Civil Rights Act (1964), the following Cases in Florida’s 7th Judicial Circuit: **21001297CFMA, 21001447MMMA, DR21-1650, 23001194MMMA, CA22-1450 & DR21-1577 (Terror-Threat with MORE Incarceration)**, LEADING to the Petitioner’s Multiple Appeals in the Florida 5th District Cases: **(5D23-3383, 5D23-3455, 5D23-3463, 5D23-3482, 5D24-0799, 5D24-0831)**, the Florida Supreme Court Cases: **SC24-0142, SC24-0143, SC24-0144, SC24-0623 & SC24-1213**, AND the U.S. Middle District of Florida Case: **3:22-CV0305 & 3:22-CV-1204** AND the United States 11th Circuit of Appeal **24-10547-H & 24-12820-F**; ALL the REASON to Bring About this “Petition Writ of Certiorari with this Honorable Court”!

Ever since *August 30th, 2021* (continues TODAY), the Petitioner’s Legal,

Constitutional & Civil NIGHTMARE began with the INDOLENT AND NEGLIGNET “STAEMENTS - UNDER OATH”, DISMISSAL AND ORDERS by the Florida Governor, the Florida Attorney General, the Florida St. Johns County - Commissioners & Attorneys, Florida St. Johns Sheriff, Florida State Attorney, Florida 7th Judicial Circuit, the Florida Fifth District of Appeal, The Florida Supreme Court (August 20th, 2024) AND the U.S. Middle District of Florida (August 28th & September 5th, 2024) LEADING to Multiple Published Prejudicial, Intentional & Malicious, Violations of the Petitioner’s Civil, Constitutional & Parenting Rights!

Although, ALL the Evidence (Appeals, Motions, Pleadings, Petitions, Documents, Emails, 911 & Court Recordings, Pleadings, Petitions, Motions) were properly filed and documented, the Florida 7th Judicial Circuit Court, the Florida 5th Court of Appeals, the Florida Supreme Court & the Federal U.S. Middle District of Florida, were undeniably, unequivocally & swiftly PROVIDED, ALL these Courts continued the Intentional Abuse of ALL the Constitutional, Civil, & Parenting Rights repeatedly and persistently INVOKED by Abboud’s Right to Counsel, Constitutional Rights for Self-Representation, Due Process, Right to Life, Liberty and Property at Every Hearing and Raised at every Appeal OR INVOKE “The Statute Section 1983 of Title 42 of the U.S. Code (42 U.S.C. § 1983) which is a VITAL part of AMERICAN LAW”!

Mr. Abboud started on August 30th, 2021 and continues TODAY to file and raise ALL HIS CLAIMS through “Briefs, Appendices, Responses, Motions, Petitions and Pleadings as well as Legal Requests for Oral Argument, against ALL

these “Criminals”, per Florida and United States Procedural Rules, posthaste **and well** within the Time Limitations! YET MR. ABBOUD, the Disabled-Elderly Father although filed and petitioned these Elected and Appointed Officials & Courts at a cost of over **\$150,000** by several attorneys including himself as a Pro Se Petitioner, Litigant and Respondent “saw” in a “filthy, supervised” setting, his Minor Boys a “TOTAL OF 85 HOURS” OVER THE PAST THREE (3+) YEARS, as the State and Federal Courts continue these Constitutional Abuses UNABATED and “Claiming” that these CONTINUOUS Petitions **ARE NOT A PARENTAL & CHILDHOOD’ EMERGENCY!**

None of the State or Federal Court EVER HELD that Abboud’s Florida and U.S. Constitutional & Civil Rights ARE BEING VIOLATED in the State of Florida! The Courts, continually, held that **ALL** elected & appointed officials, **DID NOT** owe Mr. Abboud or “are obligated” to allow him to “request, argue or speak in open court”, “represent himself”, “file Federal Claims”, “contact the US Attorney and/or the FBI” AND/OR invoke his Constitutional Rights under Section 1983 of Title 42 of the U.S. Code (42 U.S.C. § 1983). The Statute authorizes private parties to enforce their Federal Constitutional & Statutory Rights, against defendants who acted **under color of state law**: “Section 1983 reads as follows: Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State subjects, or causes to be subjected, ANY CITIZEN of the United States within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution & Laws, **shall be liable to the party injured in an action at law**, whether in State or Federal Court”!

XI. REASONS FOR GRANTING THE WRIT

A. To avoid erroneous deprivations of the right to counsel, this Honorable Court should clarify the "initiation" standard under Edwards AND the Supremacy Clause" that applies when Law Enforcement, State Attorneys & States contact or prosecute a suspect who has previously invoked their right to counsel

In Miranda v. Arizona, 384 U.S. 436 (1966), this Honorable Court adopted a set of prophylactic measures to protect a suspect's Fifth Amendment right to counsel during custodial interrogation. In order to dissipate the "compelling pressures which work to undermine the individual's will to resist and to compel him to speak where he would not otherwise do so freely," 384 U.S. at 467, the police must advise a suspect of his right to counsel and, "[i]f the individual states that he wants an attorney, the interrogation must cease until an attorney is present." 384 U.S. at 474.

Years later, in Edwards v. Arizona, 451 U. S. 477, 484-485 (1981), this Court concluded that when a custodial suspect invokes the right to counsel, self-representation, traditional waiver principles were not sufficient; if a detained suspect has previously requested counsel "additional safeguards" were necessary. 451 U.S., at 484. Under the rule announced in Edwards, when a custodial detainee has invoked his right to counsel, all subsequent statements are presumed involuntary and inadmissible unless the (1) the accused himself initiated further communication, exchanges or conversations with the authorities; and (2) the accused knowingly and intelligently waived the right he had invoked. 451 U.S. 477, 486, n. 9 (1981).

If the police, in JAIL, do subsequently initiate an encounter in the absence of counsel (assuming there has been no significant break in custody), the “suspect's statements” are presumed involuntary and therefore inadmissible as substantive evidence at Trial, even where the suspect executes a waiver and his statements would be considered voluntary under traditional standards. *McNeil v. Wisconsin*, **501 U.S. 171, 177 (1991)**. None of these CONTINUOUSLY INVOKED CONSTITUTIONAL, CIVIL & PARENTING RIGHTS were EVER “allowed” or “permitted” by the Florida 7th Judicial Circuit Court, the Florida 5th District of Appeals, The Florida Supreme Court AND the United States Federal Middle District of Florida!

Although, more than SIXTEEN (16) Months later, after “discovering” a Video in the Florida St. Johns Sheriff’s Office (in their possession since AUGUST 30TH, 2021), the 7th Judicial Court & the Florida State Attorney “Dismissed” the original Cases: 21001297CFMA & 21001447MMMA AND CONSENTED for Mr. Abboud to “Apply & Receive” the “Certificate of Expungement”, pursuant to Florida Statute **943.0585** by the Florida Department of Law Enforcement (FDLE), received on January 30th, 2023, THAT SAME BIGOTED Florida St. Johns County State Attorney, on June 16th, 2023, “accompanied” by the same *Criminal-Attacker of the Petitioner’s*, “revoked his Consent signed MONTHS’ PRIOR, and filed NEW Criminal Charges 23001194MMMA, and CONTNUES TODAY AS OF SEPTEMBER 23rd, 2024, the NEVER-ENDING CONSTITUTIONAL & CIVIL VIOLATIONS’ NIGHTMARE (Direct Intentional and Malicious

Violations of Florida Statute 825 & Florida Rule of Criminal Procedure

3.191 (a) – WITHIN 90 DAYS!), to “Prosecute” (NOW OVER 465 DAYS)

the Disabled-Elderly Father through the same Florida St. Johns County Sheriff & State Attorney as well Florida 7th Judicial Circuit Court of Judges Smith, McGillin, Maltz, Christine & Woolsey!

When Mr. Abboud “petitioned” the Florida 5th District Court of Appeals for ALL the 7th Judicial Circuit Trial Court Orders & Dismissal, although the 5th District Court “accepted” and “filed” Mr. Abboud’s Appeals’ Petitions, Briefs & Appendices BUT, up until today, the Florida 5th District of Appeal “refused” the “Oral Argument” for all his Appeals, and subsequently the Florida Supreme Court AS WELL AS the U.S. Federal Middle District of Florida, DENIED AND DISMISSED, in BAD FAITH AND MERCILESSLY, ALL OF MR. ABBLOUD’S Cases, Appeals, Petitions, Pleadings and Responses, MAINLY HIS CONSTITUTIONAL RIGHTS, Continuously INVOKED starting on August 30th, 2021 and continues TODAY (**THREE + (3) YEARS**) as of September 11th, 2024 (Trial for Incarceration set for **September 23rd, 2024**) are Intentional, Malicious and Willful Violations, “concealed” & “hidden” behind “Sovereign Immunity” AND MARSY’s LAW, ALL UNDER THE COLOR OF LAW!

Nonetheless, NONE of the RESPONDENTS OR COURTS reasoned or initiated Criminal Charges for Theft & Kidnapping, including the Elected Florida Governor and Attorney General, U.S. Justice Department AND/OR the FBI, to restore Mr. Abboud’s U.S. Citizenship Rights as well as HIS “deserved

or “revered” Nuclear Security Clearance issued by the US Government!

ALL the decision by the ALL the Respondents’ Courts ARE plainly Incorrect & Unconstitutional, as they ALL contradicts the bright-line holding of *Miranda, Edwards, Fareta, Gideon, Peters, Monroe & McNeil and the express purpose of these RULINGS!* The rationale of Edwards is that once a suspect indicates that "he is not capable of undergoing [custodial] questioning without advice of counsel," "any subsequent waiver that has come at the authorities' behest, and not at Mr. Abboud's own analytical, instigation and reasoning, is itself the product of the 'inherently compelling pressures' and not the purely voluntary choice of the suspect." **Arizona v. Roberson, 486 U.S. 675, 681 (1988) (citing Edwards, 384 U.S. at 467).**

The present case is a textbook example of the coercive and conspiracy by the Florida St. Johns Sheriff, State Attorney, the 7th Judicial Circuit AND the U.S. Florida Middle District policies and practices that prompted the Edwards Ruling. Despite having clearly invoked his right to counsel, Mr. Abboud, a disabled-elderly, with a weak Immune system was nonetheless falsely-imprisoned, illegally “prohibited” and “forbidden” from seeking medical care for his multiple injuries, “thrown” into a Covid-Infested Jail, with “Criminal” Deputies & Guards, placed in an interrogation room and subjected to additional questioning by Detectives, Investigators, physically and verbally abused for simple asking for an Attorney, Recording and Bail. ALL these Elected and Appointed Officials HAD NO legitimate reason for doing so. Their ONLY excuse is “hiding” behind “Sovereign Immunity” AND the willful “abuse” and

“misuse” of Marsy’s Law against “already prosecuted, judged, juried and executed” for being a “Ranting Arab Terrorist”! None of these Courts proceeded with its intelligent and legal analyses of the State OR Federal LAWS! As this Honorable Court has CONTINUOUSLY cautioned, if a suspect's unambiguous request for counsel must be repeatedly renewed, the suspect may begin to feel that the invocation of the right to counsel is meaningless:

"No authority, and no logic, permits the interrogator to proceed ... on his own terms and as if the defendant had requested nothing, in the hope that the defendant might be induced to say something casting retrospective doubt on his initial statement that he wishes to speak through an attorney or not at all."

Smith v. Illinois, 469 U.S. 91, 98-99 (1984).

The Court of Appeals' & U.S. Florida Middle District erroneous decision circumvents this premise, effectively permitting law enforcement the right to "abuse, badger, prosecute and “execute” ANY defendant into waiving his previously asserted Miranda rights." **McNeil v. Wisconsin**, 501 U.S. 171, 177 (1991). Regardless WHETHER And, regardless whether officers engage in “false –imprisonment & assault, torture and terror” with strong-arm tactics, the rule under Edwards is clear: officers cannot initiate interrogation of a suspect who has invoked their right to counsel and continue intentionally and willfully violate Mr. Abboud’s Constitutional & Civil Rights after his initial and assertion request for counsel, phone and recording were neither equivocal nor ambiguous, and all questioning should have ceased from that moment forward.

This case presents this Honorable Court with an opportunity to clarify the Edwards' "initiation" standard in the face of law enforcement and state & federal actions that violate the Edwards rule. Absent intervention by this Honorable

Court, the Florida 7th Judicial Circuit Court, the Florida Supreme Court, the Florida 5th District of Appeals, and the U.S. Florida Middle District Rulings, Dismissal **AND** Denials will work to undermine the carefully-crafted procedural safeguards that this Honorable Court has spent the past **58 years developing**.

The Statute Section 1983 of Title 42 of the U.S. Code (42 U.S.C. § 1983) is a vital part of American Law. The statute authorizes private parties to enforce their federal constitutional rights, and some federal statutory rights, against defendants who acted under color of state law. **Section 1983** reads as follows: “Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State subjects, or causes to be subjected, any citizen of the United States within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated. **Monroe v. Pape, 365 U.S. 167 (1961)**.

More So, **TITLE 18, U.S.C., SECTION 242** States: “Whoever, under color of any law or statute willfully subjects any person in any State, the deprivation of any RIGHTS, PRIVILEGES OR IMMUNITIES secured or protected by the Constitution OR Laws of the United States, ... shall be fined, **if bodily injury results** from the ACTS committed in violation of this Section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, under this title or imprisoned or both; and if death results from the acts

committed in violation of this section OR if such acts include kidnapping OR an Attempt to Kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, OR may be sentenced to death.

Does a person have a valid cause of action under the Civil Rights Act against Police Officers, State Attorneys, and Judicial Officer OR Elected or Appointed State Actors when they intentionally AND maliciously violate that person's due process, civil, parenting and constitutional rights?

The Honorable Justice William O. Douglas, writing for the majority, stated that the police officers, in conducting an unreasonable search and seizure, had committed an action which was under the color of law, and that the police could be held liable individually under the Civil Rights Act.

More so, the Honorable Justice Johns Marshall, in McCulloch v. Maryland wrote the "The Supremacy Clause of the Unites States Constitution states that the Constitution and the Laws of the United States are the SUPREME LAW OF LAND!"

The Supremacy Clause is a Rule of Decision that resolves Conflicts between Federal & State Laws and is among the Constitution's Most Significant Structural Provisions. More Principally, Prevailing & Foundational, since the United States Constitution was ratified in 1788 with the Supremacy Clause and Primarily from a Statutory Interpretation, the Supremacy Clause's Role, for the Past, Now, is WELL Enshrined and Settled Forever the Future!

XII. CONCLUSION

For the foregoing reasons, Mr. Abboud Respectfully Requests that this Honorable Court ISSUE A Writ Of Certiorari To Review ALL the Judgement **AND** Dismissal by of the Florida Supreme Court, the United States Middle District for Florida, the Florida 5th District of Appeal **AND** the Florida 7th Judicial Circuit Unconstitutional, Continuous and Unabated Prejudicial ORDERS AS PER, Section 1983 of Title 42 of the U.S. Code (42 U.S.C. § 1983), is a vital part of American Law. The Statute authorizes Private Parties to ENFORCE their Federal Constitutional Rights, and some Federal Statutory Rights (as Fathers & Parenting Rights), against ALL Defendants who acted Under the Color of Law, in the Petitioner's Demand For Justice: "For Life, Liberty and the Pursuit of Happiness"!.

Respectfully Submitted **September 17th, 2024.**



Camille A. Abboud

Pro Se Petitioner

100 Audubon Place

Suite 1420

Saint Johns, FL 32259

E-Mail: camilleabboud2013@gmail.com