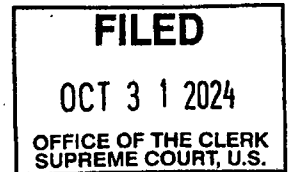


No. 24-5977

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



SAMMY GIBBS — PETITIONER

VS.

RICKY DIXON — RESPONDENT

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

☐ Petitioner has been previously been granted leave to proceed *in forma pauperis* in the following court(s):

SUPREME COURT OF THE UNITED STATES (2016)

GIBBS v JONES

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Samy Gibbs

(Signature)

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, SAMMY GIBBS, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefore; and believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during expected the past 12 months		Amount next month	
	You	Spouse	You	Spouse
Employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify):	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>

Total monthly income: \$ 0 \$ 0 \$ 0 \$ 0

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Gross Monthly Pay	Employment
<u>INCERATED</u>	<u>SOUTH BAY FL</u>	<u>\$ 0</u>	<u>\$ 0</u>
<u> </u>	<u> </u>	<u>\$</u>	<u>\$</u>
<u> </u>	<u> </u>	<u>\$</u>	<u>\$</u>

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Gross Monthly Pay	Employment
<u>NONE</u>	<u> </u>	<u>\$ 0</u>	<u>\$ 0</u>
<u> </u>	<u> </u>	<u>\$</u>	<u>\$</u>
<u> </u>	<u> </u>	<u>\$</u>	<u>\$</u>

4. How much cash do you and your spouse have? \$ 0

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of account	Amount you have	Amount your spouse has
<u> </u>	<u> </u>	<u>\$ 0</u>	<u>\$ 0</u>
<u> </u>	<u> </u>	<u>\$ 0</u>	<u>\$ 0</u>

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☒ Home
Value 0

☒ Other real estate
Value 0

☒ Motor Vehicle #1
Year, make & model
Value 0

☒ Motor Vehicle #2
Year, make & model
Value 0

☒ Other assets
Description 0

Value 0

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or	Amount owed to you	Amount owed to your spouse your spouse money
NONE	\$ 0	\$ 0
	\$	\$
	\$	\$

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
NONE		

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent of home-mortgage payment	\$ <u>0</u>	\$ <u>0</u>
(include lot rented for mobile home)		
Are real estate taxes included?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Is property insurance included?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Utilities (electricity, heating fuel,
water, sewer, and telephone) \$ 0 \$ 0

Home maintenance (repairs and upkeep) \$ 0 \$ 0

Food \$ 0 \$ 0

Clothing \$ 0 \$ 0

Laundry and dry-cleaning \$ 0 \$ 0

Medical and dental expenses \$ 5 \$ 0

You Your spouse

Transportation (not including motor vehicle payments) \$ 0 \$ 0

Recreation, entertainment, newspapers, magazines, etc. \$ 0 \$ 0

Insurance (not deducted from wages or included in mortgage payments)

Homeowner's or renter's \$ 0 \$ 0

Life \$ 0 \$ 0

Health \$ 0 \$ 0

Motor Vehicle \$ 0 \$ 0

Other: _____ \$ 0 \$ 0

Taxes (not deducted from wages or included in mortgage payments)

(specify): NONE

Installment payments

Motor Vehicle \$ 0 \$ 0

Credit card(s) \$ 0 \$ 0

Department store(s) \$ 0 \$ 0

Other: _____ \$ 0 \$ 0

Alimony, maintenance, and support paid to others \$ 0 \$ 0

Regular expenses for operation of business, profession,
or farm (attach detailed statement) \$ 0 \$ 0

Other (specify): _____ \$ 0 \$ 0

Total monthly expenses: \$ 5 \$ 0

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months? ☐ Yes ☒ No. If yes, describe on an attached sheet.

10. Have you paid or will you be paying - an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid - or will you be paying - anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the compensation of this form?

☐ Yes ☒ No

If yes, how much? _____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case. *Have worked for gain time and not money for the past 38 years of incarceration*

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: *October 31*, 20*24*.

Sunny L. L. L.

(Signature)

APPENDIX - A

3/6/24

THE SUPREME COURT OF FLORIDA

QUINIQUIUS TURNER,
Petitioner,

VS.

Case No.: _____

RICKY W. DIXON,
Respondent,
_____ /

PETITION FOR EXTRAORDINARY RELIEF

COMES NOW, Quinikius Turner, (sister) on behalf of Sammy Gibbs, inmate #580345 pursuant to Florida Constitution Article 1, Section 13. (See also) Seccia v. Wainwright, 487 So.2d 1156, 1157 (1st DCA 1986) See Wood v. Cochean, 118 So.2d 198 (Fla. 1960)

- 1) Gibbs is currently in custody pursuant to this court's ruling in Sullivan v. State ex. Rel. McCrory, 49 So.2d 794 (Fla. 1951).
- 2) By affidavit or evidence Gibbs will establish probable cause that he is detained without lawful authority against his will. (See also) Smith v. Kearney, 802 So.2d 387 (4th DCA 2001). See Sneed v. Mayo, 66 So.2d 865, 879 (Fla. 1953)
- 3) Judge Wilson Lamar Bailey was disqualified pursuant to the mandatory language set-forth in Code of Judicial Canon 3E (1)(d)(i) all orders had no legal force.

THE FACTS

THE TRIAL JUDGE WITHHELD INFORMATION THAT HE
WAS RELATED TO THE VICTIM'S FAMILY IN THIS CASE
WITHIN THE THIRD DEGREE.

By failing to disqualify himself he violated the code of judicial conduct, canon 3.E (1) **disqualification and disclosure**. A judge shall disqualify himself in any proceeding in which disqualification is required by law. This court held that under our statute of disqualifications a judge could not sit in a cause in which he would be excluded from being a jury by reason of interest, consanguinity, or affinity to either of the parties. (See Power v Chillingworth, 93 Fla. 1030, 113 So.2 80 (1927). A judge is obligated by the code of judicial conduct to enter an order of disqualification if the judge or the judge's spouse or a person within the third degree of relationship to either is a party to the proceeding, even if a party has not filed a motion for disqualification.

Judge W. L. Bailey (Wilson Lamar Bailey) grandfather David Samuel Bailey is the uncle of John Bailey Jr. whose wife is Elizabeth Peacock. Amaziah Peacock is Elizabeth Peacock's uncle and the grandfather of the victim James Peacock III. Therefore Judge Bailey is related within the third degree to the victim's grandfather Amaziah Peacock and within the third degree to the victim's father. This information was recently obtained by going through the records found on www.littletownmart.com. (family history of Judge Wilson Lamar Bailey)

By failing to disqualify himself Judge Wilson Lamar Bailey violated the code of judicial conduct and legal ethic. Judge Wilson Lamar Bailey could not sit as a judge in a cause in which he would be excluded from being a juror by reason of interest, consanguinity, or affinity to either of the parties. Villaneuva v. State, 127 Fla. 724; 173 So. 906 (1937).

Pursuant to the Code of Judicial conduct Canon 3 E(1) a judge shall disqualify himself in a proceeding in which the judge's impartiality might reasonably be questioned. The record in this case shows Judge Wilson Lamar Bailey from the bench calls the name and relation of James A. Peacock Jr. family (App. A)

THE COURT: Mrs. Marion Peacock, you're the wife of James Peacock? (App. B)

LAURIE HOLLEY: you're the daughter of James and Marion Peacock? (App. B)

LISA BRISTOL: you're the daughter of James Peacock, App-B.

LYNN RYALS: your testimony be any different than what your father gave? App. B.

DANNY RYALS: you're the son-in-law of James Peacock, App. B,

RHETT GOLDEN: you are the son of Mrs. Marion Peacock step-son of James Peacock your testimony be any different than.

Yes, sir. App. B

MIKE HOLLEY: you're the son-in-law of James Peacock. App. C

THE COURT: one question, do any of you know of any member of the Peacock family that attended the trial other than Hope that's not present? App. D

A WITNESS: My wife.

THE COURT: Your wife, okay. She attended one day, I believe. Was she in your presence all the time that she was there, Grant? App. C, here the judge uses a nickname. This familiarity with the parties family originated in a source outside the case itself, violating the code of judicial ethics. A judge is disqualified whenever the judge's impartiality might reasonably be questioned regardless of whether any of the specific rules in Fla. Code Judicial Conduct Canon 3. E (1). Florida Case law indicates that the appearance of impartiality is as detrimental to legal proceedings as the judge's actual impartiality. See Livingston v. State, 441 So.2d 1083, 1086 (Fla. 1983) (finding that the neutrality of judges is a grave concern even as to perception); Aetna Life & Ca. Co. v. Thorn, 319 So.2d 82 (Fla. 3rd DCA 1975) ("A judge occupies such a particular position in the affairs of other men that not only must be free of evil intent but he must also avoid the appearance of evil."); Anderson v. State, 287 So.2d 322 (Fla. 1st DCA 1973) ("A judge must not only be impartial, but he should leave the impression of his impartiality upon all who attend court... the appearance of an absolute impartiality is essential. There must be no taint of any lack of objectiveness in all acts of a judge.") See also Fuster-Escalono v. Wisotsky, 781 So.2d 1083 (Fla. 2000) (opining that a judge may not sit in an action where his neutrality is questioned or shadowed).

Judge Bailey's neutrality or impartiality might reasonably be questioned because of his participation in determining rather the family had contact with the jury before they reached a verdict. One of the most basic tenets of Florida law is the requirement that all proceedings affecting life, liberty, or property must be conducted according to due process. (See Scull v. State, 569 So.2d 1251, 1252 (Fla. 1990) also see Article 1, 9 Fla. Const. Gibbs' detention is unlawful.

. First the judge initiates his own ore tenus motion. App D.

THE COURT: Do you have any objection of an ore tenus motion of this time amendment at this time.

MR. KNIGHT: No objection, Judge.

MR. GRIFFITH: **Judge, I'm not prepared at this time to go forward with the motion as amended.** I'm requesting authority to amend the motion to state additional grounds and to be given a reasonable period of time. Since I just found out this morning, **I don't have a witness here to testify** to state additional grounds and a short period of time in which to investigate and go ahead and establish the ground stated.

THE COURT: I believe I see every member of the Peacock family that I remember seeing in trial with the exception of one daughter that I do not see in the audience. I think that everyone that attended any part of the trial is present in the courtroom with the exception of Hope. I think I'm going to systematically bring all the people on the front row up here for a very brief short question session at this time. (Showing partiality and bias for the Peacocks)

From the bench the court on his own called out and questioned the following members of the Peacock family by name and relation.

- 1) James Peacock Jr.;
- 2) Marion Peacock, wife of James;
- 3) Laurie Holley, daughter of James & Marion;
- 4) Lisa Bristol, daughter of James;
- 5) Lynn Ryals, daughter of James;
- 6) Danny Ryals, son-in-law of James;
- 7) Rhett Golden, son of Marion Peacock;
- 8) Mike Holley, son-in-law of James.

The judge also makes mention of a 9th member he calls Hope. (See attached App.) Code of Judicial Canon 3, C (1) provides that a judge shall disqualify himself in a proceeding in which his impartiality might reasonably be questioned as here where Judge Bailey addressed the names of nine members of the Peacock family. With the help of the information contained on www.littletownmort.com it was discovered that Judge Wilson Lamar Bailey is related within the third degree to the Peacock family and violated the canon of judicial ethics and the code of judicial conduct, canon 3, E (1) a judge **shall** disqualify himself in any proceeding in which the judge's impartiality might reasonably be questioned including but not limited to instances where, (d) the judge or the judge's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person: (1) is a party to the proceeding, (iii) is known by the judge to have more than de minimis interest that could be substantially affected by the proceeding; Canon 3, B (1) a judge shall hear and decide matters assigned to the judge **except those in which disqualification is required**, Gibbs is illegally detained against his will and unlawfully deprived of his liberty.

Judge Bailey was disqualified pursuant to the mandatory language set-forth in Code of Judicial Conduct Canon 3E (1) (d)(i) "the judge shall disqualify himself." This failure to follow the guidelines of the Code of Judicial conduct renders judge Wilson Lamar Bailey's actions no longer a judicial act but an individual act. As these acts represent their own prejudices and bias goals, Judge Wilson Lamar Bailey lost subject matter jurisdiction and all his orders are void, and of no legal force.

NATURE OF RELIEF SOUGHT

Gibbs is entitled to immediate release from this unlawful detention in the Florida Department of Corrections and any other relief that brings an immediate end to this suffering and deprivation illegally of liberty. It is the responsibility of the court to brush aside formal technicalities and issue such appropriate orders as will do justice in correcting this void judgment.

/s/ _____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a true and correct copy of the foregoing has been placed in the hands of South Bay Correctional Facility officials for U.S. mailing to: Clerk of the Florida Supreme Court, pursuant to rules of civil procedure rule 1.070 (b), c/o Ricky Dixon, 501 South Calhoun Street, Tallahassee, Fl. 32311. This ____ day of March 2024.

/s/ _____

NOTARY PUBLIC

STATE OF FLORIDA

COUNTY OF LEON

The following instrument was acknowledged before me this ____ day of _____, 20____.

NOTARY PUBLIC, STATE OF FLORIDA

____ Personally Known

____ Produced Identification

Typed of identification produced _____