NO. 24-6074

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

COREY ROGERS-PETITIONER,

VS.

RICKY D. DIXON, SECRETARY DEPARTMENT OF CORRECTIONS, STATE OF FLORIDA

RESPONDENT (S)

ON PETITION FOR WRIT OF CERTIORARI TO

THE First District Court Of Appeal's

PETITION FOR WRIT OF CERTIORARI

Corey Rogers, prose Dc# 894116
Century Correctional Institution
400 Tedder Road
Century Florida 32535

QUESTIONS PRESENTED

Did the Supreme Court of Florida abuse its discretion when it failed to review the case of Corey Rogers vs. Ricky D. Dixon Secretary, Florida Department of Corrections, 380 So. 3d 513 (Fla. 2024) where petitioner's appealed to the First District Court of Appeal State of Florida was decided by being Per Curiam containing a statement or citation establishing a point of law upon which the decision Rests. (Citing) **Persuad vs. State**, 838 So.2d 529; 2003 Fla. Lexis 48; 28 Fla. L. Weekly S 75?

Is it a fundamental error to dismiss a petitioner's petition that alleged that he is being unlawfully detained by the Department of Corrections without lawful authority that deprived him of his liberty and is illegally detained against his will; upon a void indictment handed down by the Grand Jury of the State of Florida that failed to charge all essential elements that constitute, the crime charged, constituting a due process violation of a judgments of conviction and sentence for crimes not charged in the indictment which can be raised at any time? (Citing) **Santana vs. Henry,** 62 So. 3d 1122; 2011 Fla. Lexis 997; 36 Fla. L. Weekly S 191; **Santana vs. Henry,** 12 So. 3d 843, 846 (Fla. 1st DCA 2009)?

LIST OF PARTIES

COREY ROGERS, PRO SE

PETITIONER,

RICKY D. DIXON, SECRETARY DEPARTMENT

OF CORRECTIONS, STATE OF FLORIDA

ASSISTANT ATTORNEY GENERAL COUNSEL

FOR RESPONDENT MICHAEL LAYTON SCHAUB

RESPONDENTS,

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OPINIONS BELOW

The opinion of the highest state court to review the merits appears Appendix **Q** to the petition and **is unpublished**

The opinion of the **First District** Court appears at Appendix **I** to the petition and reported at **380 So. 3d 513 (Fla, 2024)**.

JURISDICTION

The date on which the highest state court decided my case was **August 28th 2024**. A copy of that decision appears at Appendix **Q**.

A timely petition for rehearing was thereafter denied on the following Date: NA and a copy of the order denying rehearing appears at Appendix No: NA an extension of time to file the petition for a Writ of Certiorari was granted to an including NA (date) on NA (date) In Application No: NA a NA. The jurisdiction of this Court is invoked under 28 U .S. C. § 1257 (a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Constitutional Amendment 5th 6th 8th and 14th of the United States Constitution, and Article,1Section. 9 Article,1Section 16 of the Florida Constitution. Florida Rules of Criminal Procedure 3.140(b), 3.140(d), 3.140 (d) (1), 3.140 (k), 3.140(k) (5), 3.140(N), 3.140(O). Florida Statutes 782.04 (1) (a) 775.087 (2)(a)1;775.087 (2)(a) 3; 790.001; Florida Rules of Civil Procedure 1.630, 1.630(e), 1.140,1.630 (d)(5)

STATEMENT OF THE CASE

(1) Petitioner filed a petition in the First Judicial Circuit of Escambia pursuant to Fla. R. Civil. P. 1.630 (Extraordinary Remedies) on July 18th 2022 (See Appendix A).

(2) On November 20th 2022 petitioner then filed a Pro se motion for trial court to issue show cause order to the respondent to respond to petitioner's petition for Writ of Habeas Corpus pursuant to Florida Rules of Civil Procedure 1.630(See Appendix B).

(3) On January 25th 2023 Circuit Judge Jan Shackleford for the first Judicial Circuit in and for Escambia County, Florida issued an

order dismissing petitioner's petition for Writ of Habeas Corpus (See Appendix C).

(4) Petitioner than filed a Notice of Appeal to the Fist District Court of Appeal challenging the order of dismissal of his petition on February 6th ,2023 (See Appendix D).

(5) Petitioner then submits his appellants/petitioners amended Initial Brief (See Appendix F) Stating that the circuit court for Escambia County State of Florida, Erred when dismissing petitioners petition for a Writ of Habeas Corpus filed July 18th 2022, and dismissed on January 25th, 2023 by Circuit Judge Jan Shackleford (due to petitioner is challenging his conviction his argument is not cognizable in a Writ of Habeas Corpus, but is instead appropriately raised in a motion for post conviction relief! In the furtherance, the court stated petitioner asserts that he is being illegally detained because his indictment failed to change all essential elements that constitute the crime charged in the order dismissing petitioner's petition for Writ of Habeas Corpus filed July 18th ,2022.(See Appendix C and A)

(6) In Petitioners petition, petitioner alleged that he is currently being detained by the Department of Corrections' without lawful authority that deprived him of his liberty and is illegally detained against his will. Upon a void Indictment handed down by a Grand Jury of the State of Florida that failed to charge all essential elements that constitute the crime charged, constituting a Due Process violation of a judgment of conviction and sentence for crimes not charged in the Indictment, which can be raised at any time. (See Appendix A) **Blanco vs. Wainwright**, 507 So. 2d 1377 (Fla. 1987).Also citing **Patterson vs. State**, 664 So. 2d 31 (Fla. 4th DCA 1995) ("Rule 3.850 completely superseded habeas corpus as the means of collateral attack of a judgment and sentence in Florida") (See Appendix G page 7) Appellee asserts in its argument on the merits of the answer Brief stating: (Appellants petition appears to argue the second element of premeditated murder is lacking; however the indictment establishes murder is lacking; however the indictment establishes appellant murdered the victim by shooting her with a firearm.) citing to (R. 11-13, 18 of petition that is found at Appendix A.) (See Appendix G and X) page 9

(8) The First District Court of Appeal filed an order Per Curiam Affirmed the Appeal on February 14th 2024 that rested on the statement. (See Appendix I)

(9) Appellant then filed a motion for a rehearing En Banc of an order per curiam affirmed by the First District Court of Appeal. (See Appendix J)

(10) On March 28th 2024 The First District Court of appeal denied Appellants motion for rehearing En Banc that was docket March 21st 2024. (See Appendix K and J)

(11) On April 22nd 2024 Appellate filed Application for Certificate Granting Leave to appeal the intermediate appeal court decision to the intermediate appellate court of the First District Court State of Florida pursuant to Fla. R. App. P. 9.030 (2)(a) of a certified question of law of Great Importance filed in the said court on April 29th 2024. (See Appendix L) Asserting a question of law of a great public importance stating: (In a case tried prior to the decision in **Santana vs. Henry**, 62 So. 3d 1122;2011 (Fla. Lexis 997;36 F. L. W. S 191)"Is it fundamental error to dismiss a petitioners' petition for a Writ of Habeas Corpus where petitioner has alleged that, (he is

currently being detained by the Department of Corrections without lawful authority that deprived him of his liberty and is illegally detained against his will; upon a void indictment handed down by a Grand Jury of the State of Florida that failed to charge all essential elements that constitute the crime charged, constituting a due process violation of a judgment of conviction and sentence for crimes not charged in the Indictment which can be raised at any time?" (See Appendix L page 2 of Application).

(12). On April 22nd 2024 Appellant also filed a letter in support Granting Leave to appeal the intermediate appeal court decision to the intermediate appellate court of the First District Court State of Florida pursuant to Fla. R. App. P. 9.030 (2)(a) of a certified question of law of Great Importance filed in the said court on April 29th 2024 (See Appendix M).

(13) On May 28th 2024 the Supreme Court of Florida issued an order to the petitioner pursuant to Fla. R. App. P. 9.410 giving petitioner a total of (15) days to file a Jurisdictional Brief with appendix in accordance with Florida Rule Appellate procedure 9.1120(d) (See Appendix N).

(14) On June 11th 2024 Petitioner complied to the order issued by the Supreme Court of Florida on May 28th 2024 by submitting his Jurisdictional Brief (See Appendix O).

(15) On July 11th 2024 the Respondent filed its Jurisdictional Brief of Appellee (See Appendix P).

(16) On August 28th 2024 the Florida Supreme Court issued its order denying review with no motion for rehearing will be entertained by the court pursuant to Fla. R. App. P. 9.330 (d) (2). (See Appendix Q).

(17) Comes now petitioner and submits his Writ of Certiorari.

REASON FOR GRANTING PETITION

Is warranted here, due to a Manifest Injustice is clearly shown here by petitioner a denial of due process. **Stephens**, 974 So. 2d at 457-58 **Miller v. State**, 988 So. 2d 138,139 (Fla. 1st DCA 2008) **Lawton v. State**, 731 So. 2d 60, 61 (Fla. 2nd DCA 1999).

Petitioner points out according to chapter 79. Habeas Corpus, 79.01 Application and Writ: states: when any person detained in custody, whether charged with a criminal offense or not, applies to

the Supreme Court or any justice, therefore, or to any District court of appeal or any Judge for Writ of Habeas Corpus and shows by affidavit or evidence probable cause to believe that he or she is detained without lawful authority, the court, justice , or judge to whom such application is made shall grant the writ forthwith, against the person in whose custody the applicant is detained and returnable immediately before any of the courts, justice, or judges as the writ directs. Chapter 79.09 filing of papers; state: Before a circuit judge, the petition and the papers shall be filed with the clerk of the court on which the justice or judge sits.

Petitioner filed a Writ of Habeas Corpus to the First Judicial Circuit of Escambia County, State of Florida pursuant to Fla.R.Civil. P. 1.630 (Extraordinary Remedies) filed on July 18th 2022 (See Appendix A).Being housed at the time at Century Correctional Institution 400 Tedder Road, Century Florida 32535. Petitioner also points out: That the Writ, which literally means," That you have the body" "is a Writ of inquiry and is issued to test the reasons or grounds of restraint and detention". Citing **Santana vs. Henry**, 12 So. 3d 843,846 (Fla. 1st DCA 2009). While the advent

of alternative remedies, such as rule 3.850, Florida Rules of Criminal Procedure, has curtailed the common law prima facie case for extraordinary Writ to allegations of a situation where the law does not otherwise provide an adequate mechanism to obtain relief from illegal detention, the Writ remains available for the rare case in which a prisoner has been provided no adequate or effective way to test the legality of his or her "detention" despite the procedures in Rule "3.850". **Valdez –Garcia v. State**, 965 So. 2d 318,321 (Fla. 2nd DCA 2007). Thus, the propriety of Trial Court's dismissal of a Habeas Corpus complaint depends upon the particular allegations of the complaint and any attachments. However, the determination of whether the complaint states a prima facie case for Habeas Corpus relief is limited to the allegations of the complaint because the complaint constitutes only the record material before the trial court. And in order to state a prima facie case for a Writ of habeas Corpus, the complaint must allege) That the petitioner is currently detained by the Department of Corrections (See Appendix A page (6) of the statement of the case and facts (See also Appendix A page (15) where petitioner makes a showing that he is being housed at Century Correctional Institution 400 Tedder Road Century Florida

32535). And; show, 2) "By affidavit or evidence probable cause to believe that he or, she is detained without lawful authority?" petitioner satisfies the second prong by stating: The petitioner is currently being detained by the Department of Corrections without lawful authority that deprived petitioner of his liberty and is illegally detained against his will. Upon a void Indictment handed down by a Grand Jury of the State of Florida that failed to charged all essential elements that constitute the crime charged constituting a Due Process violation of a judgments of conviction and sentence for crimes not charged in the indictment which can be raised at any time, violating petitioner's right to be free from unlawful detention, prohibiting Due Process of rights that are guaranteed under Article 1 Section 9 Due Process, Article 1 Section 16 Notice of the charges against him and free from cruel and unusual punishment, under the 5th 6th and 14th U. S. C. A. (See Appendix A page 8 of the argument) petitioner also continues to show probable cause of an illegal detention stating: Due to a void Indictment that fails to charge the essential elements of a crime which is a violation of Due Process, Florida Rules of Criminal Procedure 3.140 (d)(1) And that due process of Law requires the state to allege every essential

element when charging a violation of law to provide the accused with sufficient notice of the allegations against him. Article 1 Section 9 Florida Const: **M.F v.State**, 583 So. 2d 1383, 1387 (1991). There is a denial of Due Process when there is a conviction on a charge not made in the information or indictment. See State vs. Gray, 435 So.2d 816, 818 (Fla. 1983) **Thornhill vs. Alabama**, 310 U.S. 88, 60 S.CT. 736, 84 L.Ed. 278 (1940) **DeJonge vs. Oregon**, 299 U.S. 353, 57 S.Ct.255,81 L.Ed 278 (1937).

For an Information to sufficiently advise the accused of the specific crime with which he is charged. See, **Rosin v Anderson**, 155 Fla, 673, 21 So. 2d 143,144 (1945). Generally, the test for granting relief based on a defect in the information is actual prejudice to the fairness of the trial. See, **State vs. Gray**, at 818, (citing), **Lackos v. State**, 339 So. 2d 217 (1976); **Price vs. State**, 995 So. 2d 401, 404 (Fla. 2008) (Emphasis supplied). "An Information is fundamentally defective where it fails to cite a specific section and totally omits an essential element of the crime." **Figeroa vs. State**, 84 So. 3d 1158,1161 (Fla. 2nd DCA 2012) **Knight vs. State**, 253 So. 3d 22 (Fla. 3d 22 (Fla. 3rd DCA 2017) (Finding

error where the charging instrument failed to allege statue violated and essential elements of the crime.) Petitioner also points out the missing elements that would have supported the Indictment had it been charged by the Grand Jury of the State stating: The elements missing from the Indictment which were possession of a firearm during the commission of the crime and use of the firearm Florida Statue 775.087 (2) (a) 3, which also defined in F.S. 790.001, under Florida Criminal Law and Procedure F.S. 775.087 (2)(a) 3 (See Appendix A page 9-18 where petitioner satisfied the second prong in showing a prima facie case entitle to relief). **Smith V. Kearney**, 802 So. 2d 387,389 (Fla. 4th DCA 2001).And "As explained in **Bard v. Wolson**, 687 So.2d 254 (Fla. 1st DCA 1996), the rules of procedure applicable to petitions for the extraordinary Writ of Habeas Corpus are set out in Chapter 79, Florida Statues, and Rule 1.630, Florida Rules of Civil Procedure. If the complaint states a prima facie grounds for relief, the trial court **MUST** ISSUE the Writ, requiring response from the detaining authority, §79.01, Fla. Stat; Fla .R. Civ. P. 1.630(d) (5) **Quarles v. State**, 56 So. 3d 857 (Fla. 1st DCA 2011) (See Appendix A of standard of review page 9) Petitioner points out that the lower tribunal court of Escambia County alleging probable

cause by evidence supporting his argument and according to the Rule of chapter 79.01 application and writ and rule chapter 79.09 filing of papers the trial court of Escambia County erred In dismissing Petitioner's Writ of Habeas Corpus that was filed with the said court on July 18th , 2022 and dismissed on January 25th 2023 "Because petitioner is challenging his conviction, his argument is not cognizable in a petition for Writ of Habeas Corpus but is instead appropriately raised in a motion for post conviction relief. (See Appendix C and Appendix A) where chapter 79.01 Application and Writ; chapter 79.09 filing of papers clearly refutes the lower tribunals court reasons for dismissal of petitioner's petition for a Writ of Habeas Corpus that state prima facie grounds for relief, the trial court **MUST** issue the Writ, requiring response from the detaining authority. 79.01, Fla. Stat. 79.09 Fla. Stat; Fla .R. Civ. P. 1.630(d) (5) See: Quarles v. State, 56 So. 3d 857 (Fla. 1st DCA 2011).

Petitioner then appeals First District Court of Appeal (See Appendix D) (See Appellant's/ petitioners amended initial Brief of Appendix F) In Apelles's answer brief Appellee failed to even address

the merits of chapter 79.01 application an Writ or chapter 79.09 filing of papers that at any time authorizes any person detained in custody, whether charged with a criminal offense or not, applies to the Supreme Court or any justice thereof, or to any district court of appeal or any judge thereof, or to any circuit judge for a Writ of Habeas Corpus and shows by affidavit or evidence probably cause to believe that he or she is detained without lawful authority The court. Justice or Judge to whom such application is made shall grant the Writ forthwith, against the person in whose custody the application is detained and returnable immediately before any of the courts, justices, or judges as the Writ Directs. (See Appendix G) And due to that the First District Court of Appeals upheld the dismissal of petitioner's petition filed with the lower tribunal court of Escambia County, State of Florida on July 18th 2022 and Dismissed January 25th 2023 by circuit judge Jan Shackleford which was clearly a (Miscarriage of Justice) (See Appendix I, A ,C) In the First District Court of appeals order upholding the lower tribunal court's dismissal of petitioner's petition filed of February 14th 2024. (See Appendix I) The District Court of the first Per Curiam with a written statement that reads: "Corey Rogers appeals

the circuit court's order dismissing his petition for Writ of Habeas Corpus. Finding no error by the circuit court, we affirm. See **Baker V. State**, 878 So. 2d 1236, 1246 (Fla. 2004) (Explaining that a trial court may dismiss rather than transfer a Habeas petition when the petitioner seeks relief that "(1) would be untimely if considered as a motion for postconviction relief under rule 3.850 (2) raise clam that could have been raised at trial or if properly preserved, on direct appeal of the judgment and sentence or (3) would be considered a second or successive motion under rule 3.850 that either fails to allege new or different grounds for relief that were known or should have been known at the time the first motion was filed") **Zuluaga vs. Dept of Corrs**, 32 So. 3d 674 (Fla. 1st DCA 2010) **AFFIRMED**. (See Appendix I)

Corey Rogers, Appellant/Petitioner, then files an Appellants Motion for a Rehearing En Banc of an order Per Curiam Affirmed by the First District Court of Appeal in An for the State of Florida pursuant to Fla. R. App. P. 9.330 (a) or 9.331 (See Appendix J).Where Appellant/Petitioner clearly showed a miscarriage of justice stating: "Petitioner contends that the District Court of

Appeal for the First District clearly overlooked or misapprehended controlling points of law in its decision that places the decision of this court (in) direct conflict of a previous ruling by the same District Court of the First District Court of Appeal in **Santana vs. Henry**, 12 So. 3d 843, 2009 Fla. App. Lexis 6652 (Fla. Dist. Ct. App. 1st Dist. 2009) (That this was antithetical to the purpose and fundamental importance of the Writ The nature of the Writ demanded that it be administered with the initiative and flexibility essential to insure that miscarriages of justice within its reach were surfaced and corrected, when a Habeas petition, alleging that the petitioner was entitled to immediate release set out plausible reasons and a specific factual basis in some detail, the custodian should have been required to respond to it. The Supreme Court of Florida recognized the necessity of informality and tolerance as to the pleading REQUIREments for the habeas writ. Neither the right to writ nor the right to be discharged from custody in a proper case was made to depend on meticulous observance of the rules of pleading. A habeas petition in which a prisoner was seeking immediate release may not have been dismissed based on the petitioner's failure to allege exhaustion of administrative remedies

where such failure has not been raised by the parties. (See Santana vs. Henry, 62 So. 3d 1122; 2011 Fla. Lexis 997; 36 F. L. W. S 191) The constitution of the United States provides that the privilege of the Writ of Habeas corpus shall not be suspended except in certain circumstances. U. S. Const. Art. 1, 9 Para. 2.

The Supreme Court of Florida has emphasized this need for informality repeatedly. Historically, habeas Corpus is a high prerogative Writ; it is as old as the common law itself and is in an integral part of our own democratic process. The procedure for granting of this particular writ is not to be circumscribed by hard and fast rules of technicalities, which often accompany our consideration of other processes. If it appears to a court of competent jurisdiction that a man is being illegally restrained of his liberty it is the responsibilities of the court to brush aside formal technicalities and issue such appropriate orders as will do justice. In habeas corpus the niceties of the procedure are not anywhere near as important as the determination of the ultimate question as to the legality of the restraint. The Supreme Court of Florida has gone so far as to rule that no formal application for habeas corpus

is required (See **Santana vs. Henry**, 62 So. 3d 1122; 2011 Fla. Lexis 997; 36 F. L. W. S 191). (See Appendix J page 3-4)

On March 28th 2024, the First District Court of Appeal denies the motion for rehearing En Banc docketed March 21st 2024 (See Appendix K and J) Another Miscarriage of justice has been shown by the petitioner...

Appellant/Petitioner files an application for certificate granting leave to appeal the intermediate appeal court decision to the intermediate appellate court of the Fist District appellate court state of Florida pursuant to Fla. R. App. P. 9.030 (2) (A)of a certified question of law of great public importance (See Appendix L).

Also Appellant/ Petitioner files a letter in support of application for certificate granting leave to appeal the intermediate appeal court decision to the intermediate appellate court of the Fist District appellate court state of Florida pursuant to Fla. R. App. P. 9.030 (2) (A)of a certified question of law of great public importance (See Appendix M)

Petitioner then files a Jurisdictional brief (See Appendix O) Stating: This court should exercise its discretion to decide this important and oft-litigated issue regarding a dismissal of petitioner's petition for a writ of habeas corpus where petitioner was seeking immediate release from an unlawful detainment.

This case is especially important and needs this courts attention for at least two reasons, First, when a petitioner ~~X~~ is seeking immediate release the petition may not be dismissed on an-assumed pleading no party has raised citing **Santana vs. Henry**, 62 So. 3d 1122; 2011 Fla. Lexis 997; 36 F. L. W. S 191.

Second, A conviction on a charge not made by the indictment or information is a denial of due process and an indictment or information that "wholly omits to allege one or more of the essentials, elements of the crime" cannot support a conviction for that crime. This "is a defect that can be raised at any time before trial, after trial, on appeal, or by habeas corpus." **State vs. Gray**, 435 So.2d 816, 818 (Fla. 1983) **Jaims vs. State**, 51 So. 3d 445,448 (Fla. 2010) **Price vs. State**, 995 So. 2d 401, 404 (Fla. 2008) **Harris**

vs. State, 76 So. 3d 1080.1081 (Fla. 2nd DCA 2011) **Pena vs. State**, 829 So. 2d 289, 292 N.1 (Fla. 2nd DCA 2002).

Also stating Without clarification from this court petitioner will remain illegallydetained without lawful authority that deprived him of his liberty and is illegallydetained against his will;upon a void indictment handed down by a Grand Jury of the State of Florida that failed to charge all essential elements that constitute the crime charged, constituting a Due Process violation of a judgment of conviction and sentence for crimes not charged in the indictment which can be raised at any time.(See Appendix O) (Page 10-12)

On July 11th 2024 the Appellee filed its Jurisdictional Brief of Appellee (See Appendix P). In the Appellee Brief of "Summary of Argument" Appellee stated that: This Court may not exercise its jurisdiction. The First D C A'S opinion effectively per curiam decision with citations to cases that are not pending review in this Court. See **Persaud v. State**, 838 So. 2d 529 (Fla. 2003). Further, the petitioners brief fails to establish that this court has jurisdiction to review the cases (See Appendix P page 7)

The Supreme Court of Florida abused its discretion when it failed to review the case of Corey Rogers vs. Ricky D. Dixon, Secretary Department of Corrections, 380 So. 3d 513 (Fla. 2024) Where the petitioner's order of Appeal to the First District Court of Appeal State of Florida that was Issued February 14th 2024 Per Curiam containing a statement or citation establishing a point of law upon which the decision rests. (Citing) **Persaud vs. State**, 838 So.2d 529; 2003 Fla. Lexis 48; 28 F. L. W. S. 75 (See Appendix I and Q)

A case that Appellee relied on for the Supreme Court of Florida to not INVOKE JURISDICTION to review the case of Corey Roger vs. Ricky D. Dixon; where the Appellee states in its summary of argument that "this court may not exercise its jurisdiction. The First District D C A'S opinion is effectively a per curiam decision n with citations to cases that are per curiam decision with citations to cases that are not pending review in this court, See **Persaud vs. State**, 838, So.2d 529;(Fla. 2003) Further, the petitioner's brief fails to establish that this Court has jurisdiction to review the case." (See Appendix p page 7)

Here the petitioner relies on the same exact language by the Supreme Court of Florida **Persaud vs. State**, 838, So.2d 529;(Fla. 2003) that INVOKE JURISDICTION State Court Review (See **Persaud vs. State**, 838, So.2d 529;(Fla. 2003) where it states: "the Supreme Court of Florida discretionary review jurisdiction can be invoked only from a district court decision that expressly addresses a question of law within the four corners of the opinion itself by containing a statement or citation effectively establishing a point of law upon which the decision rests." Which the petitioner clearly has shown the Supreme Court of Florida that the First District Court of Appeals order Per Curiam ON February 14th 2024 decision in case of for the Supreme Court of Florida expressly addresses a question of law within the four corners of the opinion itself containing a statement or citation effectively establishing a point of law upon which the decision RESTS. That according to that language in Persaud by the Supreme Court of Florida that invokes jurisdiction for Appellate review in this Case; for the Supreme Court of Florida abused its discretion when it failed to review the case of Corey Rogers vs. Ricky D. Dixon, Secretary Department of Corrections, 380 So. 3d 513 (Fla. 2024). (See Appendix I and Q)

CONCLUSION

"**Where...** the court finds that a Miscarriage of Justice has occurred, it is responsibility of that court to correct the injustice it if can." Adams v. State, 957 So. 2d 1183, 1186 (Fla. 3rd DCA 2006) see also **Jamason v. State**, 447 So. 2d 892,895 (Fla. 4th DCA 1983) (quoting **Anglin v Mayo**, 88 So. 918,919 (Fla. 1956) (" If it appears to a court of competent jurisdiction that a man is being illegally restrained of his liberty it is the responsibility of the court to brush aside formal technicalities and issue such appropriate orders as will do justice.") Where a Writ of Certiorari should be Granted...

/s/ Corey Rogers

Corey Rogers, prose

Basis for Invoking Jurisdiction

Notifications required by Rule 229.4 (b) or (c) have been made that 28 U. S. C. 2403 (a) may apply and shall be served on the Solicitor General of the United States, Room 5616, Department of Justice , 950 Pennsylvania Ave, N.W. Washington, DC 20530-0001; As defined by 28 U. S. C. 451 pursuant to 28 U. S. C. 2403(a) certified to the Attorney General the fact that the constitutionality of an Act of Congress was drawn into question see Rule 14.1 (e) (v).