

24-6536 No. _____ ORIGINAL

Supreme Court, U.S.
FILED

JAN 14 2025

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Craig Bassett — PETITIONER

(Your Name)

vs.

STATE OF FLORIDA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE FOURTH DISTRICT COURT OF APPEAL, STATE OF FLORIDA

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Craig Bassett

(Your Name)

South Bay Correctional Facility
600 U.S. Hwy. 27 South

(Address)

South Bay, Florida 33493

(City, State, Zip Code)

561-992-9505

(Phone Number)

QUESTIONS PRESENTED

1. Did Justice Gorsuch's dissenting opinion in *Cunningham v. Florida* establish a new precedent that requires retroactive application, or is it a reminder of an existing constitutional principle state courts must honor, and if so, can a violation of the people's power to revise their jury practices be raised at any time under a writ of habeas corpus?
2. Does Florida's standard jury instructions insert the trial judge so far into the province of the jury that they abridge the defendant's Sixth Amendment rights to a jury trial?
3. Did the Judicial branch abrogation of the jury penalty instruction law violate separation of powers and/or invalidate the constitutional integrity of the reduced size six-person jury law in cases that divest the Judge of sentencing discretion?
4. Does a state court violate the Sixth Amendment when it instructs the jury for the purpose of discouraging their pardon powers, especially when misinforming them on the judges sentencing discretion when mandatory minimum sentences apply? SEE: Rule 3.10 (5); It is the Judge's job to determine a proper sentence if the defendant is found guilty.
5. Was the state appellate court's refusal to certify the question of law presented a denial of due process of law guaranteed under the 14th Amendment? (Appendix 'B')

LIST OF PARTIES

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

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	6
CONCLUSION.....	10

INDEX TO APPENDICES

APPENDIX A *Opinion of 4th District Court of Appeals*

APPENDIX B *Denial of rehearing request and certification*

APPENDIX C *Decision of trial court*

APPENDIX D *Decision of Supreme Court*

APPENDIX E *List of standard jury instructions*

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Blakely v. Washington, 124 S.Ct. 2531. (2004)	7
Cunningham v. Florida, 602 U.S. — (2024)	5
Gibson v. State, 721 So2d 363 (Fl. 2DCA 1998).	10
In Re. 3.390(a), 272 So2d 65, (Fl. 1971); 416 So2d 1126 (Fl. 1982); ~ 462 So2d 386, (Fl. 1984)	8
Massey v. David, 979 So2d 193, (Fl. 2008)	5, 8
Ramos v. Louisiana, 140 S. Ct. 1390 (2020).	7
Simmons v. State, 160 So2d 626 (Fl. 1948).	5
Sparf v. U.S. 156 U.S. 51 (1895)	5
U.S. v. Butler, 297 U.S. 11, (1936)	5
Williams v. Florida, 399 U.S. 78 (1970)	4, 6

STATUTES AND RULES

F.5. 913.10	Six-Person Jury Law
F.5. 918.10 (i)	penalty instruction law
Crim. P. Rule 3.270	Six-Person Jury Rule
Crim. P. Rule 3.390 (a)	penalty instruction ban
Standard jury instructions	Appendix E
Crim. P. Rule 3.10	Rules for deliberation Appendix E

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

[] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

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

The opinion of the 15th Judicial Circuit court appears at Appendix C to the petition and is

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

JURISDICTION

[] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

[] No petition for rehearing was timely filed in my case.

[] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.
_____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A _____.
_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[] For cases from **state courts**: *Rule 10 (c)*

The date on which the highest state court decided my case was 10/18/24.
A copy of that decision appears at Appendix D.

[] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.
_____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A _____.
_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

Article III, section 2, U.S. Constitution or 2403 (b)

PRIVILEGED MAIL
LEGAL MAIL

JAN 14 2025

SBCF

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

December 12, 2024

Craig Bassett
#W26112
South Bay Correctional Facility
600 US Hwy 27 South
South Bay, FL 33493

RE: Bassett v. Florida/FL4D No. 2024-1319
Motion addressed to the Florida 4th District Court

Dear Mr. Bassett:

The enclosed documents were received on November 25, 2024. These papers fail to comply with the Rules of this Court and are herewith returned.

You may seek review of a decision only by filing a timely petition for writ of certiorari. The papers you submitted are not construed to be a petition for writ of certiorari. Should you choose to file a petition for writ of certiorari, you must submit the petition within the 90 day time limit allowed under Rule 13 of the Rules of this Court. A Copy of the Rules of this Court and a sample petition for a writ of certiorari are enclosed.

Your case must first be reviewed by a United States court of appeals or by the highest state court in which a decision could be had. 28 USC 1254 and 1257.

Sincerely,
Scott S. Harris, Clerk
By:

Susan Brimpong
(202) 479-3039

Enclosures

*This Facility refuses to give
me access to Copier —
Please Give Rept*

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Florida Constitution:

Article I, Sect 13 ... writ of habeas corpus

Article II, Sect. 3 ... Separation of powers

Article IV, Sect. 2 (2), Supreme Court shall adopt Rules...

Florida Statutes:

F.S. 913.102 ; Six-person jury for non-capital offenses

F.S. 918.10 (2) ; Jury instruction must include the penalty

Florida Judicial Rules:

Crim R.R. 3.270) Six-person jury for non-capital offenses

Crim R.R. 3.390 (2); Jury instruction shall not include penalty
Standard jury instructions ... APPENDIX "E", 3.10 (5)

UNITED STATES CONSTITUTION

Article I, Sect. 9; The writ of habeas corpus shall not be suspended

Article III, Sect. 2; The judicial power shall extend to all cases...

[in which state tribunals cannot be supposed
to be impartial and unbiased. "Fed Papers", No. 80, part 2.]

Article IV, Sect. 4; Every state is guaranteed a Republican form of government.

Amendment VI; A public trial before an impartial jury.

Amendment XIV; A guarantee to the due process and equal protection and
privileges and immunities under Federal laws and constitution.

STATEMENT OF THE CASE

This petitioner sought habeas corpus relief amidst the renewed controversy over the state's six-person jury law. The state trial court claimed it could only obtain jurisdiction if this court made the constitutional principles asserted to apply retroactively. The petitioner complained that the state supreme court actively sacrificed trial fairness on the altar of efficiency to expedite trial processes. His petition explained that it wasn't just the reduced size of the jury that violated the 6th Amendment, but the oppressive jury instructions as well. The judicial abrogation of the jury penalty instruction law to discourage pardons made the trials unconstitutional under both Sixth and Fourteenth Amendments. He explained that when trial judges insert themselves into the province of the jury solely to mitigate their verdict they've corrupted due process. When a trial is conducted according to judicial rules that violate procedural laws it becomes arbitrary by definition and subject to habeas corpus review at any time. (SEE: F.S. 918.10 (1); The jury instruction must include the penalty for the offense charged; corresponding judicial rule 3-390 (a); The judge shall not instruct the jury on the penalty for the offenses charged.) The trial court ruled that it was restrained by the precedent set in Williams v. Florida, 399 U.S. 78 (1970).

On review in the Fourth District Court of Appeal this petitioner argued that because his trial was arbitrary he was entitled to file his claim as a common law writ of habeas corpus. That this right was guaranteed under both state and Federal Constitutions by Alexander Hamilton in "The Federalist Papers" No. 83 at par. 12; "Arbitrary procedures have forever appeared to be the great engines of judicial despotism. Trial by jury, directed by the habeas corpus act are provided for to guard against this." ibid.

Before the appellate Court rendered its opinion on August 15, 2024, Justice Gorsuch certified that the people of Florida have the power to revise their jury practices.

SEE: Curry v. Florida, 602 U.S. (2024).

Gorsuch's opinion has confirmed the appellants assertions that the judicial abrogation of the penalty instruction law was a violation of separation of powers. Upon rehearing he sought certification of the question of great public importance: "Did the abrogation of the penalty instruction law invalidate the constitutional integrity of the six-person jury?" SEE: APPENDIX "B"

The Fourth District Court of Appeal refused to certify the question. SEE: APPENDIX "B"

The state Supreme Court stated it cannot be forced by the legislature to perform a meaningless procedure. SEE:

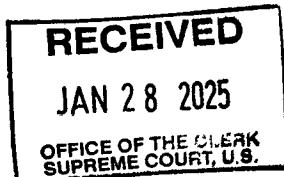
Simmons v. State, 160 So.2d 626 (Fl. 1968); That the legislature cannot encroach on the courts rule making authority. SEE: Massey v. David 979 So.2d 193 (Fl. 2008).

This court claims the judicial branch cannot amend or alter laws. SEE: H. S. v. Butler, 297 U.S. 1 (1936);

Defendants are entitled to verdicts of conscience: Sparf v. U.S. 156 U.S. 51.

Alexander Hamilton claims the legislature has the power to enact rules of court. SEE: "The Federalist Papers" No. 81 at Pp. 8, And that the courts must be bound down by strict rules and procedures governing every case. "PAPER" No. 28, Pp. 21, in order to prevent arbitrary trials.

THIS APPEAL FOLLOWS



REASONS FOR GRANTING THE PETITION

The people of Florida no longer enjoy the protections of the Republican form of Government promised by the Framers of our Federal Constitution under Article IV, Section 4. Not when the procedural laws they enact can be supplanted by a panel of unelected State employees. This petitioner avers that when the Supreme Court abrogated the peremptory instruction law for the sole purpose of discouraging trial jurors from using their pardon powers they set the state on a crash course to fiscal catastrophe. Since the peremptory instruction was eliminated over 14,000 defendants have been convicted and sentenced to life in prison where they will eventually grow old, feeble, and die. The department of corrections will become the overseers of the largest hospice chain in the world. This comes at the estimated cost of seven times the expense of prisoners under G.S. This burden on limited state resources would be unsustainable. It is the duty of this court to ensure the people of Florida retain the power certified by Justice Gorsuch and guaranteed by the Framers of our nations constitution.

The Florida Courts refuse to recognize the writ of habeas corpus as a vehicle to challenge arbitrary trials. Both state and Federal constitutions assure that the privilege of the writ of habeas corpus shall not be suspended. It can only be altered through Constitutional amendment. This petitioner used the writ to challenge his arbitrary trial procedure. The state courts claim the writ can be regulated through enacted procedural time constraints. Not according to Alexander Hamilton.

ARGUMENT

The results driven legal analysis performed by the Williams Court determined that there were no historically

Significant facts supporting the twelve person jury requirement. That the Constitutional Framers had no solid foundation for such a requirement within the Sixth Amendment. They chose to ignore Alexander Hamilton, the factual Chief Framers of the Constitution, who cited Blackstone's commentaries as the authority supporting the structure of the Judicial branch and its limited powers. In "The Federalist Papers" No. 84, at par. 5, Hamilton states: "The observations of the judicious Blackstone are worthy of recital. The truth of every accusation should be confirmed by the unanimous suffrage of twelve of his equals and neighbors, indifferently chosen, and superior to all suspicion... A verdict of Eleven is no verdict at all." To this end it should be noted that in Blackstone's Commentaries on the Laws of England he states that the Writ of Habeas Corpus act is the bulwark of the British Constitution. (Blackstone 343 (1769); Vol. 1, pg 136; Vol. 4, page 438.)

In 2004 alone this court cited Blackstone in Seven Cases. From Blakely v. Washington in 2004 to Ramos v. Louisiana in 2020, Blackstone continues to be the "go-to" source for interpreting fundamental Constitutional Principles. In his commentaries Blackstone covered the entirety of both substantive and procedural English law, public and private. He was successful largely because his lectures, and thus his commentaries, were intended for laymen. His work was not weighed down by excessive professional jargon or the crabbled pedantry of most English law books. The William's Court's decision should be revisited and set aside mainly because the reduced size jury instructions have resulted in unwarranted punishments. (Gibson v. State; juror comment)

JURY PARDONS

State delegate Theophilus Parsons lectured the attendees at the 1788 Massachusetts Constitutional Convention that, "The people themselves have the power effectually to resist government oppression without being driven to an appeal to arms. Let him be considered a criminal by the general government; yet only his fellow citizens can convict him. They are his jury, and if they pronounce him innocent, not all the powers of congress can hurt him. And innocent they certainly will pronounce if the supposed law he resisted or violated was an act of oppression."¹⁴

Justice Gorsuch's opinion is well grounded in the historical records of Alexander Hamilton's "The Federalist Papers". Florida's Supreme Court's practice of abrogating procedural laws without finding them unconstitutional is a clear violation of Hamilton's principles and the court's precedents. The Florida Judiciary operates on the false premise that the role of the jury is solely to determine guilt or innocence; period. In a "Republican Form of Government" the people decide the role of the jury; period. If a decision violates the tenor of the Constitution it is struck down by the courts. The penalty instruction law does not violate the Constitution. SEE: Witherspoon v. Illinois, 391 U.S. 510 (1968) at 519, n.15; Spencer v. Texas, 385 U.S. 554 (1960) at 560; Williams v. New York, 337 U.S. 241 (1949) at 247; McGautha v. California, 402 U.S. 183 (1971) at 196-209; Graziano v. Pennsylvania, 382 U.S. 399 (1966) at 405, n.8; In Re 3,380 (ca), 416 So2d 1126 (Fl. 1982), the Florida Supreme Court finds the legislature cannot encroach on its authority; Massey v. David 979 So2d 193, (Fl. 2008). The court cannot acknowledge the legislative intent by adopting the law and then amending it. In this case the majority of Supreme Court Justices voted against

the advice of chief Justice Boyd and adopted the recommendation to amend Rule 3.390 (a) to contradict the legislative intent. They violated the doctrine of checks and balances to deprive defendants of the availability of a jury pardon. This rendered the doctrine radically flawed. SEE: Ex Re 3.390 (a), 416 So2d 1126 (Fl. 1982); 462 So2d 386 (Fl. 1984); Haygood v. State, 109 So3d 735 (Fl. 2013).

The Florida legislature repealed their supersession law 25-371 because it was an unconstitutional delegation of legislative power. SEE: H.B. Ch. 2012 - 116, effective July 1, 2012. Even so, the state courts still operate under the premise that judicial Rule 3.390 (a) supersedes Statute 918.10 (1). Simply because banning the penalty instruction promotes procedural efficiency. The state courts cannot be expected to be impartial and unbiased in deciding this fundamental issue of constitutional interpretation.

Wherefore, this court should grant certiorari based upon its jurisdiction bestowed upon the court by Alexander Hamilton in, "The Federalist Papers" No. 80, par 2: The Powers of the Judiciary — "The judicial authority of the Union ought to extend ... to all cases in which the state tribunals cannot be supposed to be impartial and unbiased." And at par. 11: "The reasonableness of the agency of the National Courts in cases in which the state tribunals cannot be supposed to be impartial speaks for itself." In this case the judge lied to the jury about having sentencing discretion. Certiorari should be granted and counsel appointed to argue this case before this court. No conviction and sentence should stand if the jury is lied to about their duty.

or their rights as jurors. Florida's standard jury instruction 3.10 and 3.13 is read in capital sexual Battery trials that carry a statutory mandated life without parole sentence. This is a non-violent crime that is prosecuted solely on a hostile victim's testimony that a crime occurred, to wit, #5. It is the Judge's job to determine a proper sentence if the defendant is found guilty. (Appendix E). It was not the judges job in this case. "Your Honor, if I knew that sentence I would not have voted guilty for it!" Capital Sexual Battery trial of Gibson v. State.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Craig Bassett
Craig Bassett W26112
South Bay Correctional Facility
Date: January 11, 2025