

24-7422 ORIGINAL
No.

Supreme Court, U.S.
FILED
NOV 06 2024
OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

In Re Jerome Eric Bivens — PETITIONER
(Your Name)

ON PETITION FOR A WRIT OF HABEAS CORPUS

PETITION FOR WRIT OF HABEAS CORPUS

Jerome Eric Bivens #054717
(Your Name)
South Florida Reception Center - South Unit
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(Address)

Doral, Florida 33178-3014
(City, State, Zip Code)

NYA
(Phone Number)

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BY: AK
OFFICER'S INITIALS

QUESTION(S) PRESENTED

- 1.) Can a Florida trial Court void a State Statute prohibiting a convicted felon from serving as a sworn juror? 40.013 F.S.
- 2.) Can a Florida trial and Appellate Court(s) bar a petitioner from reporting that Judicial officer's of the Court allowed a crime to be committed in order to obtain a conviction?
- 3.) Is presenting documented evidence that a convicted felon was a sworn juror, in violation of 40.013 Florida Statute, a frivolous claim?
- 4.) Would it be a manifest injustice for the Florida Courts and its Judicial officers to continue to avoid the merits and evidence of the sworn juror's criminal and civil history?
- 5.) Does an illegally impaneled jury, void a conviction and or warrants a new trial?
6. Is this issue of a convicted felon on the jury, jury misconduct?

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

Search Result-None

TABLE OF CONTENTS

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

INDEX TO APPENDICES

APPENDIX A -Juror Questionnaire - Juror Criminal History- Of Israel Camacho

APPENDIX B -Court Transcript of Juror Voir Dire

APPENDIX C -Juror Questionnaire of kristine M. Kahn

APPENDIX D -Complaint Letters to The Florida Bar

APPENDIX E -Complaint Letter to The Governor of Florida

APPENDIX F -Response Letters from The Florida Bar

APPENDIX H - Response Letter from The Florida Governor's Office

APPENDIX M - Decision -Supreme Court and Appeal Court of Florida

APPENDIX N - Notice of Courts' Appellate Jurisdiction

Appendix O - United States District Court For The Southern
District Of Florida, Opinion

TABLE OF AUTHORITIES CITED

CASES

CASES	PAGE NUMBER
Craig V. State, 685 So.2d 1224, 1229 (Fla. 1996)	1
State V. Akins, 69 So.3d 261 (Fla 2011)	4
Prince V. State 98 So.3d 768 (Fla. App. 4 Dist. 2012)	4
Anglin V Mayo 88 So.2d 918 (1956 Fla)	Appendix N 3

STATUTES AND RULES

40.013 Florida Statute	1, 4 - Exhibit E 1
839.24 Florida Statute	Exhibit D 2

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF HABEAS CORPUS

Petitioner respectfully prays that a writ of habeas corpus issue.

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 O to the petition and is

[] reported at 2022 U.S. Dist. Lexis 200964 - No. 22-60351; 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 M to the petition and is

[] reported at SC 2024-0732 July 9, 2024; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the 4th DCA July 18, 2024 No written opinion court appears at Appendix M to the petition and is

[] reported at No. 4D 2024-0609; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

JURISDICTION

For cases from **federal courts**: *(None Filed)*

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

No petition for rehearing was timely filed in my case.

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

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

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

For cases from **state courts**:

The date on which the highest state court decided my case was July 7, 2024. A copy of that decision appears at Appendix M.

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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

40.013 Florida Statute - Persons disqualified or excused from jury service:

(1) Convicted felons disqualified

Baker v. State 878 So.2d 1236 (Fla. 2004) the writ of habeas corpus "is enshrined in our Constitution" to be used as a means to correct manifest injustices and its availability for use when all other remedies have been exhausted has served our society well over many centuries

Jamason v. State 447 So.2d 892, 895 (Fla 4th DCA 1983) 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 just justice.

Section 9 Article 1 of the U.S. Constitution.

STATEMENT OF THE CASE
& RULE 20.4(A) STATEMENT

Please see pages 1 and 2 of the attached, "Petition For Writ Of Habeas Corpus," II. Statement Of The Facts, for relevancy, and to keep from being redundant.

On November 20, 2015, the petitioner was convicted by a jury in Broward County, Florida, case number 13-010590-CF 10A; and thereafter, discovered that juror misconduct occurred to-wit, a convicted felon was a sworn juror, in violation of 40.013 F.S., and another juror withheld a material fact, and was also placed on the jury.

Since 2016, the petitioner has tried "pro-se" to bring this miscarriage of justice to the conviction court, the state appeals court, The Florida Supreme Court, even by a letter to the Chief Judge of Broward County, The attorney general's office of Florida, The elected State attorney, and the elected public defender, also by way of a Florida Bar complaint, and all of the aforementioned, simply just ignored the facts and evidence submitted.

No one has yet to address the merits of the claim, refute the claim or even mention the words, "juror misconduct."

The convicted felon deceived the court and the judicial officers by his Juror Questionnaire, as it has been shown in the Arguments presented in the petition for writ of habeas corpus.

The Broward County Clerk of Court's own documents shows and proves that a convicted felon was a sworn juror on this case, and that was a violation of Florida Statute 40.013.

[See Appendix-O- United States District Court For The Southern District Of Florida, Opinion dated November 3, 2022 at 2022 U.S. Dist. Lexis 200964- No: 22-60351- Scola. Petition dismissed as untimely and not on the merits.]

No. _____

PROVIDED TO
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IN THE
SUPREME COURT OF THE UNITED STATES

Jerome Eric Bivens #054717 - Petitioner

VS.

State of Florida, et al - Respondent(s)

PETITION FOR WRIT OF HABEAS CORPUS

Pursuant to any rules of this Court, Jerome Eric Bivens, pro-se petitions the Court for a writ of habeas corpus directed to the respondent, The State of Florida, and shows the Court as follows:

I. BASIS FOR INVOKING JURISDICTION

This Court has jurisdiction under Article III of the Constitution of the United States, if applicable to this pro-se petitioner that claims an exceptional circumstance of a clear manifest injustice and that this Court's discretionary powers and jurisprudence cannot be obtained from any other Court, when once the facts are reviewed that shows, a convicted felon served as a sworn juror, in violation of Florida Law.

II. STATEMENT OF THE FACTS

On November 20, 2015, the petitioner was convicted by a jury in Brevard County, Florida, case number 13-010590-CF10A, and thereafter, discovered that juror misconduct occurred to-wit, a convicted felon was a sworn juror, in violation of 40.013 F.S., and another juror withheld a material fact and was also placed on the jury.

Since 2016, the petitioner has tried "pro-se" to bring this miscarriage of justice to the conviction court, the state appeals court, the Florida Supreme Court, by a letter to the chief judge of Broward County, the attorney general's office of Florida, the elected State Attorney, and the elected Public Defender, also by way of a Florida Bar Complaint, and all of the aforementioned simply just ignored the facts and evidence submitted.

No one has yet to address the merits of the claim, refute the claim or even mention the words, "juror misconduct."

[Please see the attached evidence for relevancy of the claim.]

III. THE NATURE OF THE RELIEF SOUGHT

The nature of the relief sought by this petition is a writ of habeas corpus commanding the respondent to release the petitioner from custody, vacate the judgment and sentence.

IV. ARGUMENT

To keep from being redundant, and having the Court review the argument twice, the petitioner relies on the attached documents and evidence, as his arguments, in which, once reviewed in its totality, one may construe, that a miscarriage of justice, has occurred, that resulted in a manifest injustice, and a unlawfully conviction.

The record will reflect that no judicial officer will address the claim or refute the facts.

This issue is always dismissed or denied using the petitioner's lack of knowledge of the judicial system.

Even the Florida Bar will not address the issue when its clear that three of its members/attorneys will not perform their sworn duties of up holding the law.

A crime was committed in a Florida Courtroom to help convict a citizen, and its just being ignored.

(2)

One must ask, "when is enough, enough!!"

Please review the attachments in their entirety for the facts and the due diligence, and determine what's more important for any Court to decide, whether the method by which the petitioner brings this issue to a Court's attention or the merits of the fact, that a convicted felon was on the jury resulting in juror misconduct, and an illegal detention, that's a continued manifest injustice.

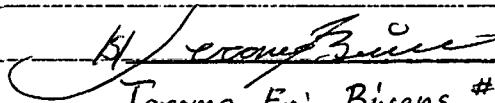
The writ of habeas corpus is enshrined in our Constitution to be used as a means to correct manifest injustices and its availability for use when all other remedies have been exhausted has served our society well over many centuries. If it appears to a court of competent jurisdiction that a man is being 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 just justice.

In this case, it is readily apparent that the system has failed this petitioner, whereby, all the judicial participants that was presented with the facts and evidence herein has failed to perform their official sworn duties.

This case present the uncommon and extraordinary circumstances constituting manifest injustice, where a violation of Florida Law 40.013 E.S., was committed in order to obtain a conviction unfairly.

Again the attached documents, exhibits, and evidence of the past criminal history of the juror shall serve as the petitioner's arguments.

It's past time to balance the uneven scale of justice.


Jerome Eric Bivens #054717

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REASONS FOR GRANTING THE PETITION

The Petitioner was convicted by an illegally impaneled jury, that consisted of a convicted felon, whom was disqualified from service by state law, 40.013 (1) F.S.

For all intent and purpose, a crime was committed in a Florida Courtroom in order to help obtain a conviction.

The constitution guarantees a fair trial, but this trial was not fair, whereby the law was violated in seating a convicted felon, and the facts, evidence, and the merits are just ignored by the Courts and all of its judicial officers.

CONCLUSION

The petition for a writ of habeas corpus should be granted.

Respectfully submitted,
Jerome Eric Bivens


Date: May 20, 2025