

No. 25-5121

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED

JUN 20 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

TORRIS BERNARD HILL — PETITIONER
(Your Name)

vs.

STATE OF FLORIDA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SUPREME COURT OF FLORIDA

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

PETITION FOR WRIT OF CERTIORARI

TORRIS BERNARD HILL

(Your Name)

Hardee C. I. Work Camp
6899 State Road 62

(Address)

Bowling Green, Florida 33834

(City, State, Zip Code)

(Phone Number)

FLORIDA

QUESTION ONE

Was Petitioner's fundamental 5th and 14th Amendment Constitutional due process right violated by the Court when the prosecutor failed to prove prior judgment and sentence to establish by a preponderance of the evidence Fla. Statute 775.082(9)(2)(3)? Therefore sentencing Petitioner to illegally mandatory years as a Prison Releasee Reoffender.

QUESTION TWO

Was Petitioner's fundamental 5th and 14th Amendment Constitutional due process Miranda warning violated by detective Bergen secretly taped recording Mr. Hill when Mr. Hill said, "I do not want be record on tape"?

QUESTION THREE

Was the Petitioner's fundamental 5th and 14th Amendment Constitutional due process right violated by the Trial Court when the prosecutor fingerprint report failed to show Mr. Hill presented at the crime and, therefore fail to prove an element of the crime.

QUESTION FOUR

Was the Petitioner's fundamental 5th and 14th Amendment Constitutional due process right violated

by the court for failing to address nor
giving Mr. Hill at least one opportunity to amend
insufficient claim six and ten; therefore sanctioned
Mr. Hill from filing any pro se motions

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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 is unpublished.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 is unpublished.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 C to the petition and is

reported at SC2025-0035; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ 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.

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_____.

 For cases from **state courts**:

The date on which the highest state court decided my case was March 25, 2025. A copy of that decision appears at Appendix C.

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).

*The Supreme Court of Florida denied Discretionary review on date Tuesday March 25, 2025. Therefore, this a timely motion
See. Appendix C*

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- First Amendment - The 1st Amendment guarantees access to the court; a state court cannot arbitrarily restrict a prisoner from filing unless constitutional protections are observed.
- Fifth Amendment - *Miranda v. Arizona*, 384 U.S. 436 (1966)
- Sixth Amendment - *Crawford v. Washington* 541 U.S. 36 (2004).
- U.S. Amendment Fourteenth - Due Process Clause
- Florida Statutes § 775.082(9)(3) Prison Releasee Reoffender law

STATEMENT OF THE CASE: Question One

December 18, 2003: Petitioner Mr. Hill was arrested on burglary of a 3rd degree felony and incarcerated in Martin County Jail Stuart, Florida

June 20, 2005: At Trial Jurors found Mr. Hill Guilty in case number: 432003CP001639A

Cf 1: Burglary of an Unoccupied

Cf 2: Burglary of an Occupied

July 22, 2005: Petitioner was Sentence to illegal (PRR) consecutive fifteen Years,

SENTENCING HEARING

Petitioner asserts prosecutor Mr. Nina Denton testify that her fingerprint expert cannot prove the fingerprints on the prior judgment and sentence for case # 98-539 CFA of the person being arrested April 15, 1998, and released from Florida Department of Corrections August 20, 2001 matched Petitioner's fingerprints.

MS DENTON: And Judge, if I can respond because I'm very concerned that the Court may have the wrong impression as why I did not seek habitualization. It had nothing to do with this Petitioner. My problem was my fingerprint expert, who is here, cannot ---the fingerprints that we had were old and she could not read them so she could not testify that this was, in fact, the Petitioner.

And it's come to my attention that the files had been destroyed. That, Your Honor, is the only person I did not seek habitualization on him. So I don't want the Court to be left with the impression that the Prosecutor was trying—is trying to cover something up or hiding something. It was a legal reason that I could not prove that he was in fact, who those certified copies of convictions were. I went to the point of looking to see who the defense attorneys were in each case the defense attorney, unfortunately, was deceased. I believe the majority of them were Kent---Kent Matthews. I went and tried to get jail records. I tried everything in my ability and we were working on the jail records to give him sentences as an H.O., but it was—it's not legally possible. See *Appendix D page 487-LN2-24*

STATEMENT OF THE CASE: QUESTION TWO

December 18, 2003. Mr. Hill was sleeping in the back of his girlfriend's car, parked in the employee parking lot at Burger King, Woken up by knocks on the window. The police had the car surrounded and guns with red lights were pointed at Mr. Hill.

The Police yelled, "You under arrested, open the door and come out with your hands up!" Mr. Hill got out of the car and was placed in handcuffs. The Police took Mr. Hill to the Martin County Sheriffs Administration Building and put him in a room. Detective Bergen asked him, "Do you want to be recorded on tape?" Mr. Hill said, "No I don't want to be record on tape."

June 20, 2005. At trial, Detective Bergen testified that he secretly tape recorded Mr. Hill, even though Mr. Hill said, "I do not want to be record on tape." Appendix E page 231-236

STATEMENT OF THE CASE: QUESTION THREE

June 20, 2005. Prosecutor declared fingerprint expert Heidi Gleason in the area of fingerprint examining. Trial lawyer Mr. Rubin didn't ask her any questions. The Court accepted then, that she

80P20

could testify in her area of expertise. Fingerprint expert Heidi Gleason, testified to evidence Exhibit "D" page 230 latent palmprint as the known fingerprint is Torris Hill. *See Appendix F pages 230-340*

August 6, 2007: I filed first 3.850 Motion: Claim Six "Counsel was ineffective for failing to object improperly exhibit to the jury with the fingerprint evidence."

December 14, 2007: Honorable Judge Robert E. Belanger; "Supplemental Order requiring Responsive Pleading 3". In the State's response filed on 11-01-2007, in addressing attached Exhibit "D" to support its argument that the evidence at issue was not improperly exhibited to the jury. However, the copy of the exhibit is not clear, the State must file a clear copy of the exhibit if it is so to serve as the basis for an argument that defendant is not entitled to an evidentiary hearing of the claim. See page 237.

January 11, 2008: State's response to the Court Supplemental Order: The State cannot attach portions of the record to its response to all the points raised in the Supplemental Order and therefore requests that this motion be set for evidentiary hearing.

See *Appendix G page*

April 15, 2009: At the Evidentiary Hearing the State nor appointed counsel brought up about claim six to refute the Judge Supplemental Order.

Order denying 3.850 after hearing claim six denied insufficient pled and despite being given time to address the issue the Defendant has failed to do so. See Appendix H pages 77-83

June 9, 2008 Shows the Court failed to give Defendant at least one opportunity to amend insufficient claim six into facially sufficient, see page 115-117.

The State granted an evidentiary hearing to the judge order, then denying claim six insufficient after the evidentiary hearing. The Court contradicted itself. The Record shows the failure to give at least one opportunity to amend facially sufficient claim. The State evidence Exhibit "D" is not Torris B. Hill fingerprint.

Defended October 24, 2024 Sanctions should issue.
Petitioner Appeal to the Fourth DCA, The Fourth DCA
granted partially defendant's claims.

that trial court must give Petitioner due opportunity to
Spear U. State 91 So.2nd 754, 761-62 (Fla. 2007) (holding
claim ID were not previously adjudicated in these courts,
Petitioner filed a 3,850 disbursement motion claim 6 and
was denied for cause claim 10 already.

Petitioner filed a 3,800(a) final Petition if
and claim ID. Rehearing 3,850 motion was denied,
to the 2nd least due to insufficiency to sustain claim 6
Petitioner filed rehearing as well the court's to

has failed to do so. See. Appendix H pages
being given time to address the issue the Petitioner Mr. Hill
and claim ID was denied insufficiency filed and despite
Deduction 3,850 after hearing motion claim 6
deduct therefore neither affidavit hearing. See Add
to its expense to all be the points raised in the supplemental
Deduction, The State cannot attack portions of the record
January 11, 2008; State's Response to the Court's Supplemental
Petitioner filed this 3,850 motion ID claims.

STATEMENT OF THE CASE: Disbursed

The Fourth DCA Order Petitioner to show cause why sanctions should not be imposed.

November 7, 2024: Petitioner response to 4th DCA Order, see Appendix I

December 12, 2024: Appellant's response 4th DCA determine that sanctions are appropriate the Clerk of this is directed to no longer accept any paper filed by Torris Bernard Hill see, Appendix A

January 7, 2025: Fourth DCA MANDATE. see Appendix J

January 29, 2025: Supreme Court of Florida SC2025-0035

February 12, 2025: Petitioner Filed Jurisdictional Brief.

March 25, 2025: Supreme Court of Florida determined that it should decline to accept jurisdiction, see Appendix C

June 20, 2025: Petitioner filed Petition for Certiorari to the Supreme Court of the United States.

REASONS FOR GRANTING THE PETITION: Question one

Our Founding Father's created the United State's Constitutional with this in mind Amendment 5 quote nor be deprived of life, liberty, or property without due process of law.

Reasons for granting the petition: Question one

The Petition should be granted because the prosecutor failed to meet its burden of proving, by a preponderance of the evidence, the essential element required to impose a PRR enhancement - specifically that Mr. Hill was released from prison within the statutorily required time period under Florida statutes § 775.082(2)(1) and as required by § 775.082(9)(3).

Florida law mandates that, in order to impose a PRR sentence the State must prove that the Petitioner committed a Qualifying Offense with three years of being released from a State Correctional Facility, further, under § 775.082(9)(3) the burden of proof lies with the State and must be established by a Preponderance of the evidence.

In Mr. Hill's case the State failed to present any competent evidence identifying the date of his release from incarceration or which authority released him - an essential fact necessary to support a PRR enhancement. Despite the absence of this proof, the trial court imposed the PRR sentence, and the Appellate Courts Per curiam Affirmed, effectively relieving the State of its statutory burden and undermining the Protections Guaranteed by due Process under the Fourteenth Amendment.

This raises an important Federal Question regarding whether an important

a State may impose enhanced sentencing without proof of an essential statutory element and whether such failure violates the constitutional guarantees of procedural due process

Additionally, the decision below conflicts with decisions from other state and federal courts, which have required the prosecution to meet clear evidentiary burdens imposing similar sentencing enhancements. This inconsistency warrants the Court's review to ensure uniform application of constitutional sentencing safeguards.

REASON FOR GRANTING THE PETITION: Question Two

1. The State Violated Mr. Hill's Fifth and Fourteenth Amendment Rights by conducting a Secret Recording without Miranda Warnings or Consent.

Petitioner Mr. Hill was arrested by law enforcement and taken to an interrogation room, where he was secretly recorded by a detective. At no time was Mr. Hill advised of his Miranda Rights nor did he consent to being recorded. In fact, Mr. Hill specifically stated that he did not wish to be recorded, yet the detective proceeded to do so without informing him or securing proper legal waivers.

This conduct constitutes a violation of the Fifth Amendment Right against self-incrimination and the Fourteenth Amendment Rights to due process under the U.S. Constitution.

2. The use of a Secret Interrogation without Miranda Warning Reduces Suppression Under established precedent.

The Court has repeatedly held that statements made during custodial interrogation are inadmissible unless the petitioner has been properly advised of their Miranda Rights and has knowingly and voluntarily waived them. See, *Miranda v. Arizona* 384 U.S. 436 (1966). The secret recordings conducted in this case directly contravenes this Precedent and deprived Mr. Hill of a fair opportunity to exercise his Constitutional Rights.

3. The lower Courts failed to address or remedy this Constitutional Violation. Despite raising these issues during trial and / or on Appeal the lower courts failed to provide meaningful review of the illegal recording and the failure to administer Miranda Warnings. The Appellate Court PCA the conviction without opinion, allowing an unconstitutional practice to go uncorrected. This silence presents a substantial federal question worthy of this Court's Review.

REASON FOR GRANTING THE PETITION: Question

This Petition should be granted because the State's fingerprint expert failed to testify and failed to explain how the alleged latent PalmPrint marked as Exhibit "D" was examined, processed or compared to Mr. Hill Known PalmPrint. At trial the introduced Exhibit "D" into evidence without calling the fingerprint examiner to provide testimony on the methodology used, the chain of custody of the print, the scientific basis for the comparison, or to explain the match to Mr. Hill was determined.

The omission violated Mr. Hill's Sixth Amendment right to confront the witness against him as guaranteed by the U.S. Constitution and reinforced in *Crawford v. Washington*, 541 U.S. 36 (2004). Without the expert's testimony, the defense was deprived of the opportunity to cross-examine the person who allegedly performed the forensic analysis, evaluate the reliability of the methods used and challenge the validity of the match.

Moreover, the failure to provide testimony regarding the examination of forensic evidence also violates the Due Process clause of the Fourteenth Amendment, which guarantees a fundamentally fair trial. The use of forensic evidence without proper authentication or expert explanation deprives the Petitioner of the to test the evidence reliability and undermines the integrity of the verdict.

Given the increasing recognition of wrongful convictions based on unchallenged or improperly introduced forensic evidence, this case presents a significant constitutional question about the admissibility and confrontation of forensic identification

testimony. This Court's review is warranted to ensure consistent application of federal Constitutional standards in state Criminal trial

REASON FOR GRANTING THE PETITION: Question Four

This Petition should be granted because the Fourth DCA sanctioned Mr. Hill from filing further pro se motions without properly addressing the constitutional claim he raised - including Claim 6 and Claim 10 - and without giving him a fair opportunity to amend any legally insufficient claims.

Sanctioning a litigant without reviewing the merits of constitutional claims and without permitting at least one chance to correct or clarify defects violates Mr. Hill's rights under the Due Process clause of the Fourteenth Amendment.

Court may impose filing restrictions on abusive litigants only after affording procedural protections including notice and a meaningful opportunity to be heard. See *Procop v. Strickland*, 792 F.2d 1069, 1074 (11th Cir. 1986) (en banc).

In this case the Court failed to address the merits of Mr. Hill's claim and imposed a permanent restriction without explaining why the claim were frivolous or incapable of amendment. Claim 6 and Claim 10 raised substantial constitutional issues and Mr. Hill should have been given at least one opportunity to amend any insufficient pleading before being banned from seeking future relief.

This raises an important federal question: whether a state appellate court can sanction a pro se prisoner from further filings without review of the constitutional claims presented and without affording the petitioner a opportunity to amend. This Court's intervention is necessary to prevent the denial of access of the courts and to prevent the denial of access to the courts and to preserve the due process rights of indigent and incarcerated litigants.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Porris Bernardo fil #789283

Date: June 20, 2025