

No. 17-12971-A

In The
Supreme Court Of The United States

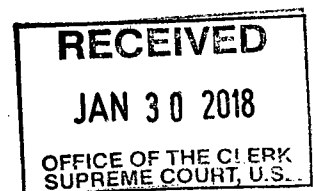
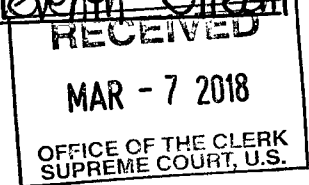
Michael A. Maps Petitioner

Judge, 11th Judicial Court et al. Respondents

On Petition For A Writ Of Certiorari To

United States Court Of Appeals for the Eleventh Circuit

Sir Michael Alexander Maps
Metro West Detention Center
13850 N.W. 41st Street
Miami, Florida 33178



Question(s) Present

1. Can I be search for saliva or body fluid by no State Statute for a 1989 alleged criminal act upon the legislation 933.02, s. 3 being effective into law in the year 2010, under Florida Constitution without it being a Prohibition Clause Constitutional violation?
2. Can a Judge Order to extract saliva testing using Florida Statute 933.02, s. 3 in the year 2015 or 2016 upon 933.02, s. 3 effective into law within the year 2010 without violating due process and equal protection of laws?
3. Does the Fla. Stat. 933.02, s. (3) accordingly to the legislative construction can order a saliva test for DNA findings after the fact when DNA was not indicted for that year 1989 upon the Order in 2015 or 2016?

List of Parties

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Defendant - 11th Judicial Circuit Judge Richard Hersh

Defendant - 11th Judicial Circuit Prosecutor Amanda Newman

Defendant - Metro Miami Dade Detective William Nadranica

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In The
Supreme Court Of The United States

Petition For Writ Of Certiorari

Petitioner surely hope and pray his writ of
Certiorari issue to review the deprivation of a
judgment below

Opinions Below

The opinion of the United States Court of
Appeals For The Eleventh Circuit appears at Appendix
A to the petition and is, Reported at 11-15-2017
in respect to Case: 17-12971 an is unpublished.

The opinion of the United States District Court Southern District of Florida, Miami Division appears at Appendix B to the petition and is Reported 06-27-2017 in respect to Case No.: 17-21167-CV-King an is unpublished. Because an Order was never given - June 27, 2017 is Exhibit 6; therefore, submitting Roman I thru XIX, so this Court can view Appendix B is the Judge's Opinion upon depriving or abridging due process and/or equal protection of laws by not complying with Federal Rules of Civil Procedure in a discriminatory way concerning my Civil Action before him.

Appendix C, U.S. District Court Magistrate's Report May 18, 2017; see: Exhibit 9

Appendix D, Order denying Rehearing 02-08-2018; Please view Roman No's 20, 21, 22 and 23.

Jurisdiction

The judgment below was entered November 15, 2017. The United States Court Of Appeals For Eleventh Circuit denied a timely Motion dated December 4, 2017, upon having received the Courts November 15, 2017 judgment after Thanksgiving day here withinside of Detention Center. Appellant Motion (See Exhibit 8) was filed within the 10 days Rule FRAP 27(a)(1)(2) accordingly from the date received. Writ of Certiorari petition here timely made and this Court has jurisdiction to view Title 42 USC 1983 under authority of U.S. Const. Art 3, § 2, cl. 1.

Constitutional And Statutory Provisions Involved

"The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties Made, or which shall be made, under their Authority...." U.S. Const. Art. III, section 2, clause 1."

Statement Of The Case

I, Sir Michael A. Maps was extradicted to Dade County, Florida while visiting with one of my daughters upon whom I was assisting in rental for Apartment while she attempt to start toward her undergraduate studies in Tallahassee, Florida.

However, in the Month of August of the year 2015, upon having been a resident voter in Long Beach, California - While in Florida a mishap with the Law Agency occurred and DNA was taken and a COOIS hit was alerted for my finding in Miami-Dade, Florida, for a 1989 criminal alleged offenses. Two of the charge offenses as 787.01(1) and 775.087 had been substantive-procedurally time-barred as there was no extended specific limitation which could over-ride the general limitation Fla Stat 775.15 s.(2)(a)(4) of 1989, but yet had been revived. Also, charged was Fla. Stat 794.011(3) being a Life Felony that can be commence at anytime. Here I found the Statutory Interpretation and/or Legislative Intent violates Plain Meaning Rule as to Elements needed to charge me with the crime. More, Constitution(s) Prohibition Clauses as Fla Stat 933.02 s.3 used for search was ex post facto law in term to the 1989 crimes charged. Violates Principle of legality, my Civil Rights and custom associate with proceeding.

5.

Reasons For Granting The Petition

"For a criminal law to be ex post facto it must be retrospective, that is, it must apply to events that occurred before its enactment; and it must alter the definition of criminal conduct or increase the penalty by which a crime is punishable."

See: *Lynce-v-Mathis*, 519 U.S. 443, (1997)

Also, view Florida Supreme Court: Ruling - *Griffin-v-State*, 980 So 2d 1035 (Fla. 2008) as below:

[2] Constitutional law

Keynote: Penal laws in general

Constitutional law

Keynote: Criminal Proceedings

"The Constitutional prohibition against ex post facto laws applies only to criminal legislation and proceedings."

The Fla. Stat. 933.02, s. (3) effective into law under Fla. Const. Art 3, sections 6-9 use against my person within the year 2015 upon its having been effective legislation in the year of 2010 for saliva testing for DNA findings for alleged criminal charge on April 23, 1989. Violated the constitutional foundation for the principle of legality.- which are found in Federal and State constitutional prohibitions against bills of attainder and ex post facto laws.

See: Art 1, § 9, cl. 3 U.S. Const.

See: Art 1, § 10, cl. 1 U.S. Const.

See Art 1, § 10, Fla Const.

Because in due process requirement that statutes provide fair notice that specific conduct constitute a crime.

See: Amend 5, 14 U.S. Const.

See: Art 1, § 9 Fla. Const.

To fully comprehend the 'Principle of Legality, it simply means there can be no crime or punishment without law. The ways as to how Fla. Stat. 933.02, § 3 has been applied within the criminal proceedings are as below:

1. A law that deprives one charged with a crime of a defense available when the crime was committed.

See: State -v- A.C., 714 So.2d 617 (Fla. Dist. Ct.

App 4th Dist 1992)

2. A law that changes the proof necessary to convict a defendant.

See: 934 Sd 1248 (Fla. 2006) (Laws that alter rules of evidence in a manner that permit a conviction with less or different testimony)

Plus, acknowledging the alleged crime was said to occurred April 23, 1989, but Fla Stat 933.02, s. 3. effective into law under Florida Constitution as seen within the Laws of Florida, s. 3, Ch 2010-35, for the year 2010, was Court Order to take from within my body substance (saliva), in which for the purpose for the alleged crime April 23, 1989 upon there was not even a DNA Florida Statute in the State of Florida until May 11, 1989.

See: Exhibit 1, Laws of Florida s. 1, Ch. 89-335

See: Exhibit 2, Fla Stat. 943.325

Whereas, upon Opinions of the lower Federal Courts, it seems that no Judicial Officer agrees, but how could they if they never gave me an opportunity to explain my view. My view is Florida State Courts follow the 'Principle of Primacy', which prioritizes the Florida Constitution over the U.S. Constitution. State Court will not consider whether a right is protected under the U.S. Constitution unless one can show the Florida Constitution fail to protect that right.

See: *In re T.W.*, 551 So2d 1186, 1196 (Fla. 1989)

Florida legislatures are prohibited from passing laws that violate these rights and freedom. I directly saying to this Supreme Court the manner and timely Fla Stat 933.02, c.3 be applied against my person be an ex post facto law violated, a protected right or freedom and a ruling is need of constitutional

claim due to the circumstances exists under which the statute 933.02, s. 3 Fla. Stat as applied question validity. Because the State of Florida within its Constitution contains a Declaration of Rights - set forth various rights and freedoms that as written and set limits concerning criminal laws.

Neither Judges nor Prosecutors can make criminal laws.

See: Exhibit 3, Search Warrant; Also 3(a)

See: Exhibit 4, Additional Information

I am frankly saying, the Fla. Stat. 933.02, s. 3 of the manner and timing it was applied taking personal substance from my body, by Order of Judge Richard Hersch and by the act of Detective W. Nadramia and/or advice by Prosecutor Amanda

Newman proceeding-procedure was unconstitutional under Federal and/or State Constitutions: violating Art 1, § 9 and/or U.S. Const.

Art 1, § 10 Fla Const and Art 1, § 5 2 and 9 Fla. Const.

By the Fla. Stat. 943.325 'Blood or other biological specimen testing for DNA analysis' becoming effective law May 11, 1989, and the Fla. Stat. 933.02, s 3 'Grounds for issuance of search warrant' becoming effective legislation in 2010. In which one or both (Fla Stats: 943.325 and/or 933.02, s. 3) were used to examine my body for a April 23, 1989 alleged criminal case pending issue - violates both Federal and State Prohibition Clause(s).

But the Red State of Florida believes in the Principle of 'Principle of Primacy', which prioritizes the Florida Constitution over the U.S. Constitution, and careless about the "Principle of legality" which assure there can be no crime or

punishment without law, and when it comes 'Statutory Interpretation and Legislative intent - the 'Plain Meaning Rule' has no meaning of existence for a minority who's indigent.

I am not talking or writing this Court concerning with matters of facts or duration of my physical confinement, or the fact or length of custody. I'm challenging the constitutional claim of usage of ex post facto laws holding me from the rights and privileges of freedom upon a conspiracy known among one to another Judicial Officer. A violation of Civil Rights.

As a Citizen from the Blue State (California) who holds 28 U.S.C. 1332 (4)(1) (Diversity Jurisdiction) I can prove discriminatory judicial criminal proceeding that have violate Florida custom and policy associated with Judicial Proceeding. It's unconstitutional measure being applied by Courts Officer(s) violate proceedings Constitution, legislation and Rules of it Criminal Circuit Court.

Within 33 months of incarceration - loss of a job, family and Graduate School while having experienced 5 prosecutors and 7 appointed attorneys and three Judges. All have one calling - we have a Plea for you, and one attorney ask me why I don't want to take two or three years, so I can just go because I have over the time.

Therefore, I now tell this Court what I have told all on them - I am not pleading to nothing because Fla. Const Art 1 s: 15 assure Capital Offense (Charges of Florida 76-275 s 1) comes before a Grand Jury, but Florida's Prosecutor secretly filed a Felony Information abridging my person the right to a grand jury session. Applied ex post facto laws and revived time-barred prosecution: See *Stogner-v-California*, 539 U.S. 607, 616 (2003). All above are not to be viewed as facts about my case but how Florida Prosecutor, Judge and/or Detective has violated my Civil Rights as a privilege to a right for Freedom.

The second issue I'm raising a Judicial Officer must place me in confinement according to a law by manner of Due Process and Equal Protection of laws. And the U.S and Florida Constitutions also known as the 'Principle of Legality', holds that a person may be punished only when such conduct violates pre-existing laws. Searching my body inside on a 2010 effective law - No!

No, ex post facto laws, time-barred prosecution by statute of limitation or reclassifying a criminal charge so it can be a life felony; therefore, prosecution can be commence at any time even when the legislative intent is not foreseen for the needed element after an abridgment of a Constitutional Command took place so you can place a person in Jail. Depriving me of liberty and or the right to remain free in freedom. Because I didn't want to talk expressing 5th Amendment rights of U.S Constitution.

To even be set free now - I'm homeless at 63 years of age because of this/these Judicial Officer(s) behavior towards me.

I seeking a relief for damages - I have lost wife, graduate school, job, residence, family photo and important legal papers, ruin credit etc, behind Court Official(s) violating my Civil Rights within a criminal proceeding abridging and/or depriving me Due Process and Equal Protection of Law in Miami Dade County Florida.

The 13th Amendment of the U.S. Const assures one must be duly convicted. Duly means accordingly by law. Law is what ordain to be follow or carrying out has already been openly violated by Criminal Judicial proceeding against me alone; therefore, U.S. Const 14 Amend, s. 1 has been deprived...

And it apparent upon viewing all Exhibits - Court Officers in the South pledge to friendship more than their Oath to uphold the Constitution and Law for their State and Federal Government. Candidates as there are people given to Treason. I don't mind a person dislike me about a suspicious crime, but

as an Officer who serve the Court under this Nation Constitution must also hold up the law. For example, I realize none of the Court Officers had anything to do with Fla Stat 933.02, (3) be applied to me as seen by the filing Capture of Civil Action complaint. Therefore, I immediately Motion For Leave to File Supplemental Pleading placing forward the right Judicial and Executive individuals involved See: U.S. District Court - Southern District of Florida U.S. Magistrate Judge P.A. White, 4/13/2017 as Exhibit 5, Also 5 (a)

However, Federal Judge King June 27, 2017 - Order denying Motion to Direct Marshal to serve pleading - evenso, it was file timely - see Exhibit 6, U.S. Court of Appeals Exhibit 6(a) and 6(b)

See: Exhibit 7, U.S. Court of Appeals denying my appeal as frivolous without a signature or month day of year.
in two (2) pages

I attempt to Modify by Motion days after receiving the 2 page information - See Exhibit 8 and Exhibit December 7, 2017 letter.

Conclusion

Because I filed a 42 U.S.C. § 1983 as sought damages concerning a 'Liberty Interest' being abridged and deprived a privilege of a right to Freedom, instead a Habeas Corpus by F.S.R. § 79.01. No one wants to hear about how Judicial and/or Executive Officials, while working, Under the Color of State Law depriving, discriminating and abridging Citizens of the Right to Liberty.

The Petition for a Writ Of Certiorari should be granted because Civil Rights are to be protected still this day by the 1868 Ratification of the 14th Amendment of United States Constitution.

Respectfully, submitted to all
~~Michael Alexander Maps~~
Sir Michael Alexander Maps

January 20, 2018