

No. \_\_\_\_\_

\_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

\_\_\_\_\_

MORRIS LAVON BROWN — PETITIONER  
(Your Name)

vs.

JULIE JONES et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

MORRIS L. BROWN D.C. # 082049  
(Your Name)

SANTA ROSA CORRECTIONAL INSTITUTION (ANNEX)  
(Address)

5850 EAST MILTON ROAD, MILTON, FLA. 32583  
(City, State, Zip Code)

N/A  
(Phone Number)

### QUESTION(S) PRESENTED

- #1) CAN A CITIZEN OF AMERICA BE TRIED, CONVICTED, AND SENTENCED TO DEATH FOR FIRST DEGREE PREMEDITATED MURDER WITHOUT THE FINDING OF AN INDICTMENT BY THE GRAND JURY AS MYSELF?
- #2) CAN A CITIZEN OF AMERICA BE TRIED, CONVICTED, AND SENTENCED TO DEATH FOR A CAPITAL CRIME WITHOUT A GRAND-JURY INDICTMENT FILED AMONG COURT RECORDS AS DONE TO MYSELF?
- #3) IF A CIRCUIT COURT ACTS IN A CRIMINAL CASE PRIOR TO ITS ~~SUBJ~~ SUBJECT-MATTER JURISDICTION BEING LAWFULLY INVOKED BY PLEADING AND PROCESS DOES THAT RENDER ALL THE COURTS JUDGMENTS AND ORDERS IN THE CASE VOID?
- #4) IF THE RECORDS OF A COURT IN A CRIMINAL CASE ARE - INCONCLUSIVE ON THEIR FACE, CAN SUCH RECORDS BE RELIED ON IN SUPPORT OF SHOWING AN ORDERLY PROCEEDING FOR A LAWFUL CAUSE OF IMPRISONMENT?
- #5) CAN THE DEFENSE OF LACK OF JURISDICTION ~~BE PRESENTED~~ AND A VOID JUDGMENT BE PRESENTED AT ANYTIME AND MUST BE ANSWERED? OR CAN A COURT AVOID A CHALLENGE TO SUBJECT-MATTER JURISDICTION AND A VOID JUDGMENT BY CITING A CASE LAW WHICH HAS NOTHING TO DO WITH SUCH A CHALLENGE?
- #6) IF AN ALLEGED GRAND JURY INDICTMENT HAS BEEN TAKEN OFF COURT FILES AND ALTERED AFTER BEING FOUND AND PRESENTED IN OPEN-COURT, DOES THAT RENDER SAID INDICTMENT VOID AND TO NO LONGER BE HELD AN GRAND-JURY INDICTMENT?
- #7) ~~DO~~ DO I HAVE THE RIGHT TO BE DISCHARGED ON HABEAS CORPUS IF I AM IMPRISONED WITHOUT A VALID INDICTMENT OR INFORMATION FILED AGAINST ME?

## 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: JULIE JONES SECRETARY FLORIDA DEPARTMENT OF CORRECTIONS.

PAMELA JO BONDI - ATTORNEY GENERAL  
OF FLORIDA

RICK SCOTT - GOVERNOR OF FLORIDA

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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 B to the petition and is

BAKER V. STATE 878 So.2d. 1236;  
☐ reported at 2004 FLA. LEXIS. FLA. LAW WEEKLY 5413; 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.

1.

## 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**:

The date on which the highest state court decided my case was 1/23/18.  
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: N/A, 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 \_\_\_\_ N/A.

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

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- #1) THE FLORIDA CONSTITUTION ARTICLE V, SECTION 3(b)(9)
  - #2) THE FLORIDA CONSTITUTION ARTICLE I, SECTION 15.
  - #3) THE UNITED STATES CONSTITUTION ~~AM~~ AMENDMENT 5.
  - #4) FLORIDA STATUTE § 79.01
  - #5) FLORIDA STATUTE § 28.13.
  - #6) FLORIDA STATUTE § 119.07(1)(C).
  - #7) FLORIDA STATUTE § 27.04
  - #8) FLORIDA STATUTE § 905.185.
  - #9) FLORIDA STATUTE § 914.001(1) AND (2)
  - #10) FLORIDA STATUTE § 28.211
- 

- #(1) THE FLORIDA CONSTITUTION ARTICLE V, SECTION 3(b)(9) PROVIDES:  
THE FLORIDA SUPREME COURT ISSUE WRITS OF HABEAS CORPUS
- #(2) THE FLORIDA CONSTITUTION ARTICLE I, SECTION 15 PROVIDES:  
NO PERSON SHALL BE TRIED FOR CAPITAL CRIME WITHOUT PRESENTMENT OR INDICTMENT BY A GRAND JURY.
- #(3) THE UNITED STATES CONSTITUTION AMENDMENT 5 PROVIDES:  
NO PERSON SHALL BE HELD TO ANSWER FOR A CAPITAL CRIME UNLESS ON A INDICTMENT BY A GRAND JURY, NOR BE DEPRIVE OF LIFE OR LIBERTY WITHOUT DUE PROCESS OF LAW
- #(4) FLORIDA STATUTE § 79.01 PROVIDES:  
WHEN ANY PERSON DETAINED IN CUSTODY APPLIES TO THE SUPREME COURT FOR WRIT OF HABEAS CORPUS AND SHOWS BY AFFIDAVIT OR EVIDENCE PROBABLE CAUSE TO BELIEVE THEY ARE DETAINED WITHOUT LAWFUL AUTHORITY, THE COURT SHALL GRANT THE WRIT FORTHWITH.
- #(5) FLORIDA STATUTES § 28.13 AND 28.211 PROVIDES:  
THE CLERK SHALL KEEP A DOCKET INDICATING THE DATE EACH INDICTMENT WAS FILED AND MAINTAIN SUCH INDICTMENTS WITH THE UTMOST CARE AND SECURITY AND NOT PERMIT ANYONE TO REMOVE SAID INDICTMENTS
- #(6) FLORIDA STATUTE § 119.07(1)(C) PROVIDES:  
THE CUSTODIAN OF PUBLIC RECORDS MUST RESPOND TO PUBLIC RECORDS REQUEST IN GOOD FAITH.
- #(7) FLORIDA STATUTE § 905.185 PROVIDES:  
WHEN REQUESTED BY THE GRAND JURY THE STATE SHALL ISSUE PROCESS FOR WITNESSES.
- #(8) FLORIDA STATUTE § 914.001 PROVIDES: IN CRIMINAL CASE THE STATE SHALL INCLUDE ALL NAME OF WITNESSES IN ONE PRECIPES FOR SUBPOENAS.

### STATEMENT OF THE CASE

IN THE INSTANT CASE AFTER A CHANGE OF VENUE FROM JACKSON TO BAY COUNTY FLORIDA, PETITIONER/DEFENDANT WAS TRIED, CONVICTED AND ORIGINALLY SENTENCED TO DEATH FOR THE ALLEGED CRIME OF PREMEDITATED FIRST DEGREE MURDER AND VARIOUS FELONY COUNTS WITHOUT THE FINDING OF A GRAND JURY INDICTMENT FILED AMONG COURT FILES.

IT WAS ALLEGED THAT A GRAND JURY FOUND AND RETURNED/PRESENTED IN OPEN COURT AND FILED ON APRIL 19, 1985 AN INDICTMENT - CHARGING YOUR PETITIONER WITH FIRST DEGREE MURDER, ATTEMPTED FIRST DEGREE MURDER, ROBBERY WITH A FIREARM, ROBBERY, AND ESCAPE WITH A FIREARM.

HOWEVER, PLAINTIFF WAS ARRESTED FOR AND AFFORDED A FIRST APPEARANCE ADVISORY FOR FIRST DEGREE MURDER, AND ARMED ROBBERY.

ALTHOUGH, THE ENDORSEMENT PAGE OF THE PURPORTED GRAND JURY INDICTMENT PROCLAIMS TO HAVE BEEN PRESENTED AND FILED IN OPEN COURT (ALTHOUGH NOT FILED IN THE GRAND JURY'S PRESENCE) ON ~~APRIL 19~~ APRIL 19, 1985; THE SAME ENDORSEMENT PAGE PROVES THE SAME TO BE FALSE AND THAT THE PURPORTED INDICTMENT IS NOT THAT OF A GRAND JURY BECAUSE:

UPON SAID INDICTMENT DIRECTLY BELOW SUCH ENDORSEMENT THERE IS THE WORDS AND FOLLOWING DATES:

THE DEFENDANT BEING DULY ARRAIGNED UPON (THIS) INDICTMENT  
PLEADED NOT GUILTY, EACH COUNT AS TO MORRIS BROWN -  
WITNESS MY HAND AND OFFICIAL SEAL THIS 26 DAY OF APRIL, 1985.

ALSO UPON SAID INDICTMENT IT GOES ON TO ENDORSE THAT:

THE DEFENDANT BEING DULY ARRAIGNED UPON (THIS) INDICTMENT  
PLEADED NOT GUILTY, EACH COUNT AS TO EDWARD LEE COTTON,  
WITNESS MY HAND AND OFFICIAL SEAL THIS 13 DAY OF MAY, 1985

SUCH IS THE ONLY PURPORTED INDICTMENT ON FILE IN SUPPORT OF YOUR PETITIONERS CONVICTION AND SENTENCE.

HOWEVER, SAID INDICTMENT OBVIOUSLY IS NOT THE INDICTMENT ALLEGEDLY FOUND BY A GRAND JURY AND FILED ON APRIL 19, 1985 BECAUSE THE DATES BOTH DEFENDANTS WERE ARRAIGNED WAS NOT AND COULD NOT HAVE BEEN UPON SAID INDICTMENT AT THE TIME IT WAS FOUND, PRESENTED, AND FILED BY THE GRAND JURY AND COMMON SENSE PROVIDES THAT AN INDICTMENT CAN'T BE SAID TO BE LAWFULLY FILED ON APRIL 19, 1985 AND BEING WROTE UPON ON MAY 13, 1985 AND APRIL 26, 1985.

IN EX PARTE BAIN 30 LED. 849, 121, U.S. 1 (US Sct. 1887) THIS HONORABLE COURT SPEAKING THROUGH MR. JUSTICE MILLER EXPLAINED THAT; AN INDICTMENT CANNOT BE CHANGED WITHOUT RESUBMITTING IT TO THE GRAND-JURY AND A TRIAL UPON A CHANGED INDICTMENT IS VOID, AND THE FACT THAT THE COURT DEEMS THE CHANGE IMMATERIAL MAKES NO DIFFERENCE.

UPON A INDICTMENT SO CHANGED, THE COURT CAN PROCEED NO FURTHER, BECAUSE AN INDICTMENT THUS CHANGED, IS NO LONGER THE INDICTMENT OF THE GRAND-JURY WHICH PRESENTED IT, AND THE PRISONER WHO STANDS SENTENCED TO PRISON ON SUCH A TRIAL OF INDICTMENT IS ENTITLED TO DISCHARGE BY WRIT OF HABEAS CORPUS, BECAUSE THERE IS NOTHING IN THE LANGUAGE OF THE CONSTITUTION WHICH THE PRISONER CAN BE HELD TO ANSWER FOR WANT OF AN INDICTMENT.

THE FLORIDA CONSTITUTION ARTICLE 1, SECTION 15 AND THE UNITED STATES CONSTITUTION AMENDMENT 5 PROVIDES:

NO PERSON SHALL BE HELD TO ANSWER FOR CAPITAL CRIME, UNLESS ON PRESENTMENT OR INDICTMENT OF A GRAND JURY, NOR BE DEPRIVED OF LIFE OR LIBERTY WITHOUT DUE PROCESS OF LAW. THE RECORDS OF THE COURT SHALL SHOW THAT THE PURPORTED INDICTMENT UPON WHICH YOUR PETITIONER STANDS CONVICTED IS NOT THAT OF A GRAND-JURY THAT WAS FOUND AND PRESENTED AS WELL AS FILED APRIL 19, 1985.

FLORIDA STATUTE § 28.13 PROVIDES:

THE CLERK OF THE CIRCUIT COURT MUST MAINTAIN ALL CAPITAL INDICTMENTS FILED WITH THE CLERK WITH THE UTMOST CARE AND SECURITY, AFFIXING A STAMP TO EACH INDICTMENT — INDICATING THE DATE AND TIME IT WAS FILED, AND THE CLERK MAY NOT PERMIT ANY ATTORNEYS OR OTHER PERSONS TO REMOVE INDICTMENTS ONCE FILED. THE PURPORTED INDICTMENT IN QUESTION FAILS TO INDICATE THE TIME IN WHICH IT ALLEGEDLY WAS FILED.

IN COOK V. WALGREEN CO. 399 So. 2d. 523 (FLA. 2ND DCA 1981) MR. JUSTICE CAMPBELL EXPLAINS THAT:

THE FILE MARKING IS MERE EVIDENCE OF THE DATE OF FILING, BUT IS NOT CONCLUSIVE, AND MAYBE REBUTTED BY CONFLICTING EVIDENCE.

SEE SWITZER V. JEANNE WAKEFIELD STREET 115 FLA. 780, 156, So. 1 (FLA 1934) WHERE THE FLORIDA SUPREME COURT EXPLAINS:

UNTIL AN INDICTMENT IS RECEIVED AT THE PROPER PLACE TO BE THERE PUT ON FILE AS PART OF THE RECORD OF AN OFFICE IN WHICH IT IS REQUIRED BY LAW NOT ONLY TO BE FILED, BUT ALSO [KEPT], THE FILING IS NOT COMPLETE.

IN BITUMINOUS CASUALTY CORPORATION -V- CLEMENTS 148 FLA. 175, 3 SO. 2d. 865 (FLA. 1941) THE FLORIDA SUPREME COURT ALSO EXPLAINED:

FILING AN INDICTMENT UNDER MODERN PRACTICE CONSIST SIMPLY IN PLACING IT IN THE HANDS OF THE PROPER OFFICER, TO BE [PRESERVED] AND [KEPT] BY THEM IN THEIR OFFICIAL CUSTODY, AS A PUBLIC RECORD, AND SUCH OFFICER HAS THE DUTY OF MAKING THE PROPER ENDORSEMENT AND ENTRY IN THE COURT MINUTES.

AND IN SPENCER -V- GOMEZ 114 FLA. 688, 154, SO. 858 (FLA. 1934) FLORIDA SUPREME COURT MR. CHIEF JUSTICE DAVIS EXPLAINS:

IN HABEAS CORPUS PROCEEDINGS, JURISDICTION OF COURTS WHOSE JUDGMENT IS ATTACKED, IS CONCLUSIVELY PRESUMED UNLESS WANT OF JURISDICTION APPEARS OF THE FACE OF THE (INDICTMENT) RECORD.

IN THE INSTANT CASE, WANT OF JURISDICTION DOES APPEAR UPON THE FACE OF THE RECORD, IN THAT THE GUIDING PRINCIPLE OF ONE CONSCIENCE (~~A~~ (AND COMMON SENSE) MUST DICTATE THAT AN INDICTMENT CANNOT CONCLUSIVELY BE SAID TO HAVE BEEN FOUND, PRESENTED, AND FILED IN OPEN COURT BY AND IN

THE PRESENCE OF THE GRAND-JURY ON APRIL 19, 1984 TO BE PRESERVED AND KEPT ON FILE UN-CHANGED AS A PUBLIC RECORD, WHEN THE FACE OF SAID INDICTMENT SHOWS THE SAME TO BE FALSE AS IT SHOWS TO BE IN SOMEONES PERSONAL -

CUSTODY AS A TRESSPASSER UPON COURT RECORDS, WRITING THE DATES THE DEFENDANTS WERE ARRAIGNED UPON IT, AS

IF SAID INDICTMENT WAS A SCRAP OF PAPER TO JOT DOWN FUTURE ACTIONS (i.e. ARRAIGNMENTS) BEFORE THE COURT.

IF SOMEONE HAS ADDED SUCH TO SAID INDICTMENT, HOW CAN IT NOT BE SAID THAT THAT SAME PERSON IN

ILLEGAL CUSTODY OF IT DID NOT ADD THE ENDORSEMENT A TRUE BILL TO IT, OR ADD OR TAKE AWAY WORDS IN THE BODY OF EACH COUNT OF SAID INDICTMENT.

THE PURPORTED INDICTMENT IN QUESTION IS BREVUM FULMEN AND SHOULD NOT BE HELD TO BE A PRODUCT OF THE GRAND-JURY.

THE FLORIDA SUPREME COURT IN THE CASE OF STATE-V-ANDERSON 537, So. 2d. 1373, 1374 (FLA. 1989) HAS SAID:

JURISDICTION TO TRY AN ACCUSED DOES NOT EXIST UNDER ARTICLE I, SECTION 15, OF THE FLORIDA CONSTITUTION UNLESS THERE IS AN EXTANT INFORMATION FILED OR INDICTMENT FOUND BY A GRAND JURY. SEE ALSO STATE-V-GRAY 435, So. 2d. 816, 818 (FLA. 1983) WHERE THE FLORIDA SUPREME COURT EXPLAINS:

A CHARGING INSTRUMENT IS ESSENTIAL TO INVOKE A (TRIAL) CIRCUIT COURTS SUBJECT-MATTER JURISDICTION.

AND IN SADLER-V-STATE 949, So. 2d. 303, 305 (FLA. 5TH DCA. 2007) (QUOTING CAVES-V-STATE 303, So. 2d. 658, 659 (FLA. 2ND DCA 1974) THE COURTS EXPLAINS:

A FILED INFORMATION OR INDICTMENT IS AN ESSENTIAL - - - REQUISITE OF JURISDICTION IN WHICH CANNOT BE WAIVED, AND LACK THEREOF CAN BE RAISED AT ANYTIME.

AND IN LEHMAN-V-SAWYER 106 FLA. 396, 143, So. 310 (FLA. 1932)

MR. CHIEF JUSTICE BUFORD OF THE FLORIDA SUPREME COURT EXPLAINS:

WHERE A WRIT OF HABEAS CORPUS ISSUES AT IT APPEARS AT THE HEARING THAT THE INDICTMENT IS VALID ON ITS FACE, THE WRIT SHOULD BE QUASHED. . .

ON NOVEMBER 22, 2017 YOUR PETITIONER FILED HIS PETITION FOR WRIT OF HABEAS CORPUS WITH THE FLORIDA SUPREME COURT WITH EXHIBITS A THROUGH N ATTACHED, WITH A COPY OF THE INDICTMENT IN QUESTION ATTACHED AS EXHIBIT "A", SHOWING ON ITS FACE THAT SAID INDICTMENT WAS NOT A LEGAL PRODUCT OF A GRAND JURY, NOR THAT IT WAS ACTUALLY FILED AS EXPLAINED ABOVE.

UPON GROUND THREE OF PETITIONERS PETITION FOR WRIT OF HABEAS CORPUS, PETITIONER OFFERED RECORD EVIDENCE IN PROOF THAT THE CIRCUIT COURT ACTED PRIOR TO ITS SUBJECT-MATTER JURISDICTION BEING LAWFULLY INVOKED BY PLEADING AND PROCESS RECOGNIZED OR PRESCRIBED BY LAW, THUS RENDERING ALL OF SAID COURTS ORDERS - AND JUDGMENTS VOID.

IN LOVETT-V-LOVETT 112 So. 768, 93 FLA. 611 (FLA. 1927) MR. JUSTICE ARMSTEAD BROWN EXPLAINS THAT:

THE JURISDICTION AND POWER OF THE COURT REMAINS AT REST UNTIL CALLED INTO EXERCISE BY SOME SUITOR; IT CANNOT INSTITUTE A PROCEEDING SUB SPONTE.

THE ACTION AND POWER OF THE COURT MUST BE CALLED INTO - -  
EXERCISE BY PLEADING AND PROCESS PRESCRIBED OR RECOGNIZED  
BY LAW.

IN A CRIMINAL CASE THE LEGISLATURE HAS PRESCRIBED BY THE  
LAW OF FLORIDA STATUTE § 914.001(1) & (2) THAT:

THE PROSECUTING ATTORNEY MUST FILE A PRECIPE OF A PLEADING  
REQUESTING THE COURTS POWER TO ISSUE PROCESS FOR \_\_\_\_\_  
SUBPOENA FOR WITNESSES IN ORDER TO LAWFULLY INVOKE A  
CIRCUIT COURTS SUBJECT-MATTER JURISDICTION.

IN THE INSTANT CASE THE HANDWRITTEN CASE PROGRESS DOCKET  
SHOWS THAT A PRECIPE FOR SUBPOENA'S TO SECURE WITNESSES  
ON BEHALF OF THE GRAND JURY WAS FILED APRIL 19, 1985 (AS  
IS THE STATES DUTY PER FLORIDA STATUTE § 905.185).

HOWEVER PRIOR TO SAID DATE ON APRIL 15, 1985 THE CASE  
PROGRESS DOCKET AND COURT RECORDS (WHICH WERE INCLUDED  
AS EXHIBITS WITHIN PETITIONERS HABEAS CORPUS PETITION)  
SHOWS THAT CIRCUIT JUDGE ROBERT L. MCCARRY (WHOM WAS  
SUBSEQUENTLY DISQUALIFIED) ACTED IN WANT OF POWER AND PRIOR  
TO THE CIRCUIT COURTS SUBJECT-MATTER JURISDICTION WAS CALLED  
INTO EXERCISE BY PLEADING AND PROCESS WHEN HE ISSUED AN  
ORDER APPOINTING ATTORNEY J. PAUL GRIFFITH TO REPRESENT  
DEFENDANT EDWARD LEE COTTON FOR THE CHARGES OF FIRST  
DEGREE MURDER, ATTEMPT FIRST DEGREE MURDER, ROBBERY WITH  
A FIREARM, ROBBERY, AND ESCAPE WITH A FIREARM, ALTHOUGH  
NO SUCH CHARGES HAD BEEN PRESENTED, FOUND, OR FILED UPON  
COURT RECORDS CHARGING THE SAME.

IT'S AS IF SAID JUDGE KNEW BEFOREHAND OF WHAT THE  
ACTIONS OF THE ALLEGED GRAND-JURY WOULD RETURN BY  
WAY OF AN INDICTMENT.

HERE THE JUDGE ACTED WITHOUT ANY INDICTMENT IN WHICH  
TO AFFORD HIM AUTHORITY TO ACT.

IN ELLIOTT V. PEASOL'S LESSEE 26 U.S. 328, 1828 WL 3002 (U.S. KY 1828)  
THIS HONORABLE COURT SPEAKING THROUGH MR. JUSTICE TRIMBLE RELATES:  
WHERE A COURT HAS JURISDICTION, IT HAS A RIGHT TO DECIDE  
ANY QUESTION WHICH OCCURS IN THE CAUSE; BUT IF A COURT  
ACTS WITHOUT AUTHORITY, ITS JUDGEMENT AND ORDERS ARE  
REGARDED AS NULLITIES.

THEY ARE NOT VOIDABLE, BUT SIMPLY VOID; AND FORM NO BAR TO A REMEDY SOUGHT IN OPPOSITION TO THEM, EVEN PRIOR TO REVERSAL. THEY CONSTITUTE NO JUSTIFICATIONS; AND ALL PERSONS THAT ARE CONCERNED IN EXECUTING SUCH JUDGMENTS OR SENTENCES ARE CONSIDERED, IN LAW AS TRESPASSERS.

IN THE INSTANT CASE MR. JUSTICE MCCARRY INSTITUTED THE PROCEEDING SUA SPONTE AND WITHOUT JURISDICTION, THEREBY RENDERING ALL THE COURTS ORDER AND JUDGMENTS VOID AS EXPLAINED AND PROVEN OF RECORD TO THE FLORIDA SUPREME COURT IN PETITIONER SWORN PETITION FOR HABEAS CORPUS.

FINALLY, ALSO ARGUED (AND SUPPORTED BY COURT RECORDS) WITHIN PETITIONERS PETITION FOR WRIT OF HABEAS CORPUS WAS THAT IN THE INSTANT CASE THE COURT WAS NOT LEGALLY ORGANIZED. THAT IS TO SAY THE CASE PROGRESS DOCKET PROCLAIMS THAT AN INDICTMENT WAS FILED APRIL 19, 1985 HOWEVER AS SHOWN ABOVE, THE FACE OF SAID INDICTMENT PROVES SUCH TO BE FALSE.

SAID DOCKET SHOWS THE ARREST COMPLAINT WAS FILED ON APRIL 19, 1985, AND THAT ON SAID DATE YOUR PETITIONER WAS AFFORDED A FIRST APPEARANCE ADVISORY, AND THAT AN ORDER OF TRANSFER WAS ENTERED FOR PETITIONER.

COURT RECORDS (AS PROVIDED AS EXHIBITS IN PETITIONER WRIT FOR HABEAS CORPUS) CLEARLY SHOWS THAT THE ARREST COMPLAINTS WERE FILED APRIL 12, 1985, AND THAT PETITIONER WAS AFFORDED A FIRST APPEARANCE ON APRIL 4, 1985 ALTHOUGH PETITIONER WAS NOT ARRESTED UNTIL APRIL 5, 1985.

SAID CASE PROGRESS DOCKET SHOWS THAT DEFENDANT COTTON RECEIVED A FIRST APPEARANCE ADVISORY ON APRIL 3, 1985

ALTHOUGH THE ALLEGED OFFENSE(S) TOOK PLACE ON APRIL 4, 1985, IN DAY V. MURCHMAN 61 SO. 445, 65, FLA. 186 (FLA 1913) MR. JUSTICE WHITFIELD OF THE FLORIDA SUPREME COURT EXPLAINS:

WHERE THE COURT HAS JURISDICTION OF THE SUBJECT MATTER, THE PARTIES AND IS LEGALLY ORGANIZED, ANY ERROR OR IRREGULARITIES IN ITS EXERCISE WILL NOT RENDER ITS JUDGMENT AND ORDER VOID.

AS SHOWN ABOVE THE COURT DID NOT HAVE JURISDICTION OF THE SUBJECT MATTER, NOR WAS SAID COURT LEGALLY ORGANIZED.

BUT WHAT MORE IS, THE COURT NEVER HAD ACQUIRED PERSONAL JURISDICTION OF THE PETITIONER DEFENDANT, BECAUSE AN ACTION WAS NEVER COMMENCED UPON THE PROPER RULES OF DUE - PROCESS OF LAW IN ORDER TO MAKE HIM A DEFENDANT IN ORDER FOR THE COURT TO ACQUIRE PERSONAL JURISDICTION OVER HIM. ALL OF THE ABOVE ~~AND~~ MORE WAS ARGUED AND PROVEN BY RECORD EVIDENCE IN A SWORN PETITION FOR WRIT OF HABEAS CORPUS TO THE FLORIDA SUPREME COURT PURSUANT TO FLORIDA STATUTE § 79.01 WHICH PROVIDES:

WHEN ANY PERSON DETAINED IN CUSTODY, APPLIES TO THE SUPREME COURT FOR WRIT OF HABEAS CORPUS AND SHOWS BY AFFIDAVIT OR EVIDENCE PROBABLE CAUSE TO BELIEVE THAT THEY ARE DETAINED WITHOUT LAWFUL AUTHORITY, THE COURT SHALL GRANT THE WRIT FORTHWITH, AGAINST THE PERSON IN WHOSE CUSTODY THE PETITIONER IS DETAINED AND RETURNABLE IMMEDIATELY BEFORE THE COURT AS THE WRIT DIRECTS. . .

ON PAGE ii (2) OF THE PRELIMINARY STATEMENT OF PETITIONERS PETITION FOR WRIT OF HABEAS CORPUS PETITIONER POINTED OUT THAT: PETITIONER IS WELL AWARE OF THE FLORIDA SUPREME COURT -- CASE OF BAKER-V- STATE 878 So.2d.1236 (FLA.2004) AND THE CASE OF EX PARTE BOWEN 25 FLA.214, 6, So.65(FLA.1889) EXPLAINING: (HABEAS CORPUS CANNOT BE USED TO RAISE MERE PROCEDURAL ERRORS, AND IRREGULARITIES, WHICH WERE OR COULD HAVE BEEN RAISED ON DIRECT APPEAL OR PURSUANT TO FLORIDA RULES OF CRIMINAL PROCEDURE RULE 3.850) .

BUT THAT IN SPENCER V- GOMEZ 114, FLA.688, 154 So.858(FLA.1934); AND STATE -V- HARDIE 108 FLA.133, 146 So. 97(FLA.1933) THE FLORIDA SUPREME COURT ALSO EXPLAINS THAT:

THE GENERAL RULE IS THAT HABEAS CORPUS IS A COLLATERAL -- ATTACK, AND THE PRESUMPTION IN SUPPORT OF THE JURISDICTION OF THE COURT IN WHICH WHOSE JUDGMENT OR PROCESS IS ATTACKED, IS CONCLUSIVELY PRESUMED IN HABEAS CORPUS -- UNLESS WANT OF JURISDICTION APPEARS ON THE FACE OF THE RECORD AND THE SCOPE OF HABEAS CORPUS IS LIMITED TO SITUATIONS WHERE THE PETITIONER CAN SHOW THAT THE RESTRAINT COMPLAINED OF IS WITHOUT LAWFUL AUTHORITY. (NO COURT MINUTES WAS FILED IN THE CASE).

HOWEVER ON TUESDAY JANUARY 23, 2018 THE FLORIDA SUPREME COURT REFUSED TO ISSUE ITS WRIT OF HABEAS CORPUS UPON THE RESPONDANT WHOM DETAINS PETITIONER FOR A CAPITAL CRIME WITHOUT THE FINDING OF A GRAND-JURY INDICTMENT, WITHOUT A CHARGING DOCUMENT FILED AMONG COURT RECORDS, WHERE THE COURT ACTED WITHOUT AUTHORITY, DID NOT HAVE JURISDICTION OF THE PETITIONER, AND A COURT THAT WAS NOT LEGALLY ORGANIZED, BUT INSTEAD CITED THE CASE OF BAKER V. STATE 878, So. 2d 1236 (FLA 2004) (SEE APPENDIX A) AS IF CITING SUCH CASE WOULD -- EXCUSE SUCH INHERENT STATUTORY AND CONSTITUTIONAL VIOLATIONS.

THE FLORIDA SUPREME COURT PREPOSTEROUSLY HELD THAT RELIEF IS NOT AUTHORIZED TO AN AMERICAN AS MYSELF WHOM ARE DETAINED UPON SUCH CIRCUMSTANCES.

WHAT THE FLORIDA SUPREME COURT IS TACITLY IMPLYING IN THEIR ORDER (ie APPENDIX A) IS THAT IT DOES NOT MATTER THAT YOUR PETITIONER WAS ORIGINALLY SENTENCED TO DEATH (AND VERY WELL COULD HAVE BEEN EXECUTED) AND HAS SPENT OVER THIRTY (30) YEAR IN PRISON FOR A CAPITAL CRIME WITHOUT THE FINDING OF AN INDICTMENT BY THE GRAND-JURY, AND THAT SUCH AN ISSUE IS TOO LATE TO PRESENT OR TO BE HEARD ON HABEAS CORPUS.

HERE THE FLORIDA SUPREME COURT HAS TOLD ME THAT THE RIGHTS GUARANTEED TO ALL AMERICANS BY THE UNITED STATES CONSTITUTION AND THE RIGHT TO BE TRIED BY A COURT ACTING WITH COMPETENT JURISDICTION DOES NOT APPLY TO ME.

AND WHAT APPEARS MORE VENGEFUL AND HEARTLESS ABOUT THE COURTS ORDER IS WHERE IT STATES:

ANY MOTION OR OTHER REQUEST FOR RELIEF ARE ALSO DENIED AND NO MOTIONS FOR REHEARING OR MOTIONS FOR REINSTATEMENT WILL BE ENTERTAINED BY THE COURT.

THUS, LEAVING PETITIONER WITH NO CHOICE BUT TO PETITION THIS HONORABLE COURT FOR WRIT OF -- CERTIORARI IN ORDER TO REVIEW AND CORRECT SUCH AN INHERENT VIOLATION OF THE LAWS AND CONSTITUTION OF THE UNITED STATES, FLORIDA, AND MY RIGHTS.

## REASONS FOR GRANTING THE PETITION

THE REASON FOR GRANTING THE PETITIONER'S PETITION FOR WRIT OF ~~WAT~~ CERTIORARI IS SIMPLE:

BECAUSE YOUR PETITIONER WAS SENTENCED TO DIE (AND COULD HAVE BEEN EXECUTED HAD HIS DEATH SENTENCE NOT BEEN OVERTURNED) AND HAS SPENT OVER THIRTY (30) YEARS IN PRISON NOT ONLY FOR A CRIME HE HAS NOT COMMITTED, BUT WITHOUT A GRAND-JURY INDICTMENT FOUND AGAINST HIM OR FILED AMONG COURT RECORDS. AND THE COURT KNEW OF THE SAME JUST AS SURE AS THE INDICTMENT WAS WRITTEN UPON AFTER IT WAS ALLEGEDLY FOUND BY A GRAND-JURY AND FILED IN THEIR PRESENCE.

THE ENTIRE PROCEEDING IN THE INSTANT CASE WERE AND IS CORAM NON-JUDICE AND VOID.

AND I TRULY BELIEVE ITS FOR SITUATIONS AS SUCH THAT THIS HONORABLE COURT SHOULD USE ITS DISCRETIONARY POWERS AND ISSUE ITS WRIT OF CERTIORARI.

SO PLEASE ALLOW ME TO SAY THIS ONCE MORE:

AMONG OTHER GROUNDS, THE BASIC ISSUE HERE IS

**I WAS SENTENCED TO DEATH AND HAVE SPENT OVER 30 YEARS IN PRISON FOR A CAPITAL CRIME WITHOUT PRESENTMENT OR INDICTMENT BY A GRAND-JURY.**

AND THAT'S THE REASON FOR GRANTING THE PETITION.

THUS, I PRAY THIS HONORABLE COURT ISSUES ITS WRIT OF CERTIORARI SO THAT JUSTICE MAY FINALLY BE AFFORDED ME.

**CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Maura Boun

Date: 4/19/2019