

No. _____

In The
Supreme Court of the United States

JUAN FRANCISCO VEGA,
Resident of Florida Civil Commitment Center,
13619 S.E. Hwy 70, Arcadia, FL 34266,
Petitioner,

v.

ROBERT W. GERMAINE,
Clerk of the Courts - Highlands County Florida,
590 South Commerce Ave, Sebring, FL 33870,
Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO
THE SECOND DISTRICT COURT OF APPEAL
OF FLORIDA

PETITION FOR WRIT OF CERTIORARI

JUAN FRANCISCO VEGA,
RESIDENT #991353,
FLORIDA CIVIL COMMITMENT CENTER,
13619 S.E. HIGHWAY 70,
ARCADIA, FLORIDA 34266.

QUESTIONS PRESENTED

JUAN AND NANCY ARE CITIZENS OF THE UNITED STATES AND RESIDENTS OF THE STATE OF FLORIDA; MAY THEY BE DENIED THEIR STATUTORY AND CONSTITUTIONAL RIGHT TO A MARRIAGE LICENSE AND MARRIAGE BY AN IMPEDIMENT THAT WAS CREATED BY ROBERT W. GERMAINE.

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.

TABLE OF CONTENTS

PAGE NUMBER

OPINION BELOW.....	1
JURISDICTION	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....	4
STATEMENT OF THE CASE.....	4
REASONS FOR GRANTING THE PETITION.....	6
CONCLUSION.....	7
OATH.....	7

INDEX TO APPENDIX

Appendix-A: Opinion of the State Supreme Court

Appendix-B: Opinion of the District Court of Appeal

TABLE OF AUTHORITIES

PAGE NUMBER

STATUTE

Florida Statute § 741.01.....4,7

CONSTITUTION

United States Constitution Amendment XIV.....4,7

No. _____

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.

OPINION 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☐ is unpublished.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 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☐ is unpublished.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☐ is unpublished.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 state district court to review the merits appears at Appendix B 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 Appeal 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).

[X] For cases from state courts:

The date on which the highest court decided my case was on March 25, 2018. A copy of that decision appears at Appendix A.

[] 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

United States Constitution Amendment XIV and Florida Statute § 741.01.

STATEMENT OF THE CASE

1. Juan and Nancy are citizens of the United States and residents of the State of Florida.

2. Juan and Nancy applied for a marriage license on February 3, 2017, at the Office of the Clerk of Highlands County Florida and were denied same under the excuse that Juan had to acquire written approval from the Administrator of the Florida Civil Commitment Center (who refused to approve or deny the marriage).

3. Juan and Nancy were denied their statutory (§741.01, Fla. Stat.) and constitutional right (Amend. 14, U.S. Const.) to a marriage license and marriage; therefore, Juan filed a petition for writ of mandamus at the Florida Second District Court of Appeal to compel the Office of the Clerk of Highlands County Courthouse to sell him an Nancy a marriage license.

4. In response to the petition the Clerk of Highlands County submitted a long standing policy in which he considers "incarcerated marriages" which includes marriages in which one or both

parties are incarcerated, or civilly committed to be impediments to the marriage, requiring approval by the correctional institution or civil commitment resident's administrator before the license is issued.

5. The Administrator of the Florida Civil Commitment Center claims that he does not support marriages at the facility so he has taken the initiative to remain neutral on the issue that's under dispute between the parties.

6. Juan and Nancy have taken the position that they are entitled to a marriage license and that the only impediment that exists is the long standing policy that was created by the Clerk of Highlands County, and self-imposed.

7. On November 14, 2017, the Second District Court of Appeal denied the issuance of a writ of mandamus claiming that Juan and Nancy have failed to meet the mandamus standard; therefore, Juan and Nancy filed a brief for discretionary jurisdiction at the Florida Supreme Court claiming a departure from the essential elements of the law

and discretionary review was denied by the State Supreme Court on March 20, 2018.

8. Based on the foregoing the filing of the instant petition ensued.

REASONS FOR GRANTING THE PETITION

WE HAVE THE HETEROSEXUAL RIGHT TO MARRIAGE, THE INTERRACIAL RIGHT TO MARRIAGE, THE PRISONER RIGHT TO MARRIAGE, THE HOMOSEXUAL RIGHT TO MARRIAGE, AND NOW WE HAVE THE CASE OF THE CIVIL DETAINEE RIGHT TO MARRIAGE THAT NEEDS TO BE NATIONALLY ESTABLISHED.

This is the case of Juan and Nancy. Juan is the only person in the State of Florida that won a civil commitment trial and had the verdict redirected by the trial court. Meaning that his constitutional right to a jury trial was taken from him by the court after the jury rendered a verdict in his favor and he was civilly committed against the wishes of the jury. Juan met Nancy at the Florida Civil

Commitment Center and they fell in love. At first Nancy thought that Juan was an asshole but later she realized that he was just different. Nancy saw an article about Juan in the internet and she placed it in her pocket book. Nancy came to work one day, having forgotten that the article remained in her pocket book, and lost her job when a coworker noticed the article. Nancy then moved on to a better life. She became a certified Home Health Aide and Certified Nurse's Aide. In addition, Juan helped Nancy to re-establish her self-confidence and assisted her in the establishment of Nancy Home Health Care Service for the Elderly and Disabled (Nancy Care Service, LLC). Juan and Nancy then decided that they wanted a marital bond so Nancy went to the Office of the Clerk to purchase a marriage license and Robert W. Germaine declined to sell her the license claiming that he has a long established policy (that he created) in that persons that are in prison or civil detention must acquire approval for the marriage from the Warden or the Administrator and only

then will he sell them a license. Juan then made a written request requesting the marital approval from the Administrator of the Florida Civil Commitment Center and Donald Sawyer responded that he neither approved nor denied the marriage. Being that Robert Germaine (Clerk) and Donald Sawyer (Administrator) placed Juan and Nancy in a bind, they decided to write to Juan's trial Judge (Alberto Milian) and he told them that the matter was out of his hands so they sent a letter to the Secretary of the Florida Department of Children and Family Services (DCF) requesting approval of their marriage. The Secretary of DCF did not respond so Juan decided to file a petition for writ of mandamus at the Florida Second District Court of Appeal to compel the Clerk of the Circuit Court (Robert W. Germaine) to sell them a marriage license. The Second District Court of Appeal declined to issue the Writ so Juan filed a discretionary jurisdictional brief at the Florida Supreme Court because he and Nancy have a statutory and constitutional right to a marriage

license and marriage. The Florida Supreme Court declined to accept review of the case and Juan decided that his best option was to proceed to the United States Supreme Court to resolve the dilemma because Juan and Nancy find themselves fighting against a policy created by Robert W. Germaine which creates an impediment to a marriage license and marriage, in contravention of the Due Process and Equal Protection Clauses of the United States Constitution. In the interim of this litigation Juan and Nancy discovered that other Counties in Florida have previously sold marriage licenses to civil detainees and their fiancée's and that Florida Civil Commitment Center has previously approved the marriage of other residents, so now Juan and Nancy feel as if they are the target of discrimination and this has caused them a great amount of mental anguish and emotional distress. Juan and Nancy are well aware that the United States Supreme Court has approved the marriage of heterosexuals, homosexuals, interracial, and prisoners (and

removed all impediments) and now they are hoping for the same result from this Court since the protection of fundamental rights is an enduring part of the judicial duty to interpret the Constitution in identifying the interest of persons so fundamental that the State must accord them its respect. At one point Juan filed a Petition at the Florida Division of Administrative Hearings (DOAH) to have the policy of Robert W. Germaine declared invalid under the Administrative Procedure Act but the DOAH claimed that it did not have jurisdiction over the matter.

CONCLUSION

Based on the above facts and cited authorities Juan and Nancy are requesting that this Honorable Court grant them Certiorari Review.

OATH

I declare under penalty of perjury that the foregoing is true and correct. Executed on 4-20-18.

/s/ 

(Signature of Petitioner)