

UNITED STATES OF AMERICA
IN THE SUPREME COURT

Supreme Court, U.S.
5000
JAN 25 2021
OFFICE OF THE CLERK

CHRISTOPHER VIGLIOTTI,

Petitioner,

20-7342

v.

No. _____

RON DeSANTIS, GOVERNOR,
FOR THE STATE OF FLORIDA,
MARK S. INCH, SECRETARY,
FLORIDA DEPT. OF CORRECTIONS,
DAQUARIAS DUNCAN, WARDEN,
TOMOKA CORR. INSTITUTION,

Respondents.

_____ /

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS
TO JUSTICE FOR ELEVENTH CIRCUIT

I. QUESTION PRESENTED FOR REVIEW

SHOULD THE COURT ISSUE AN EMERGENCY WRIT OF HABEAS CORPUS REQUIRING RESPONDENT'S TO RELEASE PETITIONER DUE TO THE FACT COVID-19 AND ITS VARIANTS PRESENT AN IMMINENT DANGER TO PETITIONER'S LIFE FROM WHICH PETITIONER, WHOM IS INCARCERATED, CANNOT PROTECT HIMSELF BECAUSE RESPONDENT'S CANNOT 100% PROTECT PETITIONER FROM CONTRACTING THE DEADLY VIRUS UNDER ANY LIVING CONDITIONS THAT CAN BE PROVIDED BY RESPONDENT'S THEREBY ILLEGALLY COMMUTATING HIS PRESENT 4.2 YEAR SENTENCE INTO A DEATH SENTENCE?

II. PARTIES

1. Petitioner, Christopher Vigliotti is a citizen of the United States incarcerated under the custody and care of Respondent's DeSantis, Inch and Duncan at the Tomoka Correctional Institution, 3950 Tiger Bay Road, Daytona Beach, Florida 32124.

2. Respondent Ron DeSantis is a citizen of the United States and Governor of the State of Florida, and is the ultimate authority over the Florida Department of Corrections.

3. Respondent Mark S. Inch is the Secretary of the Florida Department of Corrections and is responsible for Petitioner's care and custody (Florida Department of Corrections, 500 South Calhoun Street, Tallahassee, Florida 32399).

4. Respondent DaQuaris Duncan is the Warden at Tomoka Correctional Institution, and is responsible for Petitioner's care and custody (Tomoka Correctional Institution, 3950 Tiger Bay Road, Daytona Beach, Florida 32124).

III. JURISDICTION

5. Petitioner invokes this Court's jurisdiction pursuant to the Constitution of the United States, Article III, under Title 28 U.S.C. § 1651, and under Title 28 U.S.C. § 2241(c)(3).

6. This Court has original jurisdiction under U.S.C., Article III, as all cases affecting the governor in which a State shall be a party, the Supreme Court shall have original jurisdiction.

IV. CONSTITUTIONAL PROVISIONS

7. Amendment VIII to the Constitution of the United States: "Nor [shall] cruel . . . punishment be inflicted."

8. Amendment XIV to the Constitution of the United States: ". . . nor shall any state deprive any person of life [or] liberty . . . without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

V. STATEMENT OF THE CASE

9. Petitioner is diagnosed with a terminal illness that depletes his immune system thereby placing him in the “high risk” of death category from COVID-19 and its variants as defined by the Center for Disease Control.

10. COVID-19 and its transmutations present an imminent danger to Petitioner’s life from which Petitioner, who is incarcerated, cannot protect himself because Respondent’s cannot 100% protect Petitioner from contracting COVID-19 or its variants under any living conditions that can be provided by Respondent’s during these unprecedented times.

11. It is well established that some conditions of confinement may establish an Eighth Amendment violation. *See Helling v. McKinney*, 509 U.S. 25, 33 (1993) (holding prison officials may be deliberately indifferent to the exposure of inmates to a serious disease even if the complaining inmate shows no serious current symptoms).

12. In the USA Today Newspaper (April 2020), in Article “Manafort Released From Prison Amid Pandemic,” then “Attorney General William Barr announced a plan to expedite the release of vulnerable prisoners to home confinement as infections and fatalities mounted.” “Barr asked Bureau of Prison officials to grant home confinement based on factors including prisoner’s age and vulnerability to COVID-19, their conduct in prison, and the crimes for which they were convicted.”

13. In class action suit under 42 USC § 1983, Case No. 2:20-cv-02471, EAS-KAJ, DOC #1, filed 5/15/2020 in the Southern District of Ohio, Plaintiff’s *Smith, Wang, Martin and Williams v. Dewine and Smith* raised similar allegations against the Governor and Secretary of the Ohio Dept. of Rehabilitation and Corrections. (See attached). Where prisoners of that State were and are faced with conditions where they could not be 100% protected from this invisible

killer labeled COVID-19, which caused the prisoners of that State such mental anguish that the prisoners banded together and initiated a class action suit in order to protect themselves from the killer. Something the prison officials failed and continue to fail in protecting the inmates of that State and this scenario is similar across the U.S.A.

14. Petitioner hereby incorporates all research contained within the attached class action to be incorporated within this petition.

15. Petitioner Vigliotti, presently takes exclusive medication that keeps him alive from his terminal illness, and is afraid of the short and long-term drug interactions with the present vaccines, as there are no short or long term studies. Who can be 100% certain that such vaccine will not render his present medication ineffective thereby causing his ultimate death.

16. Petitioner Vigliotti was sentenced on March 25, 2019 for a violation of probation to 15 years DOC with credit for 9.6 years already served.

17. Petitioner Vigliotti has served his sentence without any major disciplinary reports since 2007. He has presently served more than 71% of his total sentence.

18. Petitioner Vigliotti's sentence is for a non-violent event revolving around mortgage fraud.

19. Given all of the requirements set forth by U.S. Attorney William Barr, and those outlined within the Ohio class action, Mr. Vigliotti qualifies to have this emergency petition granted, and to be released from Tomoka Correctional Institution under home confinement or probation.

VI. REASONS FOR NOT MAKING APPLICATION TO THE DISTRICT COURT

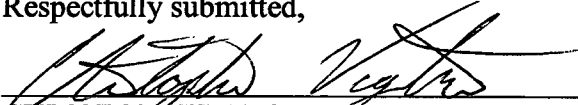
20. This petition is brought directly to this Honorable Court as the circumstances surrounding this situation present a clear and present threat of *imminent danger* to Petitioner's

life. If Petitioner contracts COVID-19, or a variant, it will result in illegally commutating his present 4.2 year sentence into a death sentence over which this Court has exclusive jurisdiction.

WHEREFORE, Petitioner respectfully requests this Court to grant any writs or relief deemed appropriate and just.

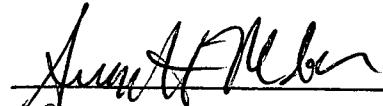
Respectfully submitted,

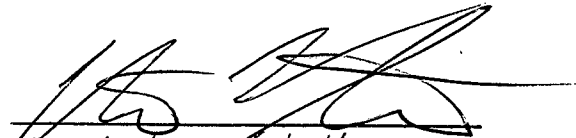
Dated: 1/25/2021



CHRISTOPHER VIGLIOTTI, PRO SE
#W14827
Tomoka Correctional Institution
3950 Tiger Bay Road
Daytona Beach, Florida 32124

In accordance with Rule 29, and, 28 U.S.C. 1746

"I declare under penalty of perjury that the foregoing is true and correct."


Notary date: 1/25/21


Christopher Vigliotti
D.C. # 2514827
date:

 Andrew H. McGee
Notary Public
State of Florida
Comm# HH010963
Expires 6/16/2024