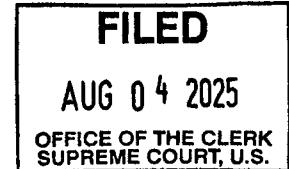


No. _____

25-5476

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



LEIGH VALORIE FORD – PETITIONER

vs.

STATE OF FLORIDA – RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
THE FLORIDA SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

Leigh Valorie Ford DC# E23576

Lowell C.I. Annex

11120 N.W. Gainesville Rd

Ocala, Florida 34482

QUESTION(S) PRESENTED

1. What was the Framers' of the Florida Constitution trying to do when they wrote Article I, Section 17 that prohibits “indefinite imprisonment”?
2. Is being placed in prison for the rest of one's life, with an unlimited date, constitutionally forbidden by the Florida Constitution Article I, Section 17 which prohibits “indefinite imprisonment”?
3. Does “indefinite imprisonment” mean being placed in prison for the rest of one's life, and because the Rule of Lenity and Plain Language has to be used when determining the correct interpretation, Is not the court mandated to use the definition that favors the accused?
4. State Constitutions are derived from the United States Constitution, does this not in turn violate the United States Constitution when a state's statute violates a provision or prohibition within the State's constitution?
5. When taking a judicial oath, does not every judiciary swear or affirm they will support the Constitution of the United States and of Florida? (or whatever state they represent)
6. What can be done to correct the indefinite imprisonment sentence of life, that is unconstitutional by the Florida Constitution Article I, Section 17 that forbids “indefinite Imprisonment”?

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 in the subject of this petition is as follows:

RELATED CASES

- **Leigh Valorie Ford v. State**, case no. D5-2003-CF-32520-BXXX-XX
Circuit Court of 18th Judicial Circuit of Brevard County, Florida, judgment entered January 24, 2025.
- **Leigh Valorie Ford v. State**, Appellate case no. 5D2025-0624,
Fifth District Court of Appeal of Florida, judgment entered April 1st, 2025.
- **Leigh Valorie Ford v. State**, Appellate case no. 5D2025-0624,
Motion for Rehearing/ Opinion, Fifth District Court of Appeal of Florida,
judgment entered April 24, 2025.
- **Leigh Valorie Ford v. State**, case no. SC2025-0804, Florida Supreme Court,
judgment entered June 9, 2025 on the Discretionary Jurisdiction Review.

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Black's Law Dictionary 11th edition, 20199

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 E 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 5th District Court of Appeal of Florida court 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 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 June 9, 2025. A copy of that decision appears at Appendix E.

A timely petition for rehearing was thereafter denied on the following date: June 9, 2025, and a copy of the order denying rehearing appears at Appendix E.

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).

STATEMENT OF CASE

The Appellant filed her 3.800(a) motion to correct illegal sentence on the subject matter that the Life sentence she received in 2005 is unconstitutional. The Life sentence exceeds the constitutional limitations set forth in Article I, Section 17 of the Florida Constitution, which prohibits certain “Excessive Punishments,” specifically in the Appellant's case “indefinite imprisonment.”

The Lower Tribunal (L.T.) denied the Appellant's 3.800(a) motion based on the sole point that the Appellant failed to show how the L.T. Was not bound by the prior precedent set in Ratliff v. State, 914 So.2d 938 (Fla. 2005), which was reliant on Alvarez v. State, 358 So.2d 10, 12 (Fla. 1978). In Ratliff the Supreme Court misapplied the Alvarez rationale to determine whether Florida's Life sentences equated to “indefinite imprisonment,” and thus was forbidden.

The Ratliff Court erroneously positioned that “Life” was definite enough to determine that legislative intent meant to “place a person in prison for the remainder of their natural life for crimes punishable to be 'Life Imprisonment'”. This rationale was on the certified question in Alvarez, “is a sentence of imprisonment for a term of years greater than life expectancy of the sentenced person lawful under Section 813.011, Florida Statutes (1973), and Section 812.13, Florida Statutes (1975)?”

The Supreme Court improperly based its decision in Ratliff off the decision in Alvarez because the argument were two different arguments in itself.

Alvarez was sentenced to 125 years in prison, which is a term in excess of one's life expectancy. Alvarez's sentence was not “indefinite,” it had an end date.

Also at the time Alvarez was under Parole Statute 944.30 which states: “any prisoner who is sentenced to life imprisonment, who has actually served ten (10) years and has sustained no charges of misconduct and has a good institutional record, shall be recommended by [DOC] for a reasonable commutation of sentence ... to a term for years.” This Florida statute was repealed in its entirety in 1988. Life sentences in 1978

were not “indefinite” as life sentences are today.

In Ratliff the defendant argued that a sentence of “life imprisonment” is unlawful as it violates the Constitution prohibition of infinite “life imprisonment.” State of Florida no longer has an avenue for the “lifer” should he/she have “good behavior” and complete rehabilitative programs. Florida no longer has parole for those who were sentenced after 1998, with a term of “life”.

The precedent set in Ratliff was that “Life imprisonment,” was not constitutional under Florida Constitution Article 1, Section 17 as an “ indefinite term of imprisonment” and that morality and life expectancy were irrelevant to limits on incarceration, thus “Life” was sufficiently definite enough to be understood and applied.

A PURE QUESTION OF LAW, DE NOVO REVIEW

The Appellant avers that, “The constitutionality of a statute is a pure question of law … subject to de novo review.” Poole v. DeFranke, 290 So.3d 552 (3rd DCA 2019), quoting Bean v. University of Miami, 252 So.3d 810, 815 (3rd DCA 2018).

Additionally, “Although our review is do novo, statutes come clothed with a presumption of constitutionality and must be construed whenever possible to effect a constitutional outcome. Should any doubt exist that an act is in violation … of any constitutional provision, the presumption is in favor of constitutionality. To overcome the presumption, the invalidity must appear beyond reasonable doubt, for it must be assumed the legislature intended to enact a valid law.” quoting Franklin v. State 887 So.2d 1063, 1073 (Fla. 2004)

Here no such reasonable doubt exist as the due process of law guaranteeing the accused benefits from the usage of plain language and the Rule of Lenity removes any and all doubt that the Legislature enacted an unconstitutional statute by imposing “indefinite imprisonment” on the citizens of Florida, including the Appellant.

CLAIM

THE LOWER TRIBUNAL ERRONEOUSLY DENIED THE APPELLANT'S 3.800(a) MOTION TO CORRECT ILLEGAL SENTENCE ON THE ISSUE THAT HER LIFE SENTENCE IS UNCONSTITUTIONAL AS IT VIOLATES ARTICLE I, SECTION 17 OF THE FLORIDA CONSTITUTION BY CREATING PENAL STATUTES THAT HAS THE NET EFFECT OF IMPOSING INDEFINITE TERMS OF IMPRISONMENT.

As an illegal sentence is one that “ ... patently fails to comport with statutory or constitutional limitations.” State v. Mancino, 714 So.2d 429, 433 (Fla. 1988), The following claim is cognizable under a 3.800(a) motion to correct illegal sentence as it challenges a constitutional issue that deals with sentencing and can be shown on their face to patently fail to comport with constitutional limitations.” Plot v. State, 148 So.3d 90, 95 (Fla. 2014).

In weighing a challenge to a statute's constitutionality, we “accord legislative acts a presumption of constitutionality and ... construe challenged legislation to effect a constitutional outcome whenever possible.” Adkins v. State 96 So.3d 412, 416 (Fla. 2012), and “is reviewed de novo.” Richards v. State, 288 So.3d 574, 575 (Fla. 2020)

In the L.T.'s order denying the Appellant's 3.800(a) claim the L.T. gave a single reasoning for its denial, and that was the Appellant failed to show how the L.T. How it was not bound by the prior precedent set forth by the Florida Supreme Court in Ratliff (2005) and Alvarez (1978)

The Appellant positions that the rationale in Ratliff incorrectly rationed that Alvarez's “life expectancy” argument was the equivalent to Ratliff's “Life imprisonment” being equal to “indefinite imprisonment” argument when in fact Alvarez's question inadequately represented the class of citizens who have been sentenced to life imprisonment, and thus so did the Ratliff court.

The Appellant is not arguing “life expectancy,” but rather “life imprisonment

equates to being placed in prison for the remainder of one's life, and thus equates to indefinite imprisonment, which is forbidden."

Both the plain language doctrine and the rule of Lenity doctrine are guaranteed by due process of law and must be utilized when interpreting Florida Statute, and herein is where the Ratliff decision must be reassessed as it misapplied Alvarez's rationale to the present claim against Life imprisonment being synonymous with indefinite imprisonment, and thus Forbidden.

The unambiguous fact that the words "excessive" and "indefinite" only work conjunctively under one of the two definitions of the word "indefinite" establishes that the Ratliff decision was erroneous and must be corrected:

- 1) Indefinite – an unlimited amount of time or measure, or
- 2) Undefined or ambiguous

The fact that the second definition fails to work conjunctively with the word "excessive" demonstrating that it is the first definition that the Florida Constitution forbids under Article I, Section 17. Life imprisonment as it is essentially indefinite imprisonment. The second definition is a black/white scenario where there is no "excessive" levels of something being "undefined or ambiguous" as it either is or is not where as the first definition being "undefined or ambiguous" as it either is or is not where as the first definition can only exist upon something having different varying levels that produces "excessive" levels of punishment.

RULE OF LENITY AND PLAIN LANGUAGE

The Rule is clear where the Court is interpreting statutory law, the court must use "plain language" and the Rule of Lenity mandates that upon a word holding dual meaning, the interpretation must **favor the accused**.

In the context of "plain language", the word "indefinite" means "**unlimited amount of time or measure**" or "**a sentence of an unspecified duration**." The Rule of

Lenity dictates that the latter is the interpretation that favors the accused, and must be used when interpreting “indefinite imprisonment.”

The Supreme Court of Florida has denied the claim that “Life” amounts to “indefinite imprisonment” by stating in civil matters “indefinite confinement is being placed in confinement for the rest of one's life” seeing that a “life” time is an unmeasurable amount of time – **indefinite** – which is forbidden by the Florida Constitution Article I, Section 17.

The Petitioner contends that Florida's statutory framework governing Life imprisonment effectively creates an indefinite term of incarceration, there by rendering it unconstitutional under state law. This is exactly what Honorable Supreme Court Justice Arthur J. England Jr. warned in his dictum in Alvarez at 14 “... moreover, if the net effect of a penal statute is to provide an indefinite term of imprisonment, the law is at odds with Article I, Section 17 of the Florida Constitution.

CONSTITUTIONALITY, THE HIGHER AUTHORITY

The Constitution is a superior paramount law, unchangeable by ordinary means. It is not on a level with ordinary legislative acts, and like other acts, is not alterable whenever the legislature shall please alter it.

Though the United States Constitution gives the individual states the power to govern themselves, they must stay within the confines of the United States Constitution, Part of the States' ability to have their own constitution is that they must obey that constitutions as it is the Will of the People. To ignore their own constitution would be to violate the Federal Constitution's guarantees of Due Process and Equal Protection of Law. By Florida sentencing offenders to “indefinite terms of imprisonment” under **unconstitutional “life” sentences**, the State of Florida has violated Article I, Section 17 of the Florida constitution. In so doing this has violated the Constituion of the United States of America. The 5th Amendment specifically guarantees Equal Protection, and the

8th Amendment protects from Cruel and Unusual Punishment.

It is indicative that whatever is written in the Constitution (State or Federal) must be abided by: for when judges start ignoring parts of this governing document is when the People lose power to govern, and therein is when democracy when cease to exist. In challenging the constitutionality of a State statute, a Court has jurisdiction to question, and it can exercise supplemental jurisdiction over the state law. The Petitioner contends that the prohibition under Article I, Section 17, of the Florida Constitution entitled “Excessive Punishment” establishes that every State statute that gives a Life sentence is violative of the 5th, 8th and 14th Amendments of the Constitution of the United States of America. The Statute(s) must be repealed and replaced by a constitutionally legal sentence.

To reassess prior precedent which is clearly erroneous the Florida Supreme Court acknowledge, “Perpetrating an error in legal thinking under the guise or stare decisis serves no one well and only undermines the integrity and credibility of the court providing an exception.” Poole v. State, 297 So. 3D 487, 506 (Fla. 2020)

The Supreme Court further defines in Poole that the proper approach to stare decisis is, “In a case where we are bound by a higher legal authority – whether it be a constitutional provision, a statute, or decision of the [U.S.] Supreme Court – our job is to apply that law correctly to the case before us. When we are convinced that a precedent clearly conflicts with the law we are sworn to uphold, precedent normally must yield.”

Both Ratliff and Alvarez argued legislative intent was to place a person for the remainder of one's natural life, and thus here rests the whole crux of the issue as it is this legislative intent that is constitutionally forbidden by Article I, Section 17. It is this legislative intent that Supreme Court Chief Justice Arthur J. England Jr. gave warning to in dictum 14 of Alvarez, “ … if the net effect of a penal statute is to provide an indefinite term of imprisonment, the law is at odds with Article I, Section 17 of our Florida Constitution.”

The Appellant humbly request this court to reassess the prior precedent set in Ratliff as it is not the Constitution's duty to uphold legislative intent, but rather legislative intent's duty to uphold the Constitution. The same must be said about creating precedent.

The United States Supreme Court has identified Life imprisonment to mean "being placed in prison for the remainder of one's life," further defined in Black's Law Dictionary 11th edition, 2019. It is universally understood that "indefinite confinement" and "indefinite incarceration" both means "to be placed in confinement/incarceration for the rest of one's natural life."

Such interpretation lays the groundwork for identifying what "indefinite imprisonment" actually is, which in plain language means "being placed in prison for the remainder of one's natural life."

For arguments sake the Rule of Lenity settles any discrepancy as the United States Supreme Court has said that a Life sentence is the second harshest sentence in existence (second only to the death sentence, though it should be noted that a Life sentence also ends in death.), meaning that the Rule of Lenity settles any question what definition has to be used in interpreting what Life imprisonment and what indefinite imprisonment actually is.

In the *United States v. Kirby*, 939 F.3d 1254 (11th Circuit, Florida 2019), The United States 11th Circuit of Appeal highlights the U.S. Supreme Court's interpretation of Life sentences to be, "the meaning of life imprisonment is clear, Confinement of a person in prison for the remainder of his or her natural life," which is then referred to as "indefinite incarceration."

The Florida Supreme Court itself has set conflicting precedent from Ratliff by interpreting "indefinite confinement" to mean being laced in confinement for the rest of one's natural life. The real irony is that such precedent was set by the very same Supreme Court that ruled in Ratliff. See, *Pullen v. State*, 802 So.2d 1113 (Fla. 2001)

Williams v. State, 889 So.2d 804, 806 (Fla. 2004) and Manning v. State, 913 So.2d 37 (Fla. 2005)

Stare decisis must yield where “there has been an error in legal analysis.” Puryear v. State, 810 So.2d 901, 905 (Fla. 2002)

As the Appellant has a fundamental due process right she has the inherent favor of plain language and the Rule of Lenity to be applied when interpreting whether “being placed in prison for the remainder of their life” is equitable to “indefinite imprisonment.”

The Court's have power and duty to strike down an action of legislature, if provisions of an act violate some expressed or implied constitutional inhibitions.” Halley v. Adams, 238 So.2d 401 (Fla. 1970)

COURTS HAVE A DUTY TO STRIKE

The courts have the power and duty to strike down an action of the legislature. If provisions of an act violate some expressed or implied constitutional inhibitions (Halley v. Adams, 238 So.2d 401 Fla. 1970). It is not the Constitution's duty to uphold legislative intent, but legislative intent to uphold the Constitution.

“Judges are not at liberty to substitute their personal policy preferences for that of the Framers [,] “and the Constitution may only be amended” pursuant to the process established by its Framers [.] See Appendix F for History of Framers intent. By administering “indefinite imprisonment” in the terms judges have defined as “Life” every single State judiciary has broken the oath that they underwent to become a judiciary. They swore to obey and to protect both the State of Florida Constitution and the United States Constitution.

The Supreme Court has acknowledged that a statute being found unconstitutional (whether State or Federal) violated the United States Constitutional rights to Due Process of Law, and anytime a defendant has a substantial and legitimate expectation

that he/she will be deprived of his/her liberty, a court must exercise its constitutional discretion to obey the dictates of both State and Federal Constitutions. As such, the defendant has a constitutional right to be safeguarded from “indefinite imprisonment.” It is an arbitrary disregard of a defendant's right to this liberty interest is a denial of Due Process of Law. It is indisputable that any state statute exceeding the constitutional maximum allowed by law is cognizable under Fla. R. Crim. P. 3.800(a) motion to correct Illegal Sentence, and cannot be ruled on at any time as it is a fatal error on the face of the record, and must be ruled on de novo. When a State statute violates a provision or prohibition within that state's constitution, then the essential requirements of law mandate that that statutory law must be found unconstitutional and stricken from the law books.

REASONS FOR GRANTING THE PETITION

RELIEF SOUGHT

Appellant humbly request that the Lower Tribunal's denial of her 3.800(a) motion to correct illegal sentence be reversed and vacated and the matter be remanded back to the Lower Tribunal to re-sentence the Appellant under a constitutionally legal sentence that does not impose an “indefinite term of imprisonment,” or to move the Supreme Court of Florida to issue a declaratory judgment that finds all statutes that issue Life imprisonment to mean being placed in prison for the remainder of one's natural life to be unconstitutional, and injunctive relief that abolishes all sentences in favor of a new parole system that gives redemptive opportunity to everyone who seeks it out.

A QUESTION OF GREAT PUBLIC IMPORTANCE

Lastly, upon this Court finding itself in a conundrum, the Appellant request that the following certified question can be presented to the Florida Supreme Court for discretionary review:

"If life imprisonment means to be placed in prison for the remainder of one's natural life and ultimately defined as 'indefinite incarceration' and if indefinite confinement means to be placed in confinement for the remainder of one's natural life, should not due process guarantee that 'indefinite imprisonment' is defined the same way and thus the prior precedent set in Ratliff must yield to the constitutionality of the forbiddance of indefinite imprisonment?"

CONCLUSION

In closing the Petitioner humbly request that this Honorable Court who above all is oath bound to obey and protect the United States Constitution and the Florida Constitution to reconsider the merit of her claim in that her life sentence is unconstitutional as it violates Article I, Section 17 of the Florida Constitution which prohibits indefinite imprisonment. As such a re sentencing to take place that prescribes a legal sentence that has a definite amount of years.

The petition for a writ of certiorari should be granted.

Respectfully Submitted,



Leigh Valorie Ford DC# E23576

Date: August 4, 2025