

25-5815  
No.

ORIGINAL

IN THE

Supreme Court, U.S.  
FILED

JUN 29 2025

OFFICE OF THE CLERK

# Supreme Court of the United States

WILCLIN SAINTIL,  
Petitioner,

v.

FLORIDA,  
Respondent.

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On Petition For Writ Of Certiorari To The  
Florida Sixth District Court Of Appeal

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Wilclin Saintil, DC# A92162  
Petitioner, Pro Se  
DeSoto Correctional Institution Annex  
13617 Southeast Highway 70  
Arcadia, Florida 34266-7800

## **QUESTION PRESENTED**

- I. WHETHER THE STATE COURT VIOLATED THE FIFTH, SIXTH, AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION IN DENYING THE ACCUSED HIS DUE PROCESS RIGHT TO PRESENT WITNESS IN SUPPORT OF HIS THEORY OF DEFENSE?

## **LIST OF PARTIES**

All parties appear in the caption of the case on the cover page.

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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 **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is unpublished.

## **JURISDICTION**

The date on which the highest state court having jurisdiction decided my case was April 1, 2025. A copy of that decision appears at Appendix A.

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



## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

**United States Constitution V Amendment**, No person ... shall be deprived of life, liberty, or property, without due process of law ....

**United States Constitution VI Amendment**, In all criminal prosecutions, the accused shall enjoy the right to have compulsory process for obtaining witnesses in his favor, ....

**United States Constitution Amendment XIV** "No State shall make or enforce any law which [...] shall deprive any person of life, liberty, or property, without due process of law.

**United States Code Annotated Title 28 §1257**: "Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of the statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under the United States".

## **STATEMENT OF THE CASE**

Petitioner was arrested and charged with two counts of sexual battery on a child under the age of twelve, one count of lewd or lascivious molestation, and one count of showing obscene material to a minor. Petitioner pled not guilty and demanded a jury trial.

At trial, Petitioner's theory of defense was that he did not commit and he could not have committed the alleged crimes because he worked two jobs with an hour separating each shift and was never home alone with the alleged victim. In support of his defense, Petitioner sought to introduce the testimony of a co-worker who would have testified to those facts. Respondent objected and the court sustained Respondent's objection that the witness testimony was inadmissible hearsay, irrelevant, and not credible. As a result, Petitioner was compelled to take the stand and testify on his own behalf.

The jury returned a guilty verdict on all counts as charged in the information. Petitioner timely appealed the judgment of conviction and sentence to the Sixth District Court of Florida.

On direct appeal, appellate counsel raised the following claims:

- I. "Mr. Saintil was denied his right to present his theory of defense."
- II. "A read back of an exhibit cannot take on dual play, in other words, a prosecutor cannot take on a second role as a witness –a violation of the most basic commonsense principals and constitutional due process."

On April 1, 2025, without a written opinion, the state appellate court per curiam affirmed the lower court's evidentiary ruling and this timely Petition for Writ of Certiorari ensues.

## **REASONS FOR GRANTING THE PETITION**

This Honorable Court should grant certiorari review because Florida hearsay rule as applied is unconstitutional, allowing Florida courts and prosecutors to circumvent the framers' intent that in every criminal prosecution the accused has the fundamental right to secure the attendance of and present witnesses in his defense. Further, the issue is important because this Court's inaction will allow Florida Courts and prosecutors to continue using this and similar tactics indefinitely with complete impunity, especially where no further review is contemplated beyond that of the highest state court.

### **I. The Florida hearsay Rule, as Applied, Is Unconstitutional**

It is well established by this Court's holding that the Compulsory Process Clause of the Sixth Amendment embodies a substantive right to present criminal defense evidence before a jury. Further, the Framers of the Constitution did not intend to commit the futile act of giving to a defendant the right to secure the attendance of witnesses whose testimony he had no right to use." *Washington v Texas*, 388 US 14, at 23; 18 L Ed 2d 1019, 87 S Ct 1920 (1967).

Furthermore, "The right to offer the testimony of witnesses, and to compel their attendance, if necessary, is in plain terms the right to present a defense, the right to present the defendant's version of the facts as well as the prosecution's to the jury so it may decide where the truth lies. Just as an accused has the right to confront the prosecution's witnesses for the purpose of challenging their testimony, he has the right to present his own witnesses to establish a defense. This right is a

fundamental element of due process of law." After all, "[f]ew rights are more fundamental than that of an accused to present witnesses in his own defense." *Chambers v Mississippi*, 410 US 284, supra, at 302; 35 L Ed 2d 297, 93 S Ct 1038 (1973). The exclusion of criminal defense evidence undermines the central truth-seeking aim of our criminal justice system, see *United States v Nixon*, 418 US 683, 709, 41 L Ed 2d 1039, 94 S Ct 3090 (1974), because it deliberately distorts the record at the risk of misleading the jury into convicting an innocent person. Surely the paramount value our criminal justice system places on acquitting the innocent, see, e.g., *In re Winship*, 397 US 358, 25 L Ed 2d 368, 90 S Ct 1068, 51 Ohio Ops 2d 323 (1970), demands close scrutiny of any law preventing the jury from hearing evidence favorable.

Here, the trial court excluded Petitioner's only defense and disinterested witness who could have presented his theory of defense as to why those vicious allegations were pure fabrications by the alleged victim's mother in retaliation for Petitioner refusing to reconcile with her. The mere fact that Petitioner testified does not cure the infirmity at Petitioner's trial where it was the trial court's erroneous decision that compelled Petitioner to testify.

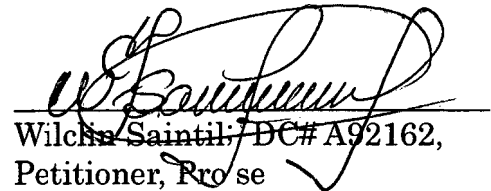
Under these circumstances, the prosecution was able to circumvent the framers' intent, i.e., in every criminal prosecution the accused has the fundamental right to secure the attendance of and present witnesses in his defense, by relying on Florida hearsay rule, to exclude Petitioner's only defense witness, violating the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

Therefore, as it stands, this Court should seize this unique and timely opportunity and set viable precedent to end this practice which violates the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution..

### CONCLUSION

Wherefore, based on the foregoing, the petition for a writ of certiorari should be granted.

Respectfully submitted,

  
Wilkie Saintil, DC# A92162,  
Petitioner, Pro se

Date: September 18, 2025