

25 - 6063

ORIGINAL

IN THE UNITED STATES SUPREME COURT

Supreme Court, U.S.
FILED

OCT 23 2025

OFFICE OF THE CLERK

SAMUEL LEE SMITH, JR.,
Petitioner,

v.

STATE OF FLORIDA,
Respondent,

PETITION FOR WRIT OF CERTIORARI

Appeal from the Florida Supreme Court
Case No. SC2025-1298 Order Dismissing Appeal

SAMUEL LEE SMITH, JR.,
Petitioner Pro se
16614 SW 99 Court
Miami, Florida 33157
Telephone Number 305-975-1964
Email gymsam7@gmail.com

QUESTION PRESENTED

1. Did the Florida Supreme Court wrongly dismiss that the Petitioner's appeal because it effectively prevented the Petitioner from defending himself in Court and deprived him of access to the Courts?

TABLE OF CONTENTS

Question Presented.....	2
Table of Contents.....	3
Table of Authorities.....	4
Decision Below.....	5
Jurisdiction.....	5
Federal Question.....	5
Statement of the Case.....	5
Reason for Granting the Writ.....	7
Did the Florida Supreme Court make an error when it dismissed the Petitioners appeal challenging the Third District Court of Appeal July 25 th , 2025, Order? Did the Courts infringe upon the Petitioners fundamental right to due process, procedural due process and access to courts?	
Conclusion.....	10

TABLE OF AUTHORITIES

<u>Case Law</u>	<u>Page No.</u>
<i>Al-Amin v. Smith</i> , 511 F.3d 1317, 1325 n. 17 (11th Cir.2008)	9
<i>Brady v. Maryland</i> , 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963),	9
<i>Cleveland Bd. of Educ. v. Loudermill</i> , 470 U.S. 532, 546 (1985)	8
<i>Giglio v. United States</i> , 405 U.S. 150, 154, 92 S.Ct. 763, 766, 31 L.Ed.2d 104 (1972	9
<i>Grayden v. Rhodes</i> , 345 F.3d 1225, 1232 (11th Cir. 2003)	7
<i>Laskar v. Peterson</i> , 771 F.3d 1291, 1297 (11th Cir. 2014)	8
<i>Mullane v. Central Hanover Bank & Trust Co.</i> , 339 U.S. 306, 313, 70 S.Ct. 652, 656–57, 94 L.Ed. 865 (1950).	7
<i>Richards v. Jefferson Cnty.</i> , 517 U.S. 793, 797 n.4 (1996)	8
<i>Smith v. Hutchins</i> , 426 F. App'x 785, 788–89 (11th Cir. 2011)	10
<i>Samuel Lee Smith, Jr. v. State of Florida</i> , Case Number 3D2025-1386 (Fla. 3 rd DCA 2025).	7
<i>Williams v. Warden</i> , GDCP, No. 22-10249, 2024 WL 4439968, at *4 (11th Cir. Oct. 8, 2024)	7
<i>United States v. Jordan</i> , 316 F.3d 1215 (11th Cir. 2003)	9
<i>United States Constitution</i>	9
First Amendment to the United States Constitution	9
Sixth Amendment to the United States Constitution	9
Fourteenth Amendment to the United States Constitution	9
Article IV Privileges and Immunities Clause	9
U.S.C §§ 1961–1968	7
18 U.S.C. § 2261A	6
18 U.S.C 242	7

PETITION FOR WRIT OF CERTIORARI

1. DECISION BELOW

Petitioner petitions to this Honorable Court to review the Florida Supreme Court August 27, 2025, Order Dismissing Appeal.

2. JURISDICTION

The Supreme Court's appellate jurisdiction includes the authority to review decisions that involve the Federal constitution, Federal Rules of Procedure and Constitutional Questions. The Petitioner seeks review of *SAMUEL LEE SMITH, JR., v. State of Florida*, Case No. SC2025-1298 Florida Supreme Court August 27, 2025, Order Dismissing Appeal

3. Federal Rule/Question Involved

The Federal Rule or Federal Question involved concerns the Petitioner's 5th Amendment right to due process, 14th Amendment procedural due process and 6th Amendment right to Access to the Courts.

4. Statement of the Case

This is an appeal resulting from an incident that occurred on June 1, 2025 at 3:37 pm. On that date and time, Mr. Smith was driving home on 168th Street, in Miami-Dade County, Florida. Mr. Smith made a right turn onto 99 Court, which is where Mr. Smith reside. Mr. Smith unloaded items from his vehicle for about 10-

20 minutes, and then got back in his car to run some errands. As Mr. Smith approached 168th Street, the officer was still sitting on the side of the road. The officer then started following Mr. Smith and got behind him as he was heading east toward US-1(18 U.S.C. § 2261A). The officer then stopped Mr. Smith without any legal justification or reasonable suspicion to believe that Mr. Smith had committed or was committing a crime.

The Officer then commanded Mr. Smith to provide his identification. Mr. Smith informed the officer that he had his identification in his cross body bag which was in the back seat. Being a man of Color and a prior victim officer misconduct, Mr. Smith was uncomfortable to make any kinds of movements due to the way this stop occurred Florida Statute §30.15(8) and Florida Statute §112.51. The officer ended up issuing Mr. Smith two citations, one for not having driving license and another for texting. Notably, Mr. Smith was not texting and this will be evident from Mr. Smith's cell phone records.

Mr. Smith pled not guilty to both of the traffic citations. Mr. Smith demanded discovery, in particular he requested the body worn camera video but he was denied that request by the Honorable Thomas Aquinas Cobitz, County Court Judge. Significantly, Judge Cobitz misrepresented that Mr. Smith did not attend court hearing for the traffic offenses in the appendix submitted to the Third District Court

of Appeals F.S § 817.569. In fact, Mr. Smith was present for every hearing that he was noticed to attend. Judge Cobitz denied the motion for a written order.

Mr. Smith proceeded to the hearing without the benefit of the exculpatory body cam video and was found guilty of the traffic violations. The undersign filed a timely notice appeal and the clerks of richard e gerstein justice building denied Mr. Smith a case number. The undersigned also filed a motion to dismiss based upon the lack of evidence. Lizzet caridad martinez florida bar 114634 denied the motion (U.S.C §§ 1961–1968 abuse of power), and the undersigned requested a written order to memorialize the basis for the trial judge’s ruling and so that he could challenge the ruling. Mr. Smith’s license was suspended and was required to attend traffic school. 41 USC § 4712(g)(1) and 18 U.S.C. § 242 and 26 U.S.C. § 7214

Mr. Smith appealed the decision to the Florida District Court of Appeal for the Third District. *Samuel Lee Smith, Jr. v. State of Florida*, Case Number 3D2025-1386 (Fla. 3rd DCA 2025). Mr. Smith also moved to stay the execution of the sentence, but the motion was denied by the Third DCA on July 25, 2025.

Mr. Smith filed a notice of appeal seeking to involve the Florida Supreme Court’s discretionary jurisdiction on August 26, 2025. The next day, the Florida Supreme Court dismissed the appeal.

This petition now follows.

REASON FOR GRANTING THE PETITION

1. The Order Denying Petitioner the Right to the Body Worn Camera Video Deprived the Petitioner of His Right to Trial, Right to Prepare a Defense and Right to Confront Witnesses, and Right to Exculpatory Evidence.

There is no doubt that, at a minimum, the Due Process Clause requires notice and the opportunity to be heard. *Grayden v. Rhodes*, 345 F.3d 1225, 1232 (11th Cir. 2003); *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 313, 70 S.Ct. 652, 656–57, 94 L.Ed. 865 (1950). This notice-and-opportunity-to-be-heard requirement conforms with bedrock conceptions of due process. *Williams v. Warden, GDCP*, No. 22-10249, 2024 WL 4439968, at *4 (11th Cir. Oct. 8, 2024). “The ‘essential requirements of due process’ are notice and ... [an] opportunity to respond.” *Laskar v. Peterson*, 771 F.3d 1291, 1297 (11th Cir. 2014) (quoting *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 546 (1985)); see also *Richards v. Jefferson Cnty.*, 517 U.S. 793, 797 n.4 1996)(“The opportunity to be heard is an essential requisite of due process of law in judicial proceedings.”).

The right to be heard before being deprived of a property right requires a meaningful opportunity to be heard. *Mathews v. Eldridge*, 424 U.S. 319, 333, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976). “The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner.” *Id.* (internal marks omitted); *Johnson v. Fort Walton Beach Hous. Auth.*, No. 3:11CV506-MCR/EMT, 2012 WL 10688344, at *5 (N.D. Fla. Jan. 5, 2012). This includes timely and adequate notice of reasons, and effective opportunity to defend

by confronting witnesses and presenting evidence orally. *Id.* The Supreme Court also stated in *Goldberg* that “[t]he opportunity to be heard must be tailored to the capacities and circumstances of those who are to be heard.” *Id.* at 269 (explaining it was insufficient to expect a welfare recipient to present written evidence).

Here, Mr. Smith is a pro se litigant who appeared in court to defend himself. The evidence to defend himself was solely in the possession of the State and its agents (law enforcement). When Mr. Smith requested a copy of the evidence that was exculpate him, the judge, without any analysis so sue of discretion, denied the request by simply stating that Mr. Smith was not entitled to the body worn video. The judge provided no legal basis for this determination. In fact, *Brady* requires the prosecution to turn over to the defense any exculpatory evidence in its possession or control. *United States v. Jordan*, 316 F.3d 1215 (11th Cir. 2003). Moreover, *Giglio* requires the prosecution to turn over to the defense evidence in its possession or control which could impeach the credibility of an important prosecution witness. *Id.* Here, the video would have shown that Ms. Smith broke no law that would have entitled the officer to pull him over, that he offered his driver’s license and that he was not texting as testified to by the police. In other words, the video would have exculpated Mr. Smith and would have discredited the officer.

Therefore, the failure to permit Mr. Smith the opportunity to obtain and use the bodycam video violated his due process rights to present a defense, obtain

exculpatory evidence and, ultimately, his right to confront the witness against him.

As such, the verdict against Mr. Smith should be reversed.

2. The Order Refusing to provide a written order denying Mr. Smith's Motion to Dismiss Violated Petitioner's 6th Amendment Right to Access to the Courts.

There is a fundamental constitutional right of access to the courts which guaranteed by the Sixth Amendment. It is also grounded in the in the First Amendment, the Article IV Privileges and Immunities Clause, and the Fifth Amendment, and/or the Fourteenth Amendment." *Al-Amin v. Smith*, 511 F.3d 1317, 1325 n. 17 (11th Cir.2008); *Smith v. Hutchins*, 426 F. App'x 785, 788–89 (11th Cir. 2011).

Here, the denial of the Petitioner's motion to dismiss without a written order, and the refusal to provide an order memorializing the basis for the same effectively denied him the right to appeal that decision. As this Court knows, in order to appeal a lower court decision, there must be a written order to appeal from. The trial judge's refusal to provide a written order ends the case and prevents the Petitioner from having his constitutional right to appeal. In other words, the denial of the motion without a written order precludes review of the same.

CONCLUSION

The conviction and sentence should be reversed, the Petitioner should be awarded a dismissal due to the egregious due process violation and procedural error

by the Courts. Petitioner was deprived of a meaningful opportunity to be heard and right to appeal written orders of the trial court and for such other further relief as this Court deems just and proper.

Respectfully submitted,

/s/ SAMUEL LEE SMITH, JR.,

SAMUEL LEE SMITH, JR., ®

Petitioner Pro se

16614 SW 99 Court

Miami, Florida 33157

Telephone Number 305-975-1964

Email gysam7@gmail.com