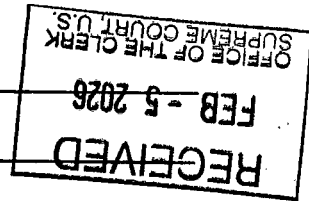


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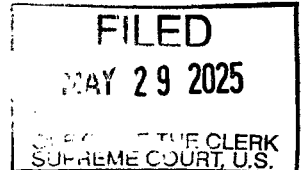


IN THE  
SUPREME COURT OF THE UNITED STATES

KIMBERLY CANNON – PETITIONER

VS.

STATE OF FLORIDA – RESPONDENT(S)

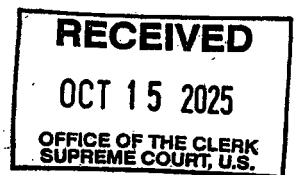


ON PETITION FOR WRIT OF CERTIORARI  
THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIRST DISTRICT

*KC* Fourth  
*KC* Third  
*KC* ~~SECOND~~

AMENDED PETITION FOR WRIT OF CERTIORARI

KIMBERLY CANNON DC# 550312  
Homestead Correctional Institution  
19000 SW 377th Street  
Florida City, Florida 33034



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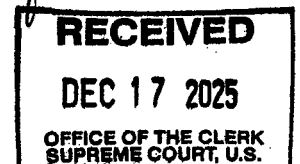
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Homestead Correctional Institution



## QUESTION(S) PRESENTED

- I. DOES EVIDENCE OBTAINED DURING A WARRANTLESS SEARCH USED IN A PROBATION VIOLATION REVOCATION PROCEEDING AND ALSO AS A BASIS FOR NEW LAW VIOLATIONS RENDER THE RESULTANT NEW CONVICTIONS AND SENTENCES ILLEGAL AND REVERSIBLE?

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### **Statutes and Rules**

Fla. Const. Articles I and XII

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 judgement 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☐ is unpublished.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 A to the petition and is

☐ reported at District Court Appeal; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the \_\_\_\_\_ 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.

## 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 the 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 ~~May 15, 2025~~ KC April 7, 2025. A copy of that decision appears at Appendix A. KC

☐ A timely petition for rehearing was thereafter denied on the following date: ~~May 15, 2025~~ Apr. 7, 2025 and a copy of the order denying rehearing appears at Appendix KC.

☐ 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**

Florida Constitution Articles I and XII

Fourth Amendment Test of Reasonableness

## **STATEMENT OF THE CASE AND FACTS**

The Appellant was housed in solitary confinement in the Santa Rosa County Jail (SRCJ) from November 20, 2008 until August 17, 2010. Her sole communication with the outside world was through letter writing. In June 2010 SRCJ implemented a policy of postcard only correspondence, eventually found to be unconstitutional by the Supreme Court in a lawsuit by the ACLU.

The Appellant hand delivered a manila envelope to Tim Grantham (an investigator with the Public Defender's office) which contained nine preaddressed envelopes, as well as a letter, which were to be mailed to her attorney. A second package was mailed to her attorney several weeks later. Her attorney instructed Mr. Grantham to return the initial manila envelope to the county jail. The Appellant's return mail was then searched by the county jail's officials without the Appellant's knowledge, consent, or any warrant. The Appellant did not receive any disciplinary report from the jail for her actions. In fact, she remained unaware of the disposition of her mail. Meanwhile, the mail was turned over to authorities for investigation. A search warrant was issued for the second manila envelope.



These two manila envelopes resulted in alleged introduction of contraband offenses which were presented for the first time in an Amended Affidavit for Violation of probation at her violation hearing on October 22, 2010. The Appellant's probation had been revoked at the time of her initial arrest on May 8, 2008 in Leon County. Her subsequent three (3) convictions from Leon County violated her probation. The introduction of contraband offenses were argued in detail as part and parcel of the revocation hearing and greatly enhanced her punishment, as she scored a guideline sentence of 48.7 months but received a 25-year sentence due to these allegations. The Appellant was sent to Lowell C.I. and was informed four months later that she had a detainer. The detainer was a formal arrest warrant affidavit dated February 7, 2011 and was for two (2) charges of introduction of contraband. Appellant was convicted on these charges on April 2, 2012 and received eight (8) years DOC to run consecutive to her other sentences.

The Appellant's appeal was denied. The Appellant filed a third amended motion for post-conviction relief which was denied on May 29, 2014. Her appeal was denied by the DCA on December 5, 2014. The Appellant filed a federal habeas corpus which was denied on

March 13, 2017. The appellant filed a 3.800(c) on March 22, 2018, which was denied and a 3.800(a) (statute change) on March 3, 2023 which was also denied. The Appellant filed a Writ of Habeas Corpus which was denied. The Appellant appealed the denial of the Writ of Habeas Corpus, which was also denied. The Appellant mailed a Motion for Rehearing, Certification, and Written Opinion on February 26, 2025 which was docketed with the Court on March 3, 2025 and subsequently denied on April 7, 2025. The Appellant then filed a Notice to Invoke Discretionary Jurisdiction on April 24, 2025. This Jurisdictional Brief follows.

admitted against the defendant in a separate criminal proceeding unless the search met customary search and seizure standards established under Fla. Const. Articles I and XII, **Soca v. State**, 673 So. 2d 24.

Furthermore, the First District Court of Appeal affirmed the lower court's denial of post-conviction relief in direct conflict with the Supreme Court's 2016 adoption of a "Bright Line Rule" which ruled that a trial court may not consider a subsequent arrest without conviction during sentencing for the primary offense in **Norvil v. State**, 191 So. 3d 406.


The application of the Supreme Court's Grubb's Rule to the factual scenario in the Appellant's case should have resulted in relief. Appellant hand-delivered a manila envelope to her attorney via the Public Defender's Investigator and her attorney returned it to her via the same individual. This returned envelope marked "Legal Mail" was searched by jail officials without Appellant's knowledge, consent, or a warrant. The mail was turned over to the authorities for investigation and the Court allowed it to be used as a basis for a new violation of probation and as prima facie for a new case. This case mirrors both Gordon and Grubbs with materially indistinguishable

facts in which alleged offenses found through a warrantless search were used in a new revocation hearing on October 22, 2010, then resulted in new law violations February 7, 2011 and convictions on April 2, 2012.

### **CONCLUSION**

The United States Supreme Court has discretionary jurisdiction over decisions of district courts which "expressly and directly conflict with a decision of another district court of appeal or of the Supreme Court on the same question of law." The denial of relief in the instant case is in direct conflict with the above-cited case law, yet no conflict has been certified. Such conflict provides a legitimate basis for Florida Supreme Court review.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Kimberly Cannon", written over a horizontal line.

**Kimberly Cannon DC# 550312**