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SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

MAR - 2 2026

OFFICE OF THE CLERK

SAMUEL LEE SMITH, JR.,
Petitioner(s),

Case No.

v.

STATE OF FLORIDA,
Respondent(s).

_____ /

PETITION FOR WRIT OF CERTIORARI

Appeal From Supreme Court of Florida

Case No. SC2025-1524 Order Dismissing Appeal

SAMUEL LEE SMITH, JR.,
Petitioner Pro se
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Miami, Florida 33157
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QUESTION PRESENTED

Did the Florida Supreme Court wrongly dismiss the Petitioner's appeal after Petitioner was arrested without any legal basis or cause, and the lower court judges violated due process, procedural due process, access to courts, Petitioner's right to notice and the opportunity to be heard, which effectively prevented the Petitioner from defending himself in violation of the Petitioner's 5th and 14th Amendment Right. Did the judges abuse their power by denying the Petitioner effective assistance of counsel, violating Petitioners Sixth Amendment Rights, which results in an abuse of power by the state?

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PETITION FOR WRIT OF CERTIORARI

1. DECISION BELOW

Petitioner petitions to this Honorable Court to review the Supreme Court of Florida October 1st, 2025, Order Dismissing Appeal. *SAMUEL LEE SMITH, JR., v. State of Florida*, Case Number SC2025-1524 (Fla. 2025). The Third District Court of Appeals, In Florida dismissed Case No.3D2025-1411, Order dismissing the appeal against Respondent(s) state of florida.

2. JURISDICTION

The Supreme Court's appellate jurisdiction includes the authority to review decisions concerning Federal Law, Federal Rules of Procedure and Constitutional Questions. This petition seeks review of *SAMUEL LEE SMITH, JR., v. state of florida* (Supreme Court of Florida October 1st, 2025). The Supreme Court's appellate jurisdiction includes authority to review decisions of appeals Court.

3. Federal Rule/Question Involved

The Federal Rule or Federal Question involved concerns the Petitioner's 4th Amendment establishing requirements for issuing warrants, 5th Amendment right to due process, 6th Amendment

right to Access to the Courts, 8th Amendment right to be free from cruel and unusual punishment, 14th Amendment right to procedural due process and to be free from government and the states abuse of power.

4. Statement of the Case

This is an appeal resulting from an incident that occurred on March 23, 2025 after Petitioner was wrongfully and falsely arrested at the Steven and Dorothea Green Library located at the Florida International University campus, in Miami Dade County, Florida. Petitioner was falsely arrested for trespass after warning in violation of Florida Statute § 810.09.

On the above date, Petitioner entered the library on the second level, Petitioner was greeted by the receptionist, Petitioner was asked to provide identification upon entry. The undersigned provided the Florida International University receptionist a state of florida statewide firearm license (license number G 3301111). The receptionist escorted the Petitioner to the entrance and provided him access. After Petitioner had already been in the library for some time, without any reason or cause, the receptionist contacted the

campus police to remove Petitioner from the library (Florida statute § 817.49), (Florida statute § 837.05) and (18 U.S.C. § 1038). Notably, the Petitioner had not done anything wrong, and not engaged in any misconduct and in fact, Petitioner had conducted himself in an entirely appropriate manner.

Notwithstanding, Petitioner's exemplary behavior, campus police (s.smith badge 0428, m.halfhide badge 0162, d.gallo florida badge 3640, o.grass badge 2493, j.sabatier florida police badge 1825) attempted to determine if Petitioner had an outstanding warrant, the officers had no articulable reasonable suspicion that that the Petitioner was engaged in any illegal activity, failing to follow established procedures demonstrate that official misconduct (Florida Statute § 838.022). Public officials failed to intervene (Florida statute § 943.1735(3)(d)). Alexander casas and his staff willfully deprived the Petitioner of his constitutional rights "under the color of law" (18 U.S.C. § 242). Law enforcement agencies have an obligation to the public, every municipal law enforcement agency shall incorporate an antiracial or other antidiscriminatory profiling policy into the agency's policies and practices, utilizing the florida police chiefs associations model policy as a guide (Florida statute §

166.0493). Despite not being able to determine if Petitioner had a warrant, and without any articulable suspicion or probable cause to believe that Petitioner was engaged or about to engage in criminal activity, Campus police removed Petitioner from the library and took him into custody. Petitioner was arrested for trespass with warning in violation of the Florida Statute § 810.09.

Without any factual legal justification or cause, Petitioner was transported to Turner Guilford Knight Correctional Center. Petitioner invoking his prisoner rights, the medical evaluator became agitated and transferred the Petitioner to the Psych Ward facility without any substantial reason or cause. The medical evaluator willful misconduct was "grossly incompetent". 18 U.S.C. § 1035 covers making false statements related to health care matters that deviate away from the standard of care. The improper acts committed by the public servants display medical profession corruption (18 U.S.C. § 201/18 U.S.C. §§ 201-220) and ABUSE OF POWER (18 U.S.C §§ 1961-1968). Furthermore, individuals can sue for defamation if a false statement damages their reputation. Officials can be prosecuted criminally and civilly for making false claims to the government. They can face severe legal consequences

under 18 U.S.C. § 242. 18 U.S.C. § 1347 is the federal criminal statute targeting health care misconceptions. Medical negligence is addressed in (Florida Statute § 766.102) and the discipline is enforced through (Florida Statute § 456.072). The medical physician egregious acts breached her duty (Florida Statute § 458.331) and (Florida Statute § 459.015), the medical evaluator actions were surely unnecessary (Florida Statutes § 766.111). 31 U.S.C. §§ 3729-3733 is a False Claims Act that provide civil penalties for knowingly submitting false claims to the government, (42 U.S. Code § 1320a-7b) are criminal penalties for making or causing false statements. Furthermore, Petitioner made a Public Health Records Request on December, 2nd, 2025, Reference #R045260-120225, gabrielle parker informed the Petitioner to contact Jackson Health System – Correctional Health Services because there were no prison records or health records located in there system. Petitioner made a medical records request on December 23rd, 2025, with Jackson Health System Medical Record, the case was closed on January 16, 2026, due to “no” records located by the Health Department. Additionally, Petitioner was missing cash, coins. In the end, Petitioner is not psychologically unsound. At the bond hearing on August 22nd,

2025, betty capote (18 U.S.C. §§ 1961-1968) violated Petitioners 5th Amendment right to due process, 14th Amendment right to procedural due process and she falsified the case docket "court records"(18 U.S.C. § 1506) and (18 U.S.C. § 1519). The injudicious conduct by betty capote demonstrates ABUSE OF POWER and Corruption, the state never complied with discovery, hilola mary atham records custodian for the office of the state attorney katerine Fernandez rundle affirmed on December 12th, 2025, for Court Case No. B25005876 they have "NO PUBLIC RECORDS" upon the Petitioners request, Petitioner Bonded out.

Petitioner pled not guilty, and filed a motion to produce on April 9, 2025. Petitioner also filed a motion to dismiss the charges against him, on May 19, 2025. Petitioner also moved to discharge the public defender on June 2, 2025, since the public defender (sarah eve rosen florid, sumra saboor wahid) was not adequately representing him by not filing the appropriate motions in support of Petitioner's defense.

Strickland v. Washington, 466 U.S. 668, was a landmark Supreme Court case that established the standard for determining when a criminal defendant's Sixth Amendment right to counsel is violated by that counsel's inadequate performance.

Petitioner was informed the Motion to be dismissed would be filed on May 15th, 2025, nothing was ever filed by the public defender's office. At this point in the legal preceding the public defender's office

switch attorneys, sumra saboor wahid who informed the Petitioner on June 2nd, 2025, at 2:14pm that she read the Petitioners Motion and she will be writing her own version, she also stated the she requested discovery "again" of a prior trespass. This was weeks after mariano ariel corcilli order to the state to comply with rules of discovery. The PD representation displayed moral turpitude, malicious intent, conspiracy against the Petitioner's rights (18 U.S.C. § 241) and breach of public trust. The core principle for public service is to establish public trust (5 CFR § 2635.101), while (5 CFR § 731.106) requires investigations. These officials violated their oath of office, breach ethical standards, abused their authority and damaged public confidence. These corruptive actions make the officials unfit for office. The code of ethics for government service (Pub. L. 96-303) establishes that officials must never use confidential information for private profit and must expose corruption. Executive Order 12674 sets the framework for ethical behavior, requiring employees to avoid conflicts of interest, bribery, and misuse of position. 34 U.S.C. § 12494 protects individuals who oppose unlawful acts, testify, or participate in investigations related to civil rights. Florida Statute § 112.311 code of Ethics for Public

Officers and Employees declares that it is the state's policy for public officers and employees to act impartially and observe the "highest standards of ethics". Ethics Violations (Article II, Sec 8, FL Constitution) states public officers cannot use their position to obtain a "disproportionate benefit" for themselves, their families, or employers. Petitioner notified natahly rose seoane-soler, priscilla nunez and teresa Enriquez of the administration for the public defender's office of the attorney misconduct (Florida statute § 27.5303), (Florida statute § 27.40(9)) and (Florida statute § 838.022). She also stated she will call on Wednesday to talk about the expiring offer. There's no tolerance for the corruption, obstruction of justice and 6th Amendment violation by the public defender's office (18 U.S.C. § 241, 18 U.S.C. § 242) and attorney misconduct (40 CFR § 1610.2). Attorney misconduct is governed by Rules of Professional Conduct Rule 4-8.4. The code of ethics for public officers and employees declares that it is the state's policy for public officers and employees to act impartially and observe the "highest standards of ethics" (Florida Statute § 112.311). Petitioner states these actions are to him being (brown skin) in which the

Florida Civil Rights Act of 1992 (Florida statute § 760.01) protects individuals from discrimination, it protects "personal dignity".

Petitioner also filed a motion to change venue on June 4th, 2025, to have the case transferred since he did not believe he could receive a fair trial at the assigned venue. Additionally, Petitioner moved to disqualify his public defender. Court official mariano ariel corcilli (18 U.S.C. §§ 1961-1968) denied the Petitioner a fair opportunity to be heard in the hearing to dismiss the Public Defender, both public defenders neglected their duty (Florida statute § 27.5303). On June 4th, 2025, Petitioner submitted a proposed order granting the motion to disqualify the public defender, however the Court did not grant the motion or execute the proposed Order. This made it clear to Petitioner that corcilli could not be fair and impartial, and as a result, Petitioner moved to disqualify the judge on June 10, 2025. corcilli's lack of fairness toward Petitioner became more apparent when he issued an invalid bench warrant on June 11, 2025 for Petitioner's non-appearance in court. Petitioner did not show up for court because he would not permit himself to be tried by ambush, as (1) the public defender did not file a motion to dismiss or provide any other service to defend

the Petitioner, (2) the State never provided any discovery that it was obligated to provide and (3) Hilola Mary Atham, the records custodian for the State Attorney's Office, confirmed that it never received any information from law enforcement that pertained to this case, and there were no public records to support that Petitioner had committed any crime or did anything wrong that would have warranted his arrest. On June 12th, 2025, Petitioner filed exhibits pertaining to PD electronic message thread. Under these circumstances, the bench warrant was issued unlawfully. On July 28th, 2025, Petitioner filed a Notice of filing Criminal Charges, also on August 18th, 2025, undersigned file exhibits emails to PD office. State attorney Alondra del mar gutarra pagan falsified her testimony under oath (18 U.S.C. §§ 1961-1968). As a result of the unlawful bench warrant, on Thursday August 21st, 2025, Petitioner was arrested on the unlawful capias at the coral gables library, in miami dade county, florida. It was noted that brent william capley initiated the phone call to the police, Petitioner never had a prior encounter with brent william capley before his initial call (Court case No. B25018522) During that arrest, which again was for no legitimate reason, Petitioner requested a supervisor, m.daniels

badge 08404 arrived and failed to intervene (Florida statute 943.1735(3)(d)). Petitioner personal property was stolen by coral gables police department, b. tages badge 12407, m.alzate badge 11496, a.becker badge 10596, k.zeledon badge 12357, d.garcia badge 11047, g.richardson badge 12251, edward james hudak jr (18 U.S.C. §§ 1961-1968). Florida statute § 812.014 grand theft is unlawful taking of property. Listen to this Petitioner filed a Motion for return property and lisette caridad martinez (18 U.S.C. §§ 1961-1968) and violated her oath (18 U.S.C. § 1918) when she encourage the government theft (18 U.S.C. § 4). Illegal government confiscations are contrary to the spirit of due process. Also to be noted all coral gables officers, coral gables attorney and library managers were subpoena to appear for Court hearing, they failed to appear and the judicial officer did not find the opposing party in contempt of court (18 U.S.C. § 401). On October 14th, 2025, Petitioner filed a Motion for Criminal Contempt of Court, Petitioner was denied the opportunity to be heard. This frequent pattern of judicial misconduct is outrageously poor (34 § 12601).

For example, the police took the Petitioner's house keys, two sets of vehicle keys and a whole foods gift card for no reason

whatsoever, and it was never transported to TKG Petitioner. Just to be clear the officers went inside of the Petitioners bag and took his personal property, Petitioner was not in a possession of any vehicle at the time of the arrest. On June 12, 2025, Petitioner filed a motion to vacate the invalid capias. This is public official framing between Court officers, all police agencies, state attorney's, and doctor where a public official uses their position to frame someone, 18 U.S.C. § 1346. Petitioner states florida international university police and coral gables police department violated the universal police oaths and codes of ethics that requires officers to be courteous, respectful, and impartial, emphasizing serving the public with dignity, integrity, and restraint, being "courteously and appropriately," without fear, favor, or unnecessary force, to uphold public trust and constitutional rights. By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. Purpose and Policy. Safe communities rely on the backbone and heroism of a tough and well-equipped police force. My Administration is steadfastly committed to empowering State and local law enforcement to firmly police dangerous criminal behavior and protect innocent citizens.

When local leaders demonize law enforcement and impose legal and political handcuffs that make aggressively enforcing the law

impossible, crime thrives and innocent citizens and small business owners suffer. My Administration will therefore: establish best practices at the State and local level for cities to unleash high-impact local police forces; protect and defend law enforcement officers wrongly accused and abused by State or local officials; and surge resources to officers in need. My Administration will work to ensure that law enforcement officers across America focus on ending crime, not pursuing harmful, illegal race- and sex-based "equity" policies.

The result will be a law-abiding society in which tenacious law enforcement officers protect the innocent, violations of law are not tolerated, and American communities are safely enjoyed by all their citizens again.

Sec. 2. *Legal Defense of Law Enforcement Officers.* The Attorney General shall take all appropriate action to create a mechanism to provide legal resources and indemnification to law enforcement officers who unjustly incur expenses and liabilities for actions taken during the performance of their official duties to enforce the law. This mechanism shall include the use of private-sector pro bono assistance for such law enforcement officers.

Sec. 3. *Empowering State and Local Law Enforcement.* (a) The Attorney General and other appropriate heads of executive departments and agencies (agencies) shall take all appropriate action to maximize the use of Federal resources to:

(i) provide new best practices to State and local law enforcement to aggressively police communities against all crimes;

(ii) expand access and improve the quality of training available to State and local law enforcement;

(iii) increase pay and benefits for law enforcement officers;

(iv) strengthen and expand legal protections for law enforcement officers;

(v) seek sentences for crimes against law enforcement officers;

(vi) promote investment in the security and capacity of prisons;
and

(vii) increase the investment in and collection, distribution, and uniformity of crime data across jurisdictions.

(b) Within 60 days of the date of this order, the Attorney General shall review all ongoing Federal consent decrees, out-of-court agreements, and post-judgment orders to which a State or local law enforcement agency is a party and modify, rescind, or move to

conclude such measures that unduly impede the performance of law enforcement functions.

Sec. 4. Using National Security Assets for Law and Order. (a) Within 90 days of the date of this order, the Attorney General and the Secretary of Defense, in consultation with the Secretary of Homeland Security and the heads of agencies as appropriate, shall increase the provision of excess military and national security assets in local jurisdictions to assist State and local law enforcement.

(b) Within 90 days of the date of this order, the Secretary of Defense, in coordination with the Attorney General, shall determine how military and national security assets, training, non-lethal capabilities, and personnel can most effectively be utilized to prevent crime.

Sec. 5. Holding State and Local Officials Accountable. The Attorney General shall pursue all necessary legal remedies and enforcement measures to enforce the rights of Americans impacted by crime and shall prioritize prosecution of any applicable violations of Federal criminal law with respect to State and local jurisdictions whose officials:

(a) willfully and unlawfully direct the obstruction of criminal law, including by directly and unlawfully prohibiting law enforcement officers from carrying out duties necessary for public safety and law enforcement; or

(b) unlawfully engage in discrimination or civil-rights violations under the guise of "diversity, equity, and inclusion" initiatives that restrict law enforcement activity or endanger citizens.

Sec. 6. Use of Homeland Security Task Forces. The Attorney General and the Secretary of Homeland Security shall utilize the Homeland Security Task Forces (HSTFs) formed in accordance with Executive Order 14159 of January 20, 2025 (Protecting the American People Against Invasion) to coordinate and advance the objectives of this order.

Sec. 7. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

i. the authority granted by law to an executive department or agency, or the head thereof; or

ii. the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Department of Justice shall provide funding for this order's publication in the Federal Register.

*DONALD J. TRUMP
THE WHITE HOUSE,
April 28, 2025.*

Executive Order 13929— Safe Policing for Safe Communities June 16, 2020 by the President, the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Purpose. As Americans, we believe that all persons are created equal and endowed with the inalienable rights to life and liberty. A fundamental purpose of government is to secure these inalienable rights. Federal, State, local, tribal, and territorial law enforcement officers place their lives at risk every day to ensure that these rights are preserved.

Law enforcement officers provide the essential protection that all Americans require to raise their families and lead productive lives. The relationship between our fellow citizens and law enforcement officers is an important element in their ability to provide that protection. By working directly with their communities, law enforcement officers can help foster a safe environment where we all can prosper.

Unfortunately, there have been instances in which some officers have misused their authority, challenging the trust of the American people, with tragic consequences for individual victims, their communities, and our Nation. All Americans are entitled to live with the confidence that the law enforcement officers and agencies in their communities will live up to our Nation's founding ideals and will protect the rights of all persons. Particularly in African-American

communities, we must redouble our efforts as a Nation to swiftly address instances of misconduct.

The Constitution declares in its preamble that one of its primary purposes was to establish Justice. Generations of Americans have marched, fought, bled, and died to safeguard the promise of our founding document and protect our shared inalienable rights. Federal, State, local, tribal, and territorial leaders must act in furtherance of that legacy.

Sec. 2. Certification and Credentialing. (a) State and local law enforcement agencies must constantly assess and improve their practices and policies to ensure transparent, safe, and accountable delivery of law enforcement services to their communities. Independent credentialing bodies can accelerate these assessments, enhance citizen confidence in law enforcement practices, and allow for the identification and correction of internal deficiencies before those deficiencies result in injury to the public or to law enforcement officers.

(b) The Attorney General shall, as appropriate and consistent with applicable law, allocate Department of Justice discretionary grant funding only to those State and local law enforcement agencies that have sought or are in the process of seeking appropriate credentials from a reputable independent credentialing body certified by the Attorney General.

(c) The Attorney General shall certify independent credentialing bodies that meet standards to be set by the Attorney General. Reputable, independent credentialing bodies, eligible for certification by the Attorney General, should address certain topics in their reviews, such as policies and training regarding use-of-force and de-escalation techniques; performance management tools, such as early warning systems that help to identify officers who may require intervention; and best practices regarding community engagement. The Attorney General's standards for certification shall require independent credentialing bodies to, at a minimum, confirm that:

(i) the State or local law enforcement agency's use-of-force policies adhere to all applicable Federal, State, and local laws; and

(ii) the State or local law enforcement agency's use-of-force policies prohibit the use of chokeholds—a physical maneuver that restricts an individual's ability to breathe for the purposes of

incapacitation—except in those situations where the use of deadly force is allowed by law.

(d) The Attorney General shall engage with existing and prospective independent credentialing bodies to encourage them to offer a cost-effective, targeted credentialing process regarding appropriate use-of-force policies that law enforcement agencies of all sizes in urban and rural jurisdictions may access.

Sec. 3. Information Sharing. (a) The Attorney General shall create a database to coordinate the sharing of information between and among Federal, State, local, tribal, and territorial law enforcement agencies concerning instances of excessive use of force related to law enforcement matters, accounting for applicable privacy and due process rights.

(b) The database described in subsection (a) of this section shall include a mechanism to track, as permissible, terminations or de-certifications of law enforcement officers, criminal convictions of law enforcement officers for on-duty conduct, and civil judgments against law enforcement officers for improper use of force. The database described in subsection (a) of this section shall account for instances where a law enforcement officer resigns or retires while under active investigation related to the use of force. The Attorney General shall take appropriate steps to ensure that the information in the database consists only of instances in which law enforcement officers were afforded fair process.

(c) The Attorney General shall regularly and periodically make available to the public aggregated and anonymized data from the database described in subsection (a) of this section, as consistent with applicable law.

(d) The Attorney General shall, as appropriate and consistent with applicable law, allocate Department of Justice discretionary grant funding only to those law enforcement agencies that submit the information described in subsection (b) of this section.

Sec. 4. Mental Health, Homelessness, and Addiction. (a) Since the mid-twentieth century, America has witnessed a reduction in targeted mental health treatment. Ineffective policies have left more individuals with mental health needs on our Nation's streets, which has expanded the responsibilities of law enforcement officers. As a society, we must take steps to safely and humanely care for those who suffer from mental illness and substance abuse in a manner

that addresses such individuals' needs and the needs of their communities. It is the policy of the United States to promote the use of appropriate social services as the primary response to individuals who suffer from impaired mental health, homelessness, and addiction, recognizing that, because law enforcement officers often encounter such individuals suffering from these conditions in the course of their duties, all officers should be properly trained for such encounters.

(b) The Attorney General shall, in consultation with the Secretary of Health and Human Services as appropriate, identify and develop opportunities to train law enforcement officers with respect to encounters with individuals suffering from impaired mental health, homelessness, and addiction; to increase the capacity of social workers working directly with law enforcement agencies; and to provide guidance regarding the development and implementation of co-responder programs, which involve social workers or other mental health professionals working alongside law enforcement officers so that they arrive and address situations together. The Attorney General and the Secretary of Health and Human Services shall prioritize resources, as appropriate and consistent with applicable law, to support such opportunities.

3 (c) The Secretary of Health and Human Services shall survey community-support models addressing mental health, homelessness, and addiction. Within 90 days of the date of this order, the Secretary of Health and Human Services shall summarize the results of this survey in a report to the President, through the Assistant to the President for Domestic Policy and the Director of the Office of Management and Budget, which shall include specific recommendations regarding how appropriated funds can be reallocated to support widespread adoption of successful models and recommendations for additional funding, if needed.

(d) The Secretary of Health and Human Services shall, in coordination with the Attorney General and the Director of the Office of Management and Budget, prioritize resources, as appropriate and consistent with applicable law, to implement community-support models as recommended in the report described in subsection (c) of this section.

Sec. 5. Legislation and Grant Programs. (a) The Attorney General, in consultation with the Assistant to the President for

Domestic Policy and the Director of the Office of Management and Budget, shall develop and propose new legislation to the Congress that could be enacted to enhance the tools and resources available to improve law enforcement practices and build community engagement.

(b) The legislation described in subsection (a) of this section shall include recommendations to enhance current grant programs to improve law enforcement practices and build community engagement, including through:

(i) assisting State and local law enforcement agencies with implementing the credentialing process described in section 2 of this order, the reporting described in section 3 of this order, and the co-responder and community-support models described in section 4 of this order;

(ii) training and technical assistance required to adopt and implement improved use-of-force policies and procedures, including scenario-driven de-escalation techniques;

(iii) retention of high-performing law enforcement officers and recruitment of law enforcement officers who are likely to be high-performing;

(iv) confidential access to mental health services for law enforcement officers;

(v) programs aimed at developing or improving relationships between law enforcement and the communities they serve, including through community outreach and listening sessions, and supporting non-profit organizations that focus on improving stressed relationships between law enforcement officers and the communities they serve.

Sec. 6. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity

by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP
The White House,
June 16, 2020.

On August 27, 2025, Petitioner, again requested a hearing on his motion to discharge the public defender as his counsel, and filed a motion for sanctions, but christy michelle nunez, denied the Petitioner the opportunity to be heard.

On September 9, 2025, Petitioner filed a motion for sanctions. However, again, nunez refused to hear the motion and rule upon it.

Petitioner wanted to appeal corcilli's rulings, especially the motion to disqualify him and the motion to discharge the public defender, however, corcilli refused to provide a written order (in order prevent an appeal of his rulings).

On October 6, 2025, hearing joanne hernandez also violated the Petitioners right to due process, procedural due process and the opportunity to be heard. Instead the state attorney and all three Court judicial representatives have continued to use the legal system for unlawful restraint. Also, playing the game bait and switch, the Motion to Impose Sanctions and Disqualification of the

public defender was on the calendar from the previous hearing. The Court officer informed the Petitioner his case was dismissed at the hearing. The unlawful detention by several governmental authorities is severe violation of rights. On October 16th, 2025, Petitioner filed a Motion to release funds deposited for cash bail bond, Petitioner states 5th and 14th severe violations occurred. On November 5th, 2025, Petitioner also filed a Motion for Pro se fees, Cost and related expenses. The Courts have failed to provide the Petitioner a hearing.

Petitioner timely filed a notice of appeal within in the Florida District Court of Appeal for the Third District. *Samuel Lee Smith, Jr. v. State of Florida*, Case Number 3D2025-1411(Fla. 3rd DCA 2025). Petitioner also filed a petition for a writ of mandamus, which was denied. The Third DCA dismissed the appeal, and Petitioner filed a notice of appeal seeking to invoke the Florida Supreme Court's discretionary jurisdiction. The Florida Supreme Court dismissed the appeal on October 1, 2025.

This petition now follows.

REASON FOR GRANTING THE PETITION

POINT I

The Florida Supreme Court wrongly dismissed the Petitioner's appeal after Petitioner was arrested without any legal basis or cause, and the lower court judges violated his due process right to notice and opportunity to be heard and it effectively prevented the Petitioner from defending himself in violation of the Petitioner's 5th Amendment Right to Due Process, and from having denying Petitioner effective assistance of counsel and denying him access to the Courts in violation of the Sixth Amendment Rights, which results in an abuse of power

1. The Order Denying Petitioner the Right to Discovery 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, Petitioner, a pro se litigant, appeared in court to defend himself. When the public defender was inadequately representing Petitioner, and was rendering ineffective assistance of counsel, in violation of this Sixth Amendment right to effective assistance of

counsel, Petitioner sought to discharge the public defender. In fact, Petitioner on his own, was able to establish that the only crime committed was by law enforcement when they made a false police report in violation of Florida Statute § 817.49. The evidence to defend himself was solely in the possession of the State and its agents (law enforcement). When Petitioner requested a copy of the evidence that would exculpate him, the judge, without any analysis did not enforce his ruling compelling the State to provide discovery, and instead, forced the Petitioner to proceed to trial without discovery and by ambush. When Petitioner refused to appear for trial under those circumstances, the judge issued a capias. And again, the records custodian for the State confirmed that I had no records of anything pertaining to the case or charges against Petitioner.

Therefore, the failure to permit Mr. Smith the opportunity to obtain and use the discovery in his case violated his due process rights to present a defense, obtain exculpatory evidence and, ultimately, his right to confront the witness against him.

2. The Judge's Refusal to provide a written order denying Petitioner's Motion to Disqualify the Judge 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 disqualify the judge 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.

3. The State has Abused its Power Against Petitioner.

What has occurred in this case is nothing short of a breakdown in justice system, and has resulted in a miscarriage of justice. Petitioner woke up to go to the library in order to educate

himself, and somehow as a result of over aggressive law enforcement, vindictive prosecutors and deficient judges, he ended up being arrested for no reason, transferred to a psych ward at TGK for no reason, was forced to undergo and endure the embarrassment and humiliation of psychological evaluation, and then victimized by the State's frivolous prosecution, and judge who simply did not care, to the point where he issued a bench warrant without cause, and which eventually led to Petitioner's arrest a second time without cause or any other legal justification. And the moment Petitioner stands up for his rights, the State and/or the Court dismisses the charges, to prevent the public and the appellate courts from seeing the ongoing and systematic misconduct. Just when the truth as to what occurred with the Petitioner is about to be revealed it gets covered up by either dismissing the charges or the State, after the harm has been done, decides it does not want to prosecute the case anymore. And while the charges are dropped, the harm has already occurred, for which Petitioner has no recourse.

When the judges in this case, not only permit the State to get away with such conduct, but then compound the problem by

disregarding Petitioner's requests, not ruling on motions, and pushing Petitioner into proceeding to trial by ambush, they have abused their power. As the court stated in *In re Turner*, 421 So.2d 1077, 1081 (Fla.1982):

The duties, responsibilities, and powers entrusted to judges are awesome. Judges must necessarily have a great deal of independence in executing these powers, but such authority should never be autocratic or abusive. We judges must always be mindful that it is our responsibility to serve the public interest by promoting justice and to avoid, in official conduct, any impropriety or appearance of impropriety...Judges are expected to be temperate, attentive, patient and impartial, diligent in ascertaining facts, and prompt in the performance of a judge's duties ... Court proceedings and all other judicial acts must be conducted with fitting dignity and decorum, reflecting the importance and seriousness of the inquiry to ascertain the truth.

In re Taunton, 357 So.2d 172 (Fla.1978), the court stated:

There are, of course, limits that every judicial officer must observe. Judges are required to follow the law and apply it fairly and objectively to all who appear before them. No judge is permitted to substitute his concept of what the law ought to be for what the law actually is. He may exercise his judicial discretion conservatively or liberally, and he may temper justice with mercy, but he may not deny justice to any person. He may not withhold justice from one litigant in favor of another for whatever reason.

Every judge is answerable for excesses or abuse of his awesome power. There is no place in our system for justice by whim or capricious notion. Regardless of the philosophy to which a justice or judge subscribes, he is not permitted to conduct himself in a manner which is unbecoming to a member of the judiciary and which demonstrates an unfitness to hold office.*Id.* at 179.

See also In re Eriksson, 36 So.3d 580, 589 (Fla. 2010). Clearly based upon the above facts, the judges abused their power as a judge by showing great favoritism toward the State by permitting it to be delinquent in its discovery duties and permitting the State to get away with false arrests, by causing Petitioner to be arrested and detained for unlawfully issued warrants and the overall disregard of the Petitioner's 5th Amendment rights to due process and Sixth Amendment rights to effective assistance of counsel, access to the courts and the right to be free from government abuse. The governor has the power to remove officers under (Florida Statute § 112.51). Misuse of Public Position is defined in (Florida Statute § 112.313).

Petitioner understands that he has the right to pursue civil rights violations, however, any time Petitioner has sought to enforce those rights, the United States District Court dismiss the

complaint, mostly without leave to amend, and without ever giving the Petitioner an opportunity to be heard. In fact, the United States District Court for the Southern District of Florida has placed filing restrictions upon the Petitioner. The only remedy has to come from this Honorable Court through its imposition of sanctions. Absent some recourse, law enforcement, the State and the lower courts will continue to victimize Petitioner over and over again-despite Petitioner having done nothing wrong, no less violate any law.

All judicial actors were in non-compliance with their Constitutional oath (Article VI) and judicial oath (Judiciary Act of 1789)

CONCLUSION

The State Attorney and the lower court judges should be sanctioned and for such other further relief as this Court deems just and proper.

Respectfully submitted,

/s/ SAMUEL LEE SMITH, JR.,

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