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IN THE

SUPREME COURT OF THE UNITED STATES

CARLTON SMITH, AS PRO-SE — PETITIONER
(Your Name)

Supreme Court, U.S.
FILED
DEC 29 2025
OFFICE OF THE CLERK

vs.

State of Florida — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of Florida

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

CARLTON SMITH, AS PRO-SE, DC# C07410
(Your Name)
Franklin Correctional Institution
1760 Highway 67 North
(Address)

CARRABELLE, Florida 32322
(City, State, Zip Code)

"Not Applicable"
(Phone Number)

QUESTION(S) PRESENTED

Petitioner asserts the Supreme Court of Florida "acted in excess of its jurisdiction" and "denied the petition for writ of mandamus" with^{out} issuing "an order to show cause" on the Attorney General for the respondents. Which is a departure from the essential requirements of the law, and cause material injury that cannot be corrected on appeal ^{there is no remedy by appeal} for which it creates a "manifest injustice" deprived petitioner of his rights against the U.S. Const., 14th Amendment.

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 is the subject of this petition is as follows:

"CARLTON SMITH V. FLORIDA".

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
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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 **federal courts**:

The opinion of the United States court of appeals appears at Appendix N/A to the petition and is

- reported at "Not Applicable"; 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 is unpublished.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 N/A to the petition and is

- reported at "Not Applicable"; 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 is unpublished.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 SC 2025-1740; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the Sixth District Court of Appeal court appears at Appendix B to the petition and is

- reported at 6D2025-1690; 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 "Not Applicable".

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: "Not Applicable", and a copy of the order denying rehearing appears at Appendix N/A.

An extension of time to file the petition for a writ of certiorari was granted to and including "Not Applicable" (date) on "Not Applicable" (date) in Application No. N/A A N/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 December 2nd, 2025. A copy of that decision appears at Appendix A.

A timely petition for rehearing was thereafter denied on the following date: "Not Applicable", and a copy of the order denying rehearing appears at Appendix N/A.

An extension of time to file the petition for a writ of certiorari was granted to and including "Not Applicable" (date) on "Not Applicable" (date) in Application No. N/A A N/A.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution 14th Amendment

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STATEMENT OF THE CASE

1. Hence, Petitioner is the Petitioner in a Petition for writ of Mandamus Proceeding in the Supreme Court of Florida in Case NO.: SC2025-1740, the Respondents are the Custodian for State of Florida, and the Assistant Attorney General for the Criminal Appeals Daytona Beach. See, Appendix "C", the Petition for writ of Mandamus in Case NO.: SC2025-1740.

2. On December 2nd, 2025, the Supreme Court of Florida sua sponte and conduct a hearing on the petition in Case NO.: SC2025-1740. However, the Court did not required the Respondent for the State of Florida the Assistant Attorney General to "show cause" pursuant to Rule >9.100(h) of the Florida Rule of Appellate Procedure. At the closing of the hearing the Court denied the Petition "because Petitioner has failed to show a clear legal right to the relief requested, he is not entitled to Mandamus relief." Accordingly, the Petition for writ of Mandamus is hereby denied. See, Huffman v. State, 813 So. 2d 10, 11 (Fla. 2000). NO Motion for Rehearing will be considered by the Court. See, Appendix "A", the denied Order in Case NO.: SC2025-1740.

3. Thus, the Supreme Court of Florida has misconstrued Petitioner's Claims on the "Petition for writ of Mandamus" filed October 29th, 2025, with the Court in Case NO.: SC2025-1740. See, Appendix "C". Whereby, the Hon. Amy J. Carter, County Judge on July 24th, 2025, "dismisses" the "Post-Conviction Relief" Rule >3.850(a)(1)(2)(3) filed in the Ninth Judicial Circuit Court on April 7th, 2025, in Case NO.: 2010-CF-5132-A-0. See, Appendix "D". And also "denied" the "Motion to disqualify Judge" filed on June 9th, 2025. See, Appendix "E". Hence, on June 12th, 2025, Petitioner filed a "Motion for hear and Rule". See, Appendix "F". See, Appendix "G", trial Court order did not show the motion for hear and rule.

4. Moreover, Petitioner declared both Orders are Null and Void; untimely and Without Jurisdiction. Pursuant to Fla. R. Jud. Admin. >2.215(f); Code of Judicial Conduct Canon 3 B(8); Fla. R. Jud. Admin. >2.250(4), and Fla. R. Gen. Prac. Jud. Admin. >2.514(a)(1), for which the time-period elapsed after July 7th, 2025, for the Hon. Amy J. Carter, County Judge to make its decision on the "Post-Conviction Relief Motion" Rule >3.850(a)(1)(2)(3). See, Appendix "D", and "Motion to disqualify Judge". See, Appendix "E", and see, Appendix "G", trial Court's Order in the Ninth Judicial Circuit Court.

5. On July 10th, 2025, Petitioner filed a "Petition for writ of Mandamus" to the Fifth District Court of Appeal. However, the clerk of the Court transfer the Petition to the Sixth District Court of Appeal in which the Petition filed in the Court on July 17th, 2025, in Case NO.: 6D2025-1690, to compel the trial Court to make a ruling on the pending "Post-Conviction Relief Motion" Rule >3.850(a)(1)(2)(3). See, Appendix "H".

6. Nevertheless, Hon. Amy J. Carter, County Judge "acted in clear absence of all Jurisdiction" and "dismisses" the "Post-conviction motion relief" Rule > 3.850(a)(1)(2)(3) and "denied" the "Motion to disqualify Judge" and defeated the Appellate Court Jurisdiction from issuing a writ on the trial Court. However, the violation shows of "Flagrant Injustice" for which it creates a "Manifest Injustice" against Petitioner's rights of the U.S. Const., 14th Amendment both orders are "Null and Void" in Case NO.: 2010-CF-5132-A-0. and "Should be vacated". On October 20th, 2025, the Sixth District Court of Appeal "denied the Petition for writ of Mandamus AS Moot" in Case NO.: 6D2025-1690. See, Appendix "B".

7. Thus, under the Fla. R. Jud. Admin. > 2.215(f); Rule > 2.250(4); Code of Judicial Conduct Canon 3 B(B) and Fla. R. Gen. Prac. Jud. Admin. > 2.514(c)(1) Plainly requires Petitioner to show the Court that there is a violation against the law, for a Preliminary basis for relief on the Petition for writ of Mandamus in Case NO.: SC2025-1740. Whereby, the Hon. Amy J. Carter, County Judge was "entirely without Jurisdiction" to make the orders in Case NO.: 2010-CF-5132-A-0. And "Dismisses" the "Post-conviction motion relief" Rule > 3.850(a)(1)(2)(3), and denied the "Motion to disqualify Judge". While the Supreme Court of Florida duty was to "issue an order to show cause" on the Respondent as the Assistant Attorney General before the Court make the decision and denied the "Petition for writ of Mandamus" in Case NO.: SC2025-1740. The "denied Order expressly and directly in conflict" with the Authority cited in the "Petition for writ of Mandamus" in Case NO.: SC2025-1740. See, Ex Parte Jos. H. Bradley, Petitioner, 7 Wall. 364-386, 19 U.S. (Law Ed.) 214. ("Mandamus is the proper remedy when the case is outside the exercise of the discretion of the inferior Court, and is one of irregularity, or against law, or of flagrant injustice, or without Jurisdiction." X SIMILARLY). See, also > Black's Law Dictionary 6th Edition: "Mandamus has traditionally issued in response to abuses of judicial power. Thus, where a district Judge refuses to take some action he is required to take or takes some action he is not empowered to take, Mandamus will lie. The Supreme Court may issue a writ of Mandamus in aid of the Appellate Jurisdiction that might otherwise be defeated by the unauthorized action of the Court below."

8. Thus, on April 7th, 2025, Petitioner filed his fourth Post-conviction relief motion, Rule > 3.850(a)(1)(2)(3), pursuant to Fla. R. Jud. Admin. > 2.215(f), which states inter alia: "Every Judge has a duty to rule upon and announce an order or judgment on every matter submitted to that Judge within a reasonable time. Each Judge shall maintain a log of cases

Under advisement, and inform the Chief Judge of the Circuit at the end of each calendar month of each case that has been held under advisement for more than 60 days." Id. at Rule > 2.215(F).

and in compliance with the Code of Judicial Conduct Canon 3B(8), which states inter alia:

"Duty to rule upon timely: While Judges are disposed of judicial matters promptly, efficiently, and fairly, clearing their docket within 60 days." Id. at the Code of Judicial Conduct Canon 3B(8).

Wherein a reasonable amount of time has elapsed without a ruling from the trial court and should be deemed to be an overabundant amount of time for the trial court to dispose of the Defendant's post-conviction relief motion Rule > 3.850 (a)(1)(2)(3). This duty is ministerial in nature and should be performed with a reasonable time of 60 days from the filing mailbox date on April 7th, 2025, on the Defendant's post-conviction relief motion, for which the 60 days time-period elapsed after June 6th, 2025, for the trial court to make its decision on the motion.

9. Moreover, on June 9th, 2025, petitioner filed a "Motion to have the Circuit Judge disqualify from presiding over Defendant's case" pursuant to Fla. Stat. 3810; Fla. R. Jud. Admin. > 2.330(J); Rule > 2.215(F); the Code of Judicial Conduct Canon 3B(8), and Rule > 2.250(4). Furthermore, on June 12th, 2025, petitioner filed a "Motion to have the court to hear and rule on Defendant's post-conviction relief motion 3.850 (a)(1)(2)(3)" pursuant to Rule > 2.215(F), the Code of Judicial Conduct Canon 3B(8), and Rule > 2.250(4), which states inter alia:

"Circuit Court acting as Appellate Court: Ninety days from submission of case to the Judge for review." Id. at Rule > 2.250(4).

10. Nevertheless, petitioner declared affirmatively that the 30 days time-period begins after June 6th, 2025, and the time-period ends on Sunday July 6th, 2025, pursuant to Rule > 2.250(4), for which the period continues to run until the end of the next day that is not a Saturday, Sunday or a legal holiday. Thus, the computation of time ends on Monday July 7th, 2025. Under Fla. R. Gen. Prac. & Jud. Admin. > 2.514 (a)(1), for which the time-period elapsed after July 7th, 2025, for the trial court to make its decision on the post-conviction relief motion Rule > 3.850 (a)(1)(2)(3); Motion for hear and rule and Motion for disqualify Judge must be acted upon within 30 days or it is deemed granted. See: Schisler v. State, 958 So. 2d 503 (Fla. 3rd DCA 2007), Section 3810, Fla. Stat., and Rule > 2.330(J),

...("The Supreme Court imposed a bright-line 30 days rule on disqualification orders. ...It has also affirmed that the burden is on the Court, not the litigants, to assure a determination within 30 days"). (SIMILARLY).

11. Therefore, Petitioner declared Hon. AMY J. CARTER, County Judge did not have the Authority and was without Jurisdiction on 108 days from the mail box filing date on APRIL 7th 2025, on the Post-conviction Relief Motion Rule > 3.850(a)(1)(2)(3) Which have been filed with the trial Court. Whereby, Hon. AMY J. CARTER, County Judge rendered its decision on July 24th 2025, and "dismisses" the Motion for Reversal - Lack of Jurisdiction on the Post-conviction Relief Motion Rule > 3.850(a)(1)(2)(3), and "denied" "Motion to disqualify Judge" where both orders are "Null and void; untimely and without Jurisdiction" and there being no Adequate Remedy by Appeal. Thus, the Orders has not been rendered by Judicial Assistant and given to all Parties, due to the Orders are considered to be a Nullity. See, Appendix "G", trial Court Order. See, also > State of Florida, ex rel. Melbourne State Bank, a Corporation Relator, vs. W. W. Wright, Circuit Judge, Respondent Supreme Court of Florida, 107 Fla. 178; 145 So. 598; (1932) Fla. Lexis 1589 ("Mandamus will lie to compel a Court to vacate, a Judgment, Order or decree which it was entirely without Jurisdiction to make, there being no Adequate Remedy by Appeal, error or otherwise"). (SIMILARLY). See, also > Ex Parte Jos. A. Bradley, Petitioner, 7 Wall. 364-386, 19 U.S. (Law Ed.) 214. (SIMILARLY).

12. Moreover, the Supreme Court of Florida failed to comply with the Statutory Procedure in Fla. R. App. Proc. > 9.100(h) (Order to show cause). When the Court "denied the Petition for writ of Mandamus" on December 2nd 2025, in Caseno.: SC 2025-1740. The "denied order is erroneous and contrary to the law"; which the "denied order expressly and directly conflicts" with rule > 2.215(f); the Code of Judicial Conduct Canon 3B(8); Rule > 2.250(4) and Fla. R. Gen. Prac. & Jud. Admin. > 2.514(a)(1). As the Procedure in the following Rules mention above and the Code of Judicial Conduct Canon 3B(8) is Mandatory and a failure to follow those Procedures is a departure from the essential requirements of the law Cause material injury that cannot be corrected on Appeal. Thus, Petitioner concluded that the rule > 9.100(h), creates a substantive right to be free from a unsubstantiated claim where the Supreme Court of Florida claiming "Because Petitioner has failed to show a clear legal right to the relief requested, he is not entitled to Mandamus relief." See, > Huffman v. State, Supra. "No motion for rehearing will be considered by the Court." Huffman v. State, Supra. "Expressly and directly conflicts" with Ex Parte Jos. A. Bradley, Supra, on the issue presented in the Petition for writ of Mandamus in Caseno.: SC 2025-1740. Therefore,

the Supreme Court of Florida "acted in excess of its Jurisdiction" and denied the Petition in Caseno.: SC2025-1740, and that a violation of the right cannot be fully protected on Appeal from the final Judgment Because there is no Remedy for an Appeal.

13. In SUMMARY, Petitioner contends that the Order in this Caseno.: SC2025-1740, is a departure from the essential requirements of the law and the MATERIAL INJURY cannot be corrected on Appeal from the final Judgment because there's NO Remedy for an Appeal, it causes "an irreparable harm" against Petitioner for an Appeal. Whereby, the Supreme Court of Florida "denied the Petition for writ of Mandamus" in Caseno.: SC2025-1740, on the basis "Petitioner has failed to show a clear legal right to the relief Requested, he is not entitled to Mandamus relief", for which the Court has failed to issue an "Order to Show Cause" on the Respondent as the Assistant Attorney General Pursuant to Fla. R. App. Proc. 9.100(h), and 28 USC 2243; the outcome has deprived Petitioner of a substantive right in which the ERROR Prejudice and deprived Petitioner of his rights guarantee by due Process of the U.S. Const., 14th Amendment. The "denied order" is "erroneous and contrary to the law,"

14. Thus, the Supreme Court of Florida "acted in excess of its Jurisdiction" and "denied the Petition for writ of Mandamus" in Caseno.: SC2025-1740, on the basis of a technicality -- An assumed Pleading defect -- that was Not raised by the Parties. It was Not clear that the Respondent as the Assistant Attorney General would have defended in that fashion. The Supreme Court of Florida could Not sua sponte denied an action based on affirmative defenses Not raised by proper Pleading, when a Petition for writ of Mandamus Alleging that a Petitioner was entitled to an immediately Release set out plausible reasons and a specific factual basis in detail, the Respondent as the Assistant Attorney General was required to Respond to the Petition. See: Harris v. Nelson, 394 U.S. 286, 288-89, 290-91, 89 S.Ct. 1082, 22 L.Ed 281 (1969) "In habeas Corpus Proceeding, as the Congress and this Court have emphasized, and as we have discussed, at 290-292, 22 L.Ed at 285, 286, 287, are entitled to careful consideration and Plenary Processing of their claims including full opportunity for presentation of the relevant facts. Congress has provided that once a Petition for a writ of habeas Corpus is filed, unless [394 U.S. 299] the Court is of the Opinion that the Petitioner is Not entitled to an Order to Show Cause, the writ must be awarded "forthwith", or an Order to Show Cause must be Issue, 28 U.S.C. 2243" (Similarly). Likewise, the Supreme Court of Florida did not state in its Opinion that Petitioner is Not entitled to an Order to Show Cause. However, the Court should have issue "An Order to Show Cause" on the

Respondent as the Assistant Attorney General before making its decision and "denied the Petition for Writ of Mandamus" in Case No.: SC2025-1740, for which it violates Petitioner's right against the U.S. Const., 14th Amendment.

15. The Nature of the relief sought by this Petition is a writ of Certiorari "Quashing the Order" "denied the Petition for Writ of Mandamus" in Case No.: SC2025-1740, and Remand the Supreme Court of Florida to Compel the trial Court in Case No.: 2010-CF-5132-A-0, to "Vacate the Dismisses Order" on the "Post-Conviction Relief Motion" Rule 3.850(a)(1)(2)(3), and "Vacate the denied order" on "motion to disqualify Judge" and discharge the Petitioner from the Custody of the State of Florida or from the Florida Department of Corrections.

Reason for Granting the Petition

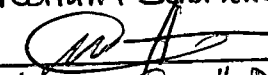
16. Wherefore, it is in the interest of Justice based on the protection handed down by the Authorities cited in this Petition on the U.S. Constitution and other facts of the law. The Petitioner asserts the importance in consideration for this Honorable Court accepting this case for review, include the existence of a conflict between the decision of which review is sought and decision of the Honorable Court on the same issue for which the Supreme Court of Florida decision denied the Petition for Writ of Mandamus, in Case No.: SC2025-1740, expressly and directly in conflict with the Authority cited in the Petition for Writ of Mandamus and in this Petition. See, > Ex Parte Jos. H. Bradley, Petitioner, Supra. And another consideration is the importance to the Public of interest of the ^{on denied order} issue, not misleading the Public, for which the Supreme Court of Florida erred and denied the Petition, in which demonstrate a departure from the essential requirements of the law, and causes material injury that cannot be corrected on appeal from the final judgment, for which there's no adequate remedy by appeal. Nevertheless, Petitioner affirmatively declared the Supreme Court of Florida "acted in excess of its Jurisdiction" and denied the Petition without issuing an order to show cause on the Respondent as the Assistant Attorney General. The denied Order on the Petition for Writ of Mandamus in Case No.: SC2025-1740, is "erroneous and contrary to the law", it's a "miscarriage of Justice" warranting reversal. Hence, the decision or the outcome of the legal proceeding shows there's prejudice against the substantial rights of Petitioner for which it violates Petitioner's rights against the U.S. Const., 14th Amendment. Therefore, Petitioner respectfully moves this Honorable Court to Reverse the denied order on the Petition in Case No.: SC2025-1740.

Conclusion

The Petition for a writ of Certiorari should be granted.

Respectfully Submitted,

Date: December 29th, 2025


Carlton Smith, DC#07410
Petitioner, Pro-Se.