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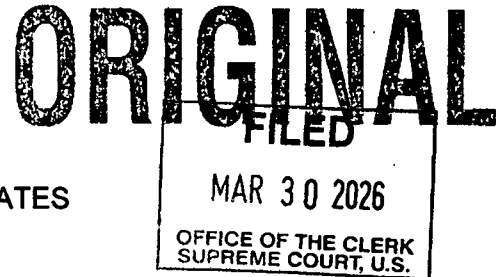
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IN THE

SUPREME COURT OF THE UNITED STATES

In Re ELBERT JOHNSON PETITIONER

(Your Name)

VS.

STATE OF FLORIDA - RESPONDENT

ON PETITION FOR A WRIT OF HABEAS CORPUS

PURSUANT TO ARTICLE I, SECTION 9, UNITED
STATES CONSTITUTION

FROM: THE STATE OF FLORIDA

PETITION FOR WRIT OF HABEAS CORPUS

ELBERT JOHNSON

(Your Name) DC# 013118

WALTON CORRECTIONAL INSTITUTION
691 INSTITUTION ROAD

(Address)

DEFUNIAK SPRINGS FLORIDA 32433

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

(I) Whether there is a unconstitutional judicial conflict of interest, bias and prejudice for the state court trial judge to act in both the capacity and function of a(a) "State-witness" and (b) "Sentencing-Judge" against criminal defendant as self-evident by the state court later self-imposed judicial "100-YEAR" judicial vindictive unconstitutional and illegal sentence against the criminal defendant in retaliation and reprisal for the defendant's "BATTERY" upon the judges in-court "Bailiff" and "ESCAPE" from Judge's courtroom — Yes or No ???

(II) Whether there is a unconstitutional judicial conflict of interest, bias and prejudice for a state court judge to NOT "recuse" or "disqualify" himself as the "Sentencing-Judge" after the state court judge have previously acted in the capacity and status of a "STATE-WITNESS" (Appendix "A") and (Appendix "E") against the criminal defendant — Yes or No ???

(III) Whether the state trial court "100-YEAR" imposed "sentence" upon the criminal defendant constitute an unconstitutional and illegal "vindictive", "Reprisal" and "Retaliation" judicial sentence against the criminal defendant in exchange for the defendant's "BATTERY" upon the Judge's "Bailiff" and "ESCAPE" from the Judge's courtroom — Yes or No ???

(IV) Whether "BATTERY" upon the Judge's Courtroom "Bailiff" and "ESCAPE" from the Judge's Courtroom constitute grounds for the Judge's title 28 USC 455(b) "disqualification" and "recusal" from the Defendant's CRIMINAL cases — Yes OR NO ???

(V) Whether it is unconstitutional for the State Court Judge to act in the status and capacity of a "STATE KEY-WITNESS" against the CRIMINAL Defendant (Appendix "A" and "E") then later "RETURN" as the "Sentencing Judge" (Appendix "B" and "D") to impose a "Vindictive," "Reprisal" and "Retaliation" "100-YEAR" excessive punishment against the Defendant in exchange for the Defendant's "BATTERY" upon the Judge's Bailiff and "ESCAPE" from the Judge's Courtroom — Yes OR NO ???

(VI) Whether it is Unconstitution for the State Court Judge to be both a "STATE KEY-WITNESS" (Appendix "A" and "E") and "SENTENCING JUDGE" against the CRIMINAL Defendant — Yes OR NO ???

(VII) Whether a "100-YEAR" imposed "sentence" for a State prescribed "30-YEAR" sentence KELLER V. STATE, 712 So. 2d 1133 and SUMMER V. STATE, 658 So. 2d 11 (2nd DCA FL. 1995) constitute an "Excessive Punishment" in violation of the Eighth Amendment, U. S. Constitution — Yes OR NO ???

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:

TRAIL JUDGE NAMES:

(1st Trial Judge) — ROBERT L. McCARY, JR.

(2nd Trial Judge) — WOODROW M. MELVIN

(3rd Trial Judge) — ANA M. GARCIA

FLORIDA FIRST DCA JUDGES NAMES:

NAMES UNKNOWN

CASE No: 1D20 - 1440

FLORIDA SUPREME COURT JUSTICES NAMES:

POISTON

LABARGA

COURIEL

CROSS HANS

FRANCIS

FLORIDA U.S. DISTRICT COURT JUDGES NAMES:

Magistrate Judge — ZACHARY C. BOLITHO

District Judge — Adalberto JORDAN

U.S. CIRCUIT COURT JUDGES NAMES, ELEVENTH CIRCUIT

NAMES UNKNOWN

FLORIDA ATTORNEY GENERAL NAMES:

(1ST) ASHLEY MOODY

(2ND) PAM BONDI

(3RD) JAMES HTHMEIER

FLA. DEPT. OF CORRECTIONS SECRETARYS:

(1ST) MARK INCH

(2ND) RICKY D. DIXON

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APPENDIX "X" State TRIAL Court Docket Sheet to
Show TRIAL Judge At
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AGAINST the PETITIONER to
impose "100-Year" Illegal
Sentence Under Florida Law,
FS. 775.082 (1979) ("30-Year"
MAX Sentence)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

ARTICLE I, SECTION 9, U. S. CONSTITUTION:

"The privilege of the writ of habeas corpus shall not be suspended."

FIFTH AMENDMENT, U. S. CONSTITUTION:

"No person shall be... deprived of life, liberty, or property, without due process of law."

EIGHTH AMENDMENT, U. S. CONSTITUTION:

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

FOURTEENTH AMENDMENT, U. S. CONSTITUTION:

"No state shall make or enforce any law which shall abridge the privileges of citizens of the United States, nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF HABEAS CORPUS

Petitioner respectfully prays that a writ of habeas corpus issue.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix Q, R, U, V, W 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 R, S, T 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 P 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 Circuit Court AND District Court BARRING COURT ACCESS appears at Appendix N, O to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

JURISDICTION

That, in support of habeas corpus jurisdiction before the United States Supreme Court, the Petitioner Johnson hereby invoke the constitutional authority of Article III, Section 1 Judiciary, holding that:

"The judicial powers of the United States, shall be vested in one Supreme Court"

That, "State-Witness" (Appendix "A") and "Sentencing Judge" (Appendix "B") ROBERT L. Mc. CRARY revenge, hatred, retaliation, reprisal, racism, discrimination, bias, prejudice and conflict of interest self-imposed "100-YEAR SENTENCE" in response to the Petitioner Johnson "BATTERY" upon Judge Mc. CRARY Courtroom Bailiff and Courtroom "ESCAPE" is unconstitutional and illegal in the State of Florida as the State Appellate Court have held in KELLER V. STATE, 712 So.2d 1133 AND ALSO SUMMER V. STATE, 658 So.2d 11 (2 DCA Fla. 1995), holding that:

"When a Court opted for a term of (100-years) instead of a life sentence for a life felony, it MAY NOT impose a sentence longer than '30-YEARS'."

The "100-YEAR" vindictive, reprisal and retaliation imposed sentence "EXCEED" the above Rule of Law "30-YEAR" permissible "sentence" within the State of Florida.

The Petitioner Johnson ("83" year old African American) have served "46-YEARS" on a "30-YEAR" permissible sentence.

This U. S. Supreme Court held in DICKERS
V. UNITED STATES, 530 U.S. 428 @ 439 (2000)
that:

" habeas corpus... ARE AVAILABLE...
for A PERSON IN CUSTODY IN
VIOLATION OF THE CONSTITUTION
OF THE UNITED STATES "

that Apply to the Petitioner Johnson, herein.

Petitioner Johnson is ARBITRARY imprisoned
by the State of Florida AND Habeas Corpus shall
be issued.

STATE COURT JUDGE LACK OF JURISDICTION

The State of Florida, Circuit Judge ROBERT L. MC. CRARY (State-Witness) (Appendix "A") and sentencing Judge (Appendix "B") against the Petitioner Johnson 100% "LACK JURISDICTION" to "sentence" in light of the FACT AND TRUTH that Judge Mc. CRARY served and acted as both:

(a) "STATE-WITNESS" against the Petitioner Johnson, see, WITNESS SUBPOENA, dated August 18th, 1980, served Judge ROBERT Mc. CRARY (Appendix "A"), and;

(b) "SENTENCING - JUDGE" against the Petitioner Johnson, see JUDGMENT, dated September 25th, 1980 (Appendix "B") against Johnson!!!

That, State Circuit Judge ROBERT L. MC. CRARY 100% LACKED JURISDICTION because by Rule of Law Judge Mc. CRARY did ERRER AND ABUSED his DISCRETION when he FAILED-TO-DISQUALIFY himself in compliance with TITLE 28 USC 455(b):

"Any judge shall DISQUALIFY himself in circumstances involving ACTUAL BIAS, a probability of BIAS, or PERSONAL KNOWLEDGE of proceedings."

That, "LACK-OF-JURISDICTION" occurred when Judge Mc. CRARY became a "STATE-WITNESS" (Appendix "A") against the Petitioner Johnson!

That, the "LAW" provide ONCE STATE JURISDICTION has been challenged, it must be proven", OWENS V. CITY OF INDEPENDENCE, 100 S.Ct. 1398 (1980), AND, "the burden shifts to the (State) court to prove jurisdiction", ROSEMOND V. LAMBERT, 469 F.2d 416, AND, once Petitioner JOHNSON challenge State Court jurisdiction, "the court has NO JURISDICTION to reach merits, but rather should DISMISS the Action", MELO V. UNITED STATES, 505 F.2d 1026.

"JURISDICTION CAN be challenged AT ANY time", BASSO V. UTAH POWER AND LIGHT CO, 495 F.2d 906 @ 910, AMONG others.

Petitioner JOHNSON respectfully prays that A Article 1, Section 9, U.S. Constitution, writ of habeas corpus be issued AND the Petitioner DISCHARGED from the State of Florida ARBITRARY imprisonment !!!

WHY RELIEF CANNOT BE OBTAINED IN ANY
OTHER FORM OR FROM ANY OTHER COURTS

[1] THAT, this ORIGINAL Article 1 Section 9
Writ of Habeas Corpus have been properly
"FILED" before the U.S. Supreme Court
AS GUARANTEED AND PROTECTED BY THE
PETITIONER JOHNSON "Rights" under the
(a) FIRST AMENDMENT (ACCESS TO COURTS)
(b) FIFTH AMENDMENT (EQUAL PROTECTION OF THE LAW)
(c) FOURTEENTH AMENDMENT (DUE PROCESS)

[2] THAT, the "APPENDIX" reflect a total lower
federal and state court EXHAUSTION of
Habeas Corpus Remedies before the following:
(A) STATE CIRCUIT COURT,
(b) STATE APPELLATE COURT,
(c) STATE SUPREME COURT,
(d) U.S. DISTRICT COURT, AND,
(e) U.S. APPELLATE CIRCUIT COURT

AND THE PETITIONER JOHNSON HAVE NO OTHER
AVAILABLE REMEDY AT LAW before ANY other
court who have been given AN OPPORTUNITY
to redress the "CLAIMS" within the
NOW ORIGINAL Article 1 Section 9 Writ
of Habeas Corpus before this U.S. Supreme
Court.

[3] THAT, based upon the foregoing "EXHAUSTION"
of lower Federal and State Court Remedies
the U.S. Supreme Court MUST entertain this
ORIGINAL Article 1 Section 9 Writ of Habeas Corpus,

EXCEPTIONAL CIRCUMSTANCES THAT WARRANTS THE EXERCISE OF THE COURTS DISCRETIONARY POWERS

[1] THAT, this Article 1 Section 9 Writ of Habeas Corpus claim constitute EXCEPTIONAL CIRCUMSTANCES that warrants the exercise of the Court's discretionary powers before the Court.

[2] THAT, this Article 1 Section 9 Writ of Habeas Corpus raised claim is based upon preserving

THE ETHICS AND INTEGRITY OF THE COURTS!

[3] Whereby, A Florida State Court Judge did "commit" gross acts of

JUDICIAL FRAUD!

JUDICIAL TRAVESTY! AND,

MISCARRIAGE OF JUSTICE!

by acting in the "capacity" of the following

(1) At-Trial "VICTIM"

(2) At-Trial "WITNESS" AND,

(3) At-Sentencing the "SENTENCING JUDGE"
(See, Appendix "X")

AGAINST the PETITIONER JOHNSON to impose AN excessive, severe AND overwhelming

VINDICTIVE 100-YEAR SENTENCE

FOR ARMED ROBBERY THAT, by Florida LAW F.S. 775.082(3)(A) ONLY CARRY A lawful sentence of ONLY

See, e.g.,

30-YEARS

RYAN V. STATE,

2022 Fla. App.

LEXIS 2667, among others.

to violate the PETITIONER JOHNSON "Rights" guaranteed AND protected under the:

(a) Fifth Amendment (equal protection of the law),

(b) Eighth Amendment (cruel AND unusual punishment), AND,

(c) Fourteenth Amendment (due process)

[4] THAT, this ORIGINAL Article 1 Section 9 Writ of Habeas Corpus is in the furtherance, aid AND jurisdiction of the United States Supreme Court who sets the example, guidelines, practice, procedure AND operations of "All" State AND Federal Courts within the United States.

[5] THAT IN the INTEREST-OF- JUSTICE this Article 1 Section 9 Writ of Habeas Corpus must be "GRANTED" As prayed.

STATEMENT OF THE CASE AND FACTS

[1] December 17th, 1979, JACKSON COUNT FLORIDA, the PETITIONER (BLACK AFRICAN AMERICAN MALE) WAS ARRESTED FOR ARMED ROBBER. STATE OF FLORIDA V. ELBERT JOHNSON, CASE NO: 6-79-636,

[2] April 29, 1980, STATE OF FLORIDA V. ELBERT JOHNSON, CASE NO: 6-79-636, JACKSON COUNTY Circuit Court, Fourteenth Judicial Circuit, JACKSON COUNTY FLORIDA, the AFRICAN AMERICAN BLACK MALE PETITIONER WAS TRIED BY JURY, CONVICTED AND FOUND GUILTY OF ARMED ROBBERY.

[3] MAY 29, 1980, the PETITIONER APPEARED before Circuit Court Judge ROBERT L. Mc. CRARY for a in-court "PSI" pre-sentence hearing.

[4] MAY 29, 1980, during the in-court "PSI" presentence hearing proceeding the following incidents did occur:

(a) The PETITIONER did commit A CRIMINAL "BATTERY" upon Circuit Judge ROBERT L. Mc. CRARY "Baileff" courtroom employee, AND;

(b) The PETITIONER did "ESCAPE" out of Circuit Judge ROBERT L. McCRARY COURTROOM during the in-court "PSI" presentence hearing AND proceeding.

([5] August 16th OR 17th, 1980 (3-months later), After the MAY 29, 1980 successful "ESCAPE" from Circuit Judge ROBERT L. Mc. CRARY Courtroom, that the Petitioner (Black African American Male) was re-captured, re-arrested and brought back before an imminent danger, bias and prejudice hostile Circuit Judge ROBERT L. Mc. CRARY courtroom. The courtroom environment was extremely unprofessional, racist, dangerous, hostile and filled with a "show-of-force Police" and "Law Enforcement" presence with THREATS-TO-KILL Petitioner if he tried anything!!!

([6] August 18, 1980, the Petitioner (Black African American Male) did appear before Circuit Judge ROBERT L. Mc. CRARY (now a "STATE-WITNESS" against the Petitioner for "ASSAULT" and "ESCAPE") that "State Witness" Circuit Judge ROBERT L. Mc. CRARY did "CONSOLIDATE" both the "BATTERY" and "ESCAPE" cases. See, "ORDER" signed/dated by "STATE-WITNESS" Circuit Judge ROBERT L. Mc. CRARY (Appendix "C").

[7] THAT, despite the "ON-THE-RECORD" overwhelming PRIMA FACIE FACTS AND EVIDENCE of a strong and compelling:

- (A) JUDICIAL CONFLICT OF INTEREST,
- (B) JUDICIAL BIAS, and,
- (C) JUDICIAL PREJUDICE

(Against the Black African American Male Petitioner that State Witness Circuit Judge ROBERT L. Mc. CRARY did NOT move to "RECUSE" himself from the

Petitioner's CRIMINAL CASES (ARMED ROBBERY, BATTERY AND ESCAPE). "STATE-WITNESS" Circuit Judge Mc. CRARY failure to "RECUSE" himself violate Title 28 U.S.C. 455(3):

"Any judge shall disqualify himself in circumstances involving ACTUAL bias, a probability of bias, or personal knowledge of proceedings."

THAT, here Circuit Judge ROBERT L. Mc CRARY was pretty much a "VICTIM" to have the petitioner in the Judge's face and presence:

(A) COMMIT "BATTERY" ON his COURT-ROOM EMPLOYEE BAILEFF AND
(B) COMMIT AN "ESCAPE" out of the Judge's COURTROOM.

THAT, IN RE Mc. CARTHEY, 368 F.3d 1266, 1269-70, (10th CIR. 2004), the Court held:

"A judge is REQUIRED-TO-RECUSE himself SUASPONTE if outward manifestations of bias ARE SUBSTANTIATED BY FACTS OF RECORD..."

See, also, U.S. V. FELDMAN, 983 F.2d. 144 @ 145 (9th CIR. 1992), holding,

"Judge's RECUSAL must be from WHOLE PROCEEDING".

Therefore, "STATE-WITNESS" Circuit Judge ROBERT L. Mc. CRARY

"LACKED- JURISDICTION"

to later "SENTENCE" Petitioner to a vindictive, illegal and UNCONSTITUTIONAL -"100-YEARS-"

(Appendix "D") August 25, 1980. See, also MURRAY V. SCOTT, 253 F.3d 1308 @ 1311 (11th Cir. 2001), among others.

[8] August 18, 1980, during the in-court hearing to "CONSOLIDATE" both the "BATTERY" AND "ESCAPE" cases, that the STATE OF FLORIDA did "serve" A

"WITNESS-SUBPOENA"

(Appendix "A") to Circuit Judge ROBERT L. Mc. C. which officially made Circuit Judge ROBERT L. Mc. CARY AN OFFICIAL

"STATE-WITNESS"

AGAINST the PETITIONER (BLACK AFRICAN AMERICAN) at the scheduled upcoming "BATTERY" AND "ESCAPE" that did occur within Circuit Judge ROBERT L. Mc. CARY COURTROOM.

[9] August 20, 1980, the STATE OF FLORIDA did issue A

"SUMMONS"

(Appendix "B") to Circuit Judge ROBERT L. Mc. CARY to

"TESTIFY"

AGAINST the PETITIONER at the scheduled upcoming August 25, 1980 "BATTERY" AND "ESCAPE" CRIMINAL TRIALS.

[10] August 25, 1980 (AM Court proceedings), At the JURY TRIAL before the Honorable Circuit Judge WOODROW MELVIN, the PETITIONER (BLACK AFRICAN AMERICAN) WAS "TRIED-BY-JURY" AND the "JURY" did enter the following, that the PETITIONER WAS:

(a) "GUILTY" of "BATTERY" (Appendix "F") AGAINST
State Witness Circuit Judge ROBERT L.
Mc. "Courtroom Bailiff" employee, AND;

(b) "GUILTY" of "ESCAPE" (Appendix "G") FROM
State Witness Circuit Judge ROBERT L.
Mc. CRARY COURTROOM.

[11] August 25, 1980 (PM Court proceedings), Circuit
Judge WOODROW M. MELVIN did "SENTENCE" the
Petitioner to:

15-YEARS FOR ESCAPE.

[12] August 25, 1980 (PM Court proceedings), "STATE-
WITNESS" Circuit Judge ROBERT L. Mc. CRARY

(A "STATE-WITNESS AGAINST the Petitioner during
the "BATTERY AND ESCAPE within "HIS COURTROOM")
did impose A

ONE-YEAR JAILTIME SENTENCE

for the "BATTERY" upon His Courtroom Bailiff
employee.

[13] September 25, 1980 (1-month later), Petitioner
ONCE AGAIN appeared before "STATE-WITNESS"
Circuit Judge ROBERT L. Mc. CRARY who
"TESTIFIED" AGAINST the Petitioner during
the "BATTERY" AND "ESCAPE" within His
Courtroom trials AND "STATE-WITNESS" Circuit
Judge ROBERT L. Mc. CRARY IN "REVENGE" did
impose AN UNCONSTITUTIONAL, ILLEGAL, RACIST,
hateful AND vindictive

"100-YEAR SENTENCE"

AGAINST THE PETITIONER (BLACK AFRICAN AMERICAN),
STATE OF FLORIDA V. ELBERT JOHNSON, CASE NO:
6-79-636, for the CRIMINAL offense of ARMED
ROBBERY.

[14] THAT, the "100-YEAR SENTENCE" by "STATE-
WITNESS" Circuit Judge ROBERT L. Mc. CRARY
for "ARMED ROBBERY" IS:

- (a) UNCONSTITUTION
- (b) VINDICTIVE, AND,
- (c) ILLEGAL

IN FLORIDA

"When a Court opted for a term
of "YEARS" instead of a "life"
sentence for a life felony, it
MAY NOT impose a sentence
longer than "30-YEARS"

the Florida Courts have held in KELLER V. STATE,
712 So. 2d 1133 and see also, SUMNER V. STATE,
658 So. 2d 11 (2ND DCA FL, 1995).

[15] THAT, by Rule of LAW, "STATE-WITNESS" Circuit
Judge ROBERT L. Mc. CRARY AGAINST the
PETITIONER imposed

100-YEAR SENTENCE
is 100%:

- (a) UNCONSTITUTIONAL,
- (b) ILLEGAL AND
- (c) VINDICTIVE

AND the

"WITNESS" plus "JUDGE"

AGAINST the Petitioner

100-YEAR SENTENCE

must be "VACATED" and the Petitioner must be immediately

DISCHARGED!!!

[16] THAT, "STATE-WITNESS" Circuit Judge ROBERT L. MCGRARY imposed

"100-YEAR SENTENCE"

is UNCONSTITUTIONAL AND VINDICTIVE because it violate the Petitioner's guaranteed AND protected Constitutional Rights under the Fifth Amendment, U.S. Constitution, equal protection of the law clause AND Fourteenth Amendment, U.S. Constitution, due process clause, respectively.

[17] "STATE-WITNESS" Circuit Judge ROBERT L.

MCGRARY personal ill-motive behind his personal imposed vindictive/unconstitutional

100-YEAR SENTENCE

is based upon the Judges' Judicial:

- (a) BIAS,
- (b) RACISM,
- (c) HATRED,
- (d) MAlice,
- (e) Reprisal,
- (f) Revenge,
- (g) Prejudice,
- (h) Retaliation,

- (i) DISCRIMINATION,
(j) CONFLICT OF INTEREST

AGAINST THE AFRICAN BLACK AMERICAN PETITIONER
"but for" the PETITIONER'S COURTROOM,

- (1) ESCAPE AND
(2) BATTERY ON BAILIFF

that brought AND created A LOT of "JUDICIAL"
EMBARRASSMENT, SHAME, News Media
publicity, bad-press, public ATTENTION
AND DISGRACE TOWARDS "STATE-WITNESS"
Circuit Judge ROBERT L. McCLARY AND
COURTROOM MISCARRIAGES OF JUSTICE AND
ABUSES OF AUTHORITY.

UNDER OATH AND PENALTY OF PERJURY I
DECLARE THAT THE FOREGOING IS TRUE AND
CORRECT.

EXECUTED ON THIS 1ST DAY OF JUNE 2026.

Respectfully submitted,

by: Elbert Johnson
ELBERT JOHNSON, DC# 013118
PRO SE PETITIONER

REASON FOR GRANTING THE ARTICLE 1 SECTION 9
U.S. CONSTITUTION WRIT OF HABEAS CORPUS FOR
IMMEDIATE DISCHARGE

Petitioner Johnson respectfully prays that a Article 1, Section 9, Writ of Habeas Corpus under the U.S. Constitution be issued for the immediate "DISCHARGE" from the State of Florida ARBITRARY, illegal and unconstitutional imprisonment.!!!

That, the foregoing STATEMENT OF THE CASE AND FACTS constitute overwhelming and prima facie, FACTS AND EVIDENCE that a "CLAIM" of prohibited violations of the Fifth Amendment, U.S. Constitution, equal protection of the law, and Fourteenth Amendment, U.S. Constitution, due process against the Petitioner Johnson have unjustly occurred before this U.S. Supreme Court, and, petition for Writ of Habeas Corpus must be issued under Article 1, Section 9, United States Constitution.

That, it is UNPRECEDENTED IN MODERN DAY JURISPRUDENCE that a State Criminal Trial Judge would justify himself to "sit" or "preside" over a Criminal Defendant case and proceeding as both:

- (A) "STATE-WITNESS" against a Criminal Defendant, See, "WITNESS SUBPOENA" (Appendix "A"), and;
- (B) "SENTENCING-JUDGE" against a Criminal Defendant See, "SENTENCE JUDGMENT" (Appendix "B").

THAT, STATE JUDGE ROBERT L. McCARY AND THE STATE OF FLORIDA IN THE "EYES" OF THE "WORLD" AND "PUBLIC" HAVE MADE A GROSS AND SHAMEFUL

MOCKERY OF JURISPRUDENCE

by being BOTH A "STATE-WITNESS" (Appendix "A") AND "SENTENCING-JUDGE" (Appendix "B") AGAINST THE PETITIONER JOHNSON.

THE COMMON "LAWPERSON" WOULD KNOW NOT TO DO THE FOREGOING AGAINST A CRIMINAL DEFENDANT.

THAT, IN ADDITION, JUDGE ROBERT L. McCARY AND STATE OF FLORIDA, IMPOSED

"100-YEAR SENTENCE"

AGAINST PETITIONER JOHNSON (Appendix "D") ON ITS FACE IS 100%:

(A) VINDICTIVE!

(B) ILLEGAL. AND,

(C) UNCONSTITUTIONAL!

IN REPRISAL AND RETALIATION FOR THE PETITIONER JOHNSON CRIMINAL OFFENSES BEFORE THE COURT OF:

(1) "BATTERY" UPON TRIAL JUDGE ROBERT L. McCARY AND "STATE-WITNESS" (Appendix "A" AND "E"), PERSONAL "COURTROOM BAILIFF" (Appendix "F", AND,

(2) "ESCAPE" FROM TRIAL JUDGE ROBERT L. McCARY AND "STATE-WITNESS" (Appendix "A" AND "E") PERSONAL "COURTROOM" (Appendix "G").

THAT, IN FLORIDA, "ARMED ROBBERY" ONLY
CARRY A 30-YEAR SENTENCE!

See, e.g., KELLER V. STATE, 712 So2d 1133 AND
ALSO SUMNER V. STATE, 658 So2d 11 (2ND DCA
FLA. 1995), holding that:

"When a court opted for a term of
(100) years instead of a life sentence,
it may NOT impose a sentence
longer than 30 YEARS".

FINALLY, SINCE BOTH THE "BATTERY" UPON
THE "COURTROOM BAILIFF" (APPENDIX "H")
CHARGING INFORMATION AND "ESCAPE"
(APPENDIX "I") CHARGING INFORMATION DID
OCCUR WITHIN JUDGE ROBERT L. McGRARY
PERSONAL COURTROOM AND UPON HIS PERSONAL
COURTROOM BAILIFF IT WAS INCUMBENT UPON
TRIAL JUDGE McGRARY TO

"DISQUALIFY HIMSELF"

PURSUANT TO TITLE 28 USC 455(b):

"ANY JUDGE SHALL 'DISQUALIFY'
HIMSELF IN CIRCUMSTANCES
INVOLVING ACTUAL BIAS, A
PROBABILITY OF BIAS, OR PERSONAL
KNOWLEDGE OF PROCEEDINGS"

AND TRIAL JUDGE McGRARY POSSESSED ALL THREE.

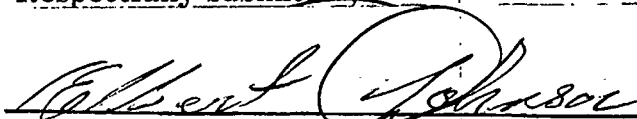
Likewise, Florida Rules of Judicial Administration 2.160(d) requires Trial Judge Mc. CRARY to "DISQUALIFY himself if the Judge is a MATERIAL witness for or against one of the parties to the cause". See, e.g., RODRIGUEZ V. STATE, 919 So.2d 1252 @ 1276 (FIA. 2005).

The State of Florida and Trial Judge Mc. CRARY have VINDICTIVELY with IMPUNITY deprived Petitioner JOHNSON of his guaranteed and protected Fifth, Eighth and Fourteenth Amendment, U.S. Constitutional Rights and Relief must be GRANTED.

CONCLUSION

The petition for a writ of habeas corpus should be granted and the Petitioner JOHNSON imprisoned for 46-YEARS (1980-2026) must be immediately "DISCHARGED". Thank You.

Respectfully submitted,


ELBERT JOHNSON, DL#823916

Date: JUNE 1ST 2026 Pro Se Petitioner