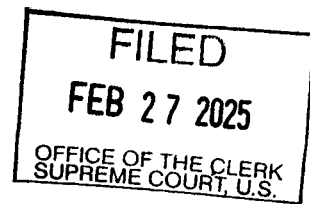


No. 26-5554



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IN THE

SUPREME COURT OF THE UNITED STATES

RASHAD TAYLOR — PETITIONER
(Your Name)

vs.

State of Florida — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Second District Court of Appeal, State of Florida
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

RASHAD TAYLOR
(Your Name)
Charlotte C.I.
33123 Dilwell Road
(Address)

Punta Gorda, Fla 33955
(City, State, Zip Code)

813-545-4636 Ashley Taylor (sister)
(Phone Number)

QUESTION(S) PRESENTED

- IF a criminal defendant files a timely Motion To Withdraw Plea (pro'se) is he entitled to the appointment of conflict-free counsel before the trial court rules on the merits of the motion?
- OR-

- IF a pro'se criminal defendant files a timely Motion To Withdraw Plea and specifically requests the appointment of conflict free counsel to assist him in drafting and pursuing the motion, does the trial court commit reversible error by denying the Motion To Withdraw Plea without first appointing conflict free counsel? And violate the defendant's Sixth Amendment right to counsel.

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below. If a party is a corporation with a stock ticker symbol, that symbol is also included.

~~Richard Taylor~~ N/A
~~Richard Taylor~~ S ~~Richard Taylor~~ C ~~Richard Taylor~~

RELATED CASES

N/A

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APPENDIX A	(Decision) Opinion of District Court of Appeal Second District
APPENDIX B	~~Order Denying Motion To Withdraw Plea~~
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TABLE OF AUTHORITIES CITED

CASES

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- Anthony Sheppard v. State, 17 So 3d 275
(2009 Florida Supreme Court) 5
- Gianni Passino v. State, 174 So.3d 1055; 2015
Fla. App. LEXIS 13080 5
- Rickardo Stephens v. State, 141 So. 3d 701; 2014
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- Taconetti v. State, 869 So.2d 695; 2004
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STATUTES AND RULES

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OTHER

Sixth Amendment

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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 _____ 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 _____ 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 District Court of Appeal Second District court appears at Appendix A to the petition and is

- ☒ reported at Taylor v. State, 401 So.3d 458 (Fla.2d DCA, 2025); 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 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 January 3, 2025.
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: N/A, 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 2/27/25 (date) on 6/12/25 + 9/22/25 (date) in Application No. ____ A ____.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- Amendment 6 - Rights of the accused.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

STATEMENT OF THE CASE

On August 13, 2007 the defendant entered a negotiated plea For the charges of First degree premeditated murder and attempted robbery with a Firearm. He was sentenced to life on count one and thirty years in prison with a twenty year minimum mandatory sentence on count two. However, the thirty year sentence imposed on count two attempted robbery with a Firearm was illegal and exceeded the limits provided by law. On April 25, 2022, the defendant Filed a Motion To Correct Illegal Sentence. On June 6, 2022, the trial court issued "Order Granting In Part, Denying In Part Motion To Correct Illegal Sentence". On October 23, 2023, the trial court resentenced the defendant to twenty years mandatory minimum. On or about October 25, 2023 the defendant Filed a timely Motion To Withdraw Plea. On or about October 27, 2023, the defendant filed a timely Amended Motion To Withdraw Plea. On or about November 7, 2023, the trial court issued "Order Denying Motion To Withdraw Plea". The defendant then filed a timely notice of appeal of his judgment and sentence and Order Denying Motion To Withdraw Plea, which precedes TDLA no: 202023-2619. On January 3, 2025 the court issued a affirming opinion. On or about February 3, 2025, the mandate was issued. In the defendants timely Motion To Withdraw Plea and Amended Motion To Withdraw Plea the defendant specifically requested the appointment of conflict free counsel however the trial court denied the Motion To Withdraw Plea without first appointing conflict free counsel. This is reversible error and a violation of the petitioners Sixth Amendment right to counsel

REASONS FOR GRANTING THE PETITION

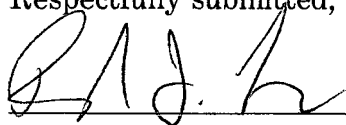
This Honorable Court should grant this Petition For Writ of Certiorari because a United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter. Specifically, after being resentenced the petitioner filed a timely Motion To Withdraw Plea pursuant Florida Rules of Criminal Procedure 3.170 (1). Because the defendant bears the burden of ~~proving~~ ~~the~~ ~~motion~~ proof, when a defendant files a facially sufficient Motion To Withdraw Plea, the trial court must either afford the defendant an evidentiary hearing or accept the defendant's allegations in the motion as true except to the extent that they are conclusively refuted by the record. If the trial court decides to hold an evidentiary hearing it must appoint conflict-free counsel to represent the defendant because such a hearing constitutes a "critical stage" of the proceedings. The trial court commits a error by considering the petitioners motion without first appointing conflict-free counsel to assist the petitioner in drafting and pursuing the motion. Stephens v. State, 141 So.3d 701, 2014 (Fla. 4th District); Gianni Passino v. State, 174 So.3d 1055 (2015 Fla. 4th District). Sheppard v. State, 17 So. 3d 275 (Fla. Supreme Court 2009). The outcome of petitioners denial is indirect conflict with it's own ruling(s) in Sheppard v. State, 17 So.3d 275 (Fla. 2009) and Iacoach v. State, 869 So. 2d 695 (Fla. 2DA 2004). The Sixth Amendment guarantees a right to counsel.

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CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: May 4, 2026