IN THE UNITED STATES SUPREME COURT

APPLICATION NO:

PLEADRO SCOTT
PETITIONER

-V-

RICKY DIXON, SECRETARY,
FLORIDA DEPARTMENT OF CORRECTIONS, ET. AL
RESPONDENTS

APPLICATION DIRECTED TO JUSTICE BRENNAN J.
SEEKING AN EXTENSION OF TIME TO FILE A
PETITION FOR WRIT OF CERTIORARI

ON APPEAL FROM THE THIRD DISTRICT COURT OF APPEALS OF FLORIDA CASE NUMBER 3D26-0514 AND FLORIDA SUPREME COURT CASE NUMBER SC26-0878 AND THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI DADE COUNTY FLORIDA CASE NUMBER F0800 8259

PRO SE PETITIONER

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INTRODUCTION

COMES NOW, MR. PLEADRO J. SCOTT PETITIONERS PRO'SE PURSUANT TO SUPREME COURT OF THE UNITED STATES RULE 13.5 AND RULE 22.3 AND RULE 30 AND RESPECTFULLY MOVES FOR AN EXTENSION OF TIME IN THE ABOVE STYLE CAUSE AND AS GROUNDS IN SUPPORT ASSERTS THE FOLLOWING:

JURISDICTION

EVER SINCE 1789, CONGRESS HAS GRANTED THIS COURT THE POWER IN STATE LITIGATION ONLY AFTER THE HIGHEST COURT OF A STATE IN WHICH A DECISION IN A SUIT COULD BE HAD" HAS RENDERED A FINAL JUDGMENT OR DECREE." 237 OF THE JUDICIAL CODE, 28 USCA 344, 8 FLA TITLE 28, 344, 25 OF THE ACT OF SEPT. 24, 1789, 1 STAT. 73, 85, C. 20.

ON MARCH 5, 2026 PETITIONER FILED A "WRIT OF HABEAS CORPUS PETITION FOR INEFFECTIVE ASSISTANCE OF APPELLANT COUNSEL." (SEE ~~APPENDIX~~ 1) CASE NUMBER 3D2026-0514

ON MARCH 25, 2026 THE THIRD DISTRICT COURT OF APPEALS DISMISSED THE PETITION (SEE APPENDIX 3

A MOTION FOR REHEARING WAS FILED AND DENIED ON MAY 4, 2026 (SEE APPENDIX 2

A NOTICE SEEKING THE DISCRETIONARY JURISDICTION OF THE FLORIDA SUPREME COURT WAS FILED UNDER CASE NUMBER SC2026-0878 AND DISMISSED ON AUGUST 19, 2026 (SEE APPENDIX 4 AND) SEE FLORIDA SUPREME COURT DOCKET ENTRY 1 AND 19 AT (http://www.supremecourt.fl.court.gov)(APPENDIX 10)

A "MOTION TO REINSTATE NOTICE INVOKING THE DISCRETIONARY JURISDICTION OF THE FLORIDA SUPREME COURT THAT WAS DISMISSED ON AUGUST 14, 2026 AS NOT TIMELY." THIS MOTION WAS DENIED ON SEPTEMBER 10, 2026 (SEE APPENDIX 8 AND 9 SEE FLORIDA SUPREME COURT DOCKET ENTRIES 23, 24, 25 AT (http://www.supremecourt.fl courts.gov)

PETITIONER CONTENDS THAT THIS PETITION IS TIMELY AND CONFORMS WITH THE REQUIREMENTS OF O'SULLIVAN V BOERCKEL, 526 U.S. 838, 846 (1999) (REQUIRING FULLY PURSUING APPEAL TO SATISFY THE EXHAUSTION REQUIREMENT INCLUDES PRESENTING CLAIMS TO THE STATE SUPREME COURT, EVEN IF IT'S REVIEW IS DISCRETIONARY.) THIS COURT HAS STATED PENDING INCLUDES THE PERIOD BETWEEN THE DENIAL OF RELIEF BY A STATE COURT AND THE PROPER FILING OF AN APPEAL WITH A HIGHER STATE COURT. SEE CAREY V SAFFOLD, 536 U.S. 214, 219-21 (2002) THUS THIS COURT HAS JURISDICTION OVER THE FINAL JUDGMENTS OF THE STATE POST-CONVICTION COURTS. SEE 28 U.S.C. § 1257 (a) AS THE ORDERS LISTED ABOVE CONSTITUTES FINAL JUDGMENT OF THE STATE COURT, AND THE FILING DEADLINE IN THIS COURT IN ACCORDANCE WITH UNITED STATES SUPREME COURT RULE 13.1 WOULD BE APPROXIMATELY DECEMBER 9, 2026

REASON FOR EXTENSION OF TIME

PETITIONER PURPOSE THAT AN EXTENSION OF TIME TO FILE A WRIT OF CERTIORARI IS BEING SOUGHT AND IS NECESSARY DUE TO THE EGREGIOUS CONDUCT BEING EMPLOYED BY CORRECTIONAL OFFICIALS TO INCLUDE BUT NOT LIMITED TO: THE FAILURE TO PROVIDE PETITIONER WITH A PHOTOCOPY OF HIS MONTHLY INMATE BANKING STATEMENT FOR THE PAST TWELVE MONTHS TO ALLOW HIM TO COMPLY WITH UNITED STATES SUPREME COURT RULE 39.2 AND 3 PETITIONER CONTENDS THAT CORRECTIONS OFFICIALS HAS IMPLEMENTED A CUSTOM OR POLICY OF REFUSING AND DECLINING TO PROVIDE PHOTOCOPIES OF LEGAL DOCUMENTS. WHEN ATTEMPTING TO FILING THE ONLY ORIGIONAL COPY'S THE PLEADINGS ARE BEING CENSORED, TAMPERED WITH, ALTERED

OR MODIFIED FROM IT'S ORIGINAL VERSION, SOMETIMES RETURNED WITH THE EXHIBITS MISSING, OCCASIONALLY MYSTERIOUSLY VANISHING WITHOUT A TRACE, AND OTHER TIMES RESULTING IN CROSS-FILINGS UNDER THE WRONG CASE NUMBER, WITHOUT COPIES PETITIONER CANNOT COMPLY WITH UNITED STATES SUPREME COURT RULE 29 NOTIFING OPPOSING PARTIES AND/OR MARKING NECESSARY ATTACHMENTS

IN ADDITION TO THE ABOVE OBSTRUCTIVE TACTICS BEING EMPLOYED EACH TIME PETITIONER FILES A PETITION ARGUING AGAINST THE STATES CONTENTION OF HAVING AN ALLEGED ADMISSION TO THE COMMISSION OF THESE CRIMES PETITIONER IS THAN SUBJECTED TO HARRASSMENT, AND CORRECTIONAL STAFF SOLICITING ATTACKS AND ASSAULTS OR BATTERIES ON PETITIONERS PERSONAL SECURITY AND BODILY LIBERTY THAT HAS PREVIOUSLY BEEN THE CAUSE OF SERIOUS BODILY HARM AND PHYSICAL DISFIGURMENT WITH MALICIOUS INTENT TO CAUSE DEATH OR BEING THUS PETITIONER AND DETER HIM FROM CHALLANGING THE FALSE ALLEGATIONS OF AN ADMISSION AND OTHERWISE COERCION. A FALSE ADMISSION THROUGH OPPRESSIVE CONDITIONS OF CONFINEMENT. WHICH ALSO INCLUDES INHUMANE CONDITIONS SUCH AS BEING FORCED TO CONSUME CONTAMINATED FOOD TRAYS, THAT CONTAIN FOREIGN SUBSTANCE LIKE SPIT, SLOB, UNKNOWN LIQUIDES, OBSCENE SIGNS DRAWED INTO THE FOOD OR GANG SYMBOLES, OTHER INCIDENTS INCLUDES NOT BEING FED AT ALL, OR SERVED SPOILED FOODS OR BEING PLACED ON A DIET OF SOME UNKNOWN POWDER SUBSTANCE THAT'S PROVIDED IN FOUR TO FIVE CUP'S, COMBINED WITH SIGNIFICANT IF NOT ALL RESTRICTIONS ON COMMUNICATIONS WITH FAMILY AND FRIENDS AS ASSURED TO INMATES' SIMILARLY SITUATED, SUBJECTED TO UNAUTHORIZED UNNECESSARY USE OF CHEMICAL AGENTS AND DEATH THREATS. PETITIONER CONTENDS THAT AN EXTENSION OF TIME IS NECESSARY TO ALLOW HIM AN OPPORTUNITY TO NAVIGATE THESE ACTS PRESERVING HIS PERSONAL SECURITY AND BODILY LIBERTY WHILE STILL CHALLANGING HIS WRONGFUL CONVICTION. AS THE LAW RECOGNIZE THAT PETITIONER SHOULD NOT HAVE TO FOREGO ONE CONSTITUTIONAL RIGHT TO PRESERVE ANOTHER. SEE FORMAL GRIEVANCE LOG #2607-205-344 (APPENDIX 6) AND FORMAL GRIEVANCE LOG # 2605-209-101 (APPENDIX 5)

PETITIONER INTENDS TO PRESENT FOR REVIEW EXCULPATORY EVIDENCE THAT WAS NOT PRESENTED TO THE JURY AND/OR WAS EXCLUDED BY THE TRIAL COURT CLEARLY ERRONOUSE ABUSE OF DESCRECTION. THE EVIDENCE INCLUDES BUT NOT LIMITED TO THE FOLLOWING

ISSUES TO BE PRESENTED
FAILURE TO PRESENT EXCULPATORY EVIDENCE

TRIAL COUNSEL PERFORMANCE WAS DEFICIENT FOR FAILING TO IMPEACH DETECTIVE R. BERBER WITH HIS AFFIDAVED FOR A SEARCH WARRANT THAT ASSERTS

ON MARCH 4, 2008 AT 1405 HOURS I RECEIVED A TELEPHONE CALL FROM CRIMINALIST DAVID ARNOLD OF THE MIRAMAR BABE POLICE DEPARTMENT CRIME LABORATORY. MR. ARNOLD CONFIRMED THAT THE DNA SAMPLE TAKEN FROM THE VICTIM'S NECK ON THE DATE OF THE INCIDENT AND SUBMITTED TO THE MDPD CRIME LAB ON FEBRUARY 4, 2008 MATCHED A CODIS HIT WITH THE INFORMATION OF MR. PLEADRO JERMAINE SCOTT WITH A DATE OF BIRTH OF MARCH 17, 1982...

WHILE TO THE CONTRARY THE STATES EXPERT MR. DAVID ARNOLD UNDER OATH TESTIMONY CONSIST OF THE FOLLOWING:

Q. FOR THE NECK SWAB NUMBER 5, DOES THE MARCH 4, 2008 REPORT REFLECTS PLEADRO SCOTT AS CONTRIBUTING TO ITEM 5, IN THAT MARCH 4TH 2008 REPORT?

A. NOT AT THAT TIME. THE SUBJECT WAS UNKNOWN.

Q. UNKNOWN?

A. AS IT'S LISTED ON MY REPORT. (SEE TRIAL TRANSCRIPT PAGES 683) SATISFYING THE FIRST DEFICIENT PERFORMANCE PRONG UNDER STRICKLAND V WASHINGTON

PREAL COUNSEL DEFFERENT PERFORMANCE PREJUDICE THE DEFENSE BECAUSE DETECTIVE R. GERBER TESTIFIED TO THE FOLLOWING QUESTIONS AS FOLLOWS:

Q. WHAT DID SHE GIVE YOU?

A. A PACKAGE THAT CONTAINED THE SWABS.

Q. WERE YOU ABLE TO CONFIRM WHERE, IN FACT THAT THE AREA OF THE HICKEY, ON THE RIGHT SIDE OF THE NECK HAD BEEN SWABBED?

A. YES.

Q. LET ME SHOW YOU 1-R COMPOSITE FOR IDENTIFICATION. MAYBE I SHOULD BRING YOU A PAIR OF GLOVES TOO, DO YOU RECOGNIZE 1-R FOR IDENTIFICATION?

A. YES.

Q. HOW WAS IT, YOU WERE ABLE TO RECOGNIZE IT?

A. IT IS MY SIGNATURE, ON THE BOTTOM, MY SIGNATURE ON THE TOP. AND MY ID, WITH MY POLICE ID NUMBER. WE CALL BADGE NUMBER, ACROSS.

Q. WHEN DID YOU PLACE THAT ON THERE?

A. WHEN I PLACED IT INTO THE CITY OF MIAMI POLICE DEPARTMENT PROPERTY.

Q. AND DID YOU MAKE ANY REQUEST FOR THE LABORATORY ANALYSIS

TO BE DONE, TO ANY OF THE ITEMS INSIDE OF 1-R COMPOSITE FOR IDENTIFICATION?

A. YES.

Q. WHAT REQUEST DID YOU MAKE?

A. I SENT IT TO THE LAB, SO THE SWABS COULD BE TESTED. (SEE TRIAL TRANSCRIPT PAGES 381 AND 382)

THE RECORD IS CLEAR THAT DETECTIVE R. GERBER WAS THE FIRST OFFICIAL TO HAVE CONTACT WITH THE ALLEGED UNKNOWN FOREIGN CRIME SCENE SAMPLE OF THE NECK SWABS FROM THE WILLIAMS RAPE CASE, AND IDENTIFICATION WAS A MATERIAL DISPUTED ISSUE AS THE VICTIM MS. N.B. TESTIFIED THAT SHE WAS ASSAULTED BY A PERSON THAT SHE NEVER SEEN BEFORE. (SEE TRIAL TRANSCRIPT PAGE 455) WHILE PETITIONER MAINTAIN THAT HE DID NOT KNOW MS. N.B. (SEE TRIAL TRANSCRIPT PAGE 752) AND DID NOT ASSAULT HER. THUS BECAUSE DNA EVIDENCE SPEAKS DIRECTLY TO IDENTIFICATION IT WAS NECESSARY TO DISCREDIT THE ORIGION FROM WHICH THE DNA NECK SWABS ORIGONATED AND/OR IT'S CHAIN OF CUSTODY DETECTIVE R. GERBER. IMPEACHMENT WITH THE FALSE AFFIDAVIT RAISE THE QUESTION NOT IF PETITIONERS DNA WAS ALLEGEDLY OBTAINED FROM THE CRIME SCENE NECK SWABS BUT WAS IT INTRODUCED THROUGH THE ILLICIT CONDUCT OF GERBER. A REASONABLE JUROR CAN DRAW THE INFERANCE THAT IF R. GERBER SUBMITTED FALSE INFORMATION TO COMPEL DNA SAMPLES THAT HE DID SO WITH THE INTENT TO ENGAGE FUTHER ILLICIT ACTIVITY THEREBY ESTABLISHING CAUSE AND AN EXPLANATION TO THE ALLEGED PRESENS OF PETITIONERS DNA IN THE NECK SWABS FROM THE WILLIAMS RAPE CASE REBUTTING THE STATES THEORY ABOUT THE CORRECTNESS OF THE IDENTIFICATION (SEE TRIAL TRANSCRIPT PAGE 767 AND 806) AND UNDERMINING THE STRIENGTH OF OF ANY OTHER ALLEGED IDENTIFICATIONS

TRIAL COUNSEL MR. MATHES PERFORMANCE WAS DEFICIENT FOR FAILING TO IMPEACH DNA EXPERT MR. DAVID ARNOLD AND ROBBERT GRIFFITH WITH SWORN TESTIMONY THAT MR. GRIFFITH HAD GIVEN IN THE WILLIAMS RULE CASE F08008261 TRIAL IN RESPONSE TO THE FOLLOWING QUESTIONS

Q. OKAY, ALL RIGHT I'AM GOING TO SHOW YOU WHAT IS ALREADY IN EVIDENCE AS STATES EXHIBIT 12, STATES EXHIBIT 12 IS A COMPOSITE EXHIBIT AND I'AM GOING TO ACTUALLY PULL OUT JUST ONE OF THE THINGS INSIDE OF THIS COMPOSITE EXHIBIT AND ASK YOU TO TAKE A LOOK AT THAT FOR A MINUTE. NOW, WHAT IS THAT I JUST PUT IN FRONT OF YOU?

A. THAT IS A SWAB PACKET IN THIS CASE NUMBER, IT IS ITEM NUMBER 35, SWAB OF THE RIGHT NECK. (SEE TRIAL TRANSCRIPT OF WILLIAMS RULE CASE AT PAGE NUMBER 362 AT LINES 4 THROUGH 11) LOCATED IN THE RECORDS OF THE AT BAR AT PLEADING J. SCOTT V FLORIDA DEPARTMENT OF CORRECTIONS, ET. AL CASE NUMBER 1:21CV22439-BB, DOCKET ENTRY 49 PARAGRAPH NUMBER 12 AND IT'S ATTACHMENTS

THE PROBATIVE VALUE OF THE ABOVE TESTIMONY IS (1) MR. ARNOLD CONTENDS THAT HE RECEIVED THE DNA SAMPLES FROM MR. GRIFFITH (SEE TRIAL TRANSCRIPT PAGE 655) UNFORTUNATELY MR. ARNOLD OR MR. GRIFFITH REPORTS INCLUDES AN ITEM NUMBER 35 SEE Id AT PARAGRAPH 2 AND 10 MR. ARNOLDS TESTIMONY IS BASED ON ITEM 5 (SEE TRIAL TRANSCRIPT PAGE 638) AND NONE OF THE CASES ASSOCIATED WITH THE CASE ON TRIAL INCLUDES AN ITEM 35 (SEE TRIAL TRANSCRIPT PAGE 594 AND 595) SO WHERE DOES IT COME FROM? PRESENTING THIS TO THE JURY WOULD HAVE DEMONSTRATED THAT THERE WAS SOME FORM OF CROSS-CONTAMINATION ~~IN~~ IN THE MIAMI DADE CRIME LABORATORY

AS THE REPORTS INDICATES THE SAMPLES WERE RECIEVED FROM ROBBERT GREEFFETH IN HANDLING OF THE EVIDENCE IN THESE CASE THAT WAS THE CAUSE OF PETITIONERS DNA BEING INTRODUCED TO THE WILLIAMS RULE CRIME SCENE THROUGH AN MISTAKE THAT WAS OUT SIDE OF PETITIONERS CONTROLE, AND NOT DUE TO CRIMINAL CONDUCT

TRIAL COUNSEL DEFICIENT PERFORMANCE PREJUDICE THE DEFENSE BECAUSE (1) THE IDENTIFICATION OF THE PERPETRATOR WAS A MATERIAL DISPUTED ISSUE IN TRIAL, IN THAT PETITIONER TESTIFIED ASSERTING THAT HE DOES NOT KNOW MS. N.B. AND DID NOT RAPE HER. (SEE TRIAL TRANSCRIPT PAGE 752) AND THE DEFENSE WAS AN ALIBI (SEE TRIAL TRANSCRIPT PAGE 751-752) AND THE STATE ARGUED THAT MS. N.B. IDENTIFICATION SHOULD BE BELIEVED SOLELY BECAUSE THERE WAS WILLIAMS RULE EVIDENCE ARGUING THE CORRECTNESS OF THE IDENTIFICATION (SEE TRIAL TRANSCRIPT PAGE 767) THUS BECAUSE DNA EVIDENCE SPEAKS DIRECTLY TO IDENTIFICATION IT WAS CRITICALLY NECESSARY FOR TRIAL COUNSEL TO DISCREDETE IT OR GIVE A REASONABLE EXPLANATION FOR IT'S PRESENCE AT THE CRIME SCENE IN ORDER TO MAKE THE ADVERSARIAL TESTING PROCESS WORK. HAD TRIAL COUNSEL INTRODUCED SUCH FACTS TO THE JURY IT IS MORE THAN LIKELY THAT NO REASONABLE JUROR WOULD NOT HAVE VOTED TO FIND PETITIONER GUILTY OR THAT NO REASONABLE JURY OR REASONABLE WOULD FIND PETITIONER GUILTY BEYOND REASONABLE DOUBT, AS THEY COULD HAVE DRAWED THE INFERANCE THAT PETITIONERS PROSCRUTION IS BASED UPON A MISTAKE ON THE PART OF THE GOVERNMENT AND EXONERATED PETITIONER. AS THERE IS NO FORENSIC'S OR DNA EVIDENCE LEADING PETITIONER TO THE CASE ON TRIAL (SEE TRIAL TRANSCRIPT PAGES 272 AND 483) AND (2) PREJUDICE IS EVIDENCE BY TRIAL COUNSEL FAILING TO OBJECT TO THE STATES SHIFTING THE BURDEN OF PROOFF TO PUT FORWARD DNA EVIDENCE OR WITNESS BY ASKING THE FOLLOWING QUESTION

Q. OKAY. AND IN THIS CASE, ARE YOU AWARE IF YOUR FILE WAS EVER

REVIEWED BY AN OUTSIDE AGENCY?

A. IT WASN'T BROUGHT TO MY ATTENTION THAT THE FILE WAS REVIEWED BY AN OUTSIDE AGENCY.

Q. DO YOU REMEMBER THE INDIVIDUAL WHO REVIEWED YOUR FILE, OR NO?

A. I WOULD HAVE TO REFRESH MYSELF. BUT, THE FIRST NAME, I BELIEVE IS GARY. BUT I DON'T REMEMBER HIS LAST NAME (SEE TRIAL TRANSCRIPT PAGE 687)

COMBINING THESE ABOVE FACTS WITH TRIAL COUNSELS OPENING STATEMENT ASSERTING:

"... SO NOW, WHEN WHEN WE GET TO THIS POINT WELL, YOU WELL HEAR THAT IN MARCH, EARLY MARCH, OF 2008, THERE WAS A DNA HIT, WHICH CAME BACK FROM WELL THE STATE CONTENDS, IT HAD COME BACK TO MR. SCOTT. WHAT THE EVIDENCE WELL SHOW, IS THAT THE DNA WHICH HAD COME BACK TO MR. SCOTT, YOU WILL SEE, IT WILL BE BASED ON AN INDIVIDUAL FROM PALM BEACH COUNTY WHERE MR. SCOTT NEVER BEEN, NEVER LIVED, NEVER WAS ARRESTED, NEVER WAS CONVICTED IN PALM BEACH COUNTY. (SEE TRIAL TRANSCRIPT PAGES 270 AND 271) THE BASES FOR TRIAL COUNSEL OPENING STATEMENT WAS ALLEGEDLY BASED UPON: "... IN THE AMENDED DISCOVERY THAT I REQUESTED FOR THE EXPERT, DR. LIPMAN WHO, MR. SCOTT SAID, THERE WAS NO EXPERT IN THIS CASE. BUT AS FAR AS THE DISCOVERY

MR. MANZATTY: THE GUY FROM TAMPA?

MR. MATHIS: GARY LIPMAN. (SEE TRIAL TRANSCRIPT PAGE 275)

DRAWING AN ADVERSE INFERENCE FROM THE ONE PURPOSED AS TRIAL COUNSEL NEVER CALLED THIS WITNESS TO TESTIFY

MS. N.B. TESTIFIED TO THE FOLLOWING QUESTIONS AS FOLLOWS:

Q. HOW LONG HAVE YOU BEEN LIVING WITHOUT ELECTRICITY, AT YOUR FATHERS APARTMENT, AT THAT TIME?

A. ALMOST A YEAR. (SEE TRIAL TRANSCRIPT PAGE 445)

Q. AND DURING THAT TIME, HAD YOU GUYS HAD ANY OTHER WAYS TO GET LIGHT, INSIDE THE APARTMENT, EVEN THOUGH YOU DIDN'T HAVE POWER?

A. BY USING THE SECURITY LIGHTS IN THE BACK, COMING INSIDE A WINDOW (SEE TRIAL TRANSCRIPT PAGE 447)

Q. AND WHAT HAPPEN AFTER YOU GOT UPSTAIRS, TO THE APARTMENT?

A. I WENT, AND I LEFT THE DOOR, LIKE HALF WAY OPEN, JUST FOR THE LIGHT AND I WAS GETTING DRESSED BECAUSE I WAS ON MY WAY BACK OUT. (SEE TRIAL TRANSCRIPT PAGE 451)

Q. WHO WAS HOME, AT THE TIME YOU CAME HOME THAT EVENING?

A. MY DAD. BUT, I DIDN'T KNOW, UNTIL LATER ON.

Q. BUT WHAT ABOUT ANY OF YOUR BROTHERS OR SISTERS, WERE ANY OF THEM HOME?

A. NO. (SEE TRIAL TRANSCRIPT PAGE 454)

Q. AS WE SIT HERE IN COURT, NEARLY SIX YEARS LATER, CAN YOU TELL US, WHETHER OR NOT THE MAN WHO SEXUALLY ASSAULTED YOU, IS IN THE COURTROOM, THIS MORNING? IF YOU NEED TO GET UP, WALK AROUND, YOU CAN.

A. YES.

Q. YES, WHAT?

A. HE IS HERE.

Q. CAN YOU POINT HIM OUT, DESCRIBE WHAT HE'S WEARING TODAY?

A. WITH THE PLAID, BLUE AND LIKE STRIPED SHIRT. (SEE TRIAL TRANSCRIPT PAGE 464)

Q. DO YOU REMEMBER BEING SHOWN A SECOND LINE-UP, ON MARCH 4TH 2008?

A. YES.

Q. DID YOU SEE YOUR ATTACKER, IN THAT LINE-UP?

A. YES. (SEE TRIAL TRANSCRIPT PAGE 472)

Q. WHAT DID YOU WRITE ON THE BACK? WHAT DID YOU MEAN TO INDICATE BY THAT?

A. THIS IS THE MAN-- THIS IS THE MAN WHO RAPED ME, IN PHOTO NUMBER 4. (SEE TRIAL TRANSCRIPT PAGE 473)

NONETHELESS TRIAL COUNSEL WAS IN POSSESSION OF THE DEPOSITIONS

OF MR. YANACESSE BELHOMME THE ONLY OTHER ALLEGED WITNESS TO THIS ALLEGED CRIMINAL EPISODE WHOM GAVE SWORN UNDER OATH DEPOSITIONS IN THIS CASE EXPLAINING THAT THE LIGHT CONDITIONS OF THE APARTMENT AT 237 NORTHEAST 54 STREET ON FEBRUARY 16, 2008 WAS DEFECTED WITHOUT POWER IN THE APARTMENT AND THEY COULD NOT SEE ANYTHING TO BE OF CREDIBLE VALUE TO MAKE AN IDENTIFICATION OF THEE ALLEGED ASSAILANT, (SEE MR. YANACESSE BELHOMME DEPOSITIONS) MR. YANACESSE BELHOMME NEVER TESTIFIED IN TRIAL, ALTHOUGH HIS NAME APPEARED IN THE CHARGING DOCUMENT NOT ONE OF THE STATES WITNESS MAKES ANY MENTION OR REFERANCE THE NAME YANACESSE BELHOMME AND TRIAL COUNSEL NEVER CALLED MR. YANACESSE BELHOMME AS A WITNESS TO DISCREDIT MS. N.B. THE ONLY TESTIFING WITNESS TO THE FEBRUARY 16, 2008 EVENTS ON TRIAL. SATISFING THE DEFICIENT PERFORMANCE PRONG ANALYSIS UNDER STRICKLAND V WASHINGTON, 466 U.S. 668 (1984)

TRIAL COUNSEL DEFICIENT PERFORMANCE PREJUDICE THE DEFENSE BECAUSE IDENTIFICATION OF THE ASSAILANT WAS A MATERIAL DISPUTED ISSUE IN TRIAL AS PETITIONER MAINTAINED THAT HE NEVER SAW MS. N.B. BEFORE... AND DID NOT RAPE HER. (SEE TRIAL TRANSCRIPT PAGE 752) (2) TRIAL COUNSEL MR. MATHIS ACTS AND OMISSIONS PREJUDICE PETITIONER DEFENSE BECAUSE HE ELICITED FROM PETITIONER ON CROSS EXAMINATION THAT PETITIONER DOES NOT KNOW MS. N.B. FATHER..." (SEE TRIAL TRANSCRIPT PAGE 752) UNFORTUNATELY IT UNCLEAR WHOM MS. N.B. FATHER IS. MS. N.B. SAYS HER FATHER NAME IS FRANCIS BELHOMME (SEE TRIAL TRANSCRIPT PAGE 465) WHILE THE STATE SUGGEST THAT IT IS MR. YANACESSE BELHOMME, (SEE TRIAL TRANSCRIPT PAGE 726) AND PETITIONER WAS NEVER CONFRONTED FACE TO FACE BY EITHER IN TRIAL. IT MAY SO HAPPEN TO BE THAT PETITIONER DOES KNOW THIS INDIVIDUAL BY AN NICK NAME, OR ALIAS NAME OTHER THAN THE NAMES PRESENTED. WHICH MAY HAVE BEEN THE MOTIVE BEHIND MS. N.B. TESTIMONY AND/OR IDENTIFICATION DUE TO BAD BLOOD BETWEEN PETITIONER AND THIS INDIVIDUAL OUTSIDE OF THE EVENTS ON TRIAL. (3) MR. YANACESSE BELHOMME TESTIMONY WAS CRUCIAL IN

DISCREDITING MS. N.B. IDENTIFICATION BECAUSE THERE WAS NO DNA OR FORENSIC EVIDENCE LEADING PETITIONER TO THE EVENTS ON TRIAL (SEE TRIAL TRANSCRIPT PAGES 267; 268; 272; 483; 693; 694; 823) HAD THESE FACTS BEEN PRESENTED TO A REASONABLE JURY THEY COULD HAVE CONCLUDED THAT MS. N.B. SHOULD NOT BE BELIEVED. TESTIMONY IS INCREDIBLE AS A MATTER OF LAW. IF IT IS UNBELIEVABLE ON IT'S FACE, I.E., TESTIMONY AS TO FACTS THE WITNESS PHYSICALLY COULD NOT HAVE POSSIBLY OBSERVED.

ALSO SEE, SPIRES V STATE, 934 SO. 2d 630 (FLA. 2d DCA 2006) (COUNSEL FAILED TO CALL TO TESTIFY A WITNESS WHO WOULD HAVE TESTIFIED THE STATES SOLE WITNESS COULD NOT SEE OR HEAR ANY OF THE MATTERS SHE TESTIFIED ABOUT AT TRIAL.) THE U.S. SUPREME COURT HAS EXPLAINED THAT THE DUE PROCESS CLAUSE IS CONCERN THAT THE JURY NOT HEAR EYEWITNESS TESTIMONY UNLESS THAT EVIDENCE HAS ASPECTS OF REALITY. SEE MANSON V BRATHWAITE, 432 US 98,

ALTHOUGH THERE WAS ALLEGED TO BE DNA EVIDENCE FROM THE WILLIAMS RULE CASE INVOLVING MS. K.G. (SEE THE TRIAL TRANSCRIPT PAGE 693 AND 694) THIS FACT IS NOT DISPOSITIVE, BECAUSE THE STATES TESTIFYING DNA EXPERT GAVE FALSE TESTIMONY AS FOLLOWS:

Q. OKAY ON THIS CASE, HOW MUCH -- HOW MANY, I GUESS INDIVIDUALS OR FOREIGN DNA DID YOU FIND THAT SALIVA SAMPLE?

A. I FOUND A SINGLE FOREIGN MALE DNA PROFILE

Q. SO YOU DID NOT FIND A MIXTURE?

A. IT WAS A MIXTURE, WHEN I SAY IT'S A FOREIGN DNA PROFILE BECAUSE IT'S A SAMPLE ON A WELL, BECAUSE IT'S A SWABBING OF THE NECK, I'M LOOKING AT THE FOREIGN DNA PROFILE. (SEE TRIAL TRANSCRIPT PAGE 689)

HOWEVER TRIAL COUNSEL PERSONALLY POSSESSED A DOCUMENT ENTITLED "CODIS

CASE EVALUATION FORM" THAT EXCLUSIVELY CONTRADICTS MR. ARNOLDS TRIAL TESTIMONY AS THE FACTUAL TEXT OF THIS DOCUMENT WHERE BOTH THE SUBSECTION FOR AN ENTRY INDICATING THERE WAS A FOREIGN PROFILE AND THE SUBSECTION FOR AN ENTRY INDICATING A MIXTURE ARE BLANK, OTHERWISE DRAWING THE INFERANCE THAT THE SAMPLE BEING TESTED WAS ABSENT OF THE CONCLUSION MR. ARNOLD TESTIFIED TO

THE SIGNIFICANCE OF THIS INCONSISTANCY IS TO BE EXTRACTED FROM MR. ARNOLDS EXPLANATION OF A MIXTURE AS FOLLOWS:

Q. NOW WHAT IF YOU ACTUALLY MIX TWO DNA TOGETHER, FOR EXAMPLE LET'S SAY, THAT TWO PEOPLE ARE CUT, MALE AND FEMALE, AND THE BLOOD GETS MIXED TOGETHER, WILL THAT MAKE NEW DNA?

A. IT WON'T MAKE NEW DNA, IT WILL MAKE A MIXTURE OF DNA PROFILES (SEE TRIAL TRANSCRIPT PAGE 626)

Q. ANOTHER METHOD WOULD BE IF YOU AND I WERE TO SHAKE HANDS THAT SOME OF YOUR DNA PRESUMPTIVELY COULD BE TESTED, FOUND ON ME?

A. YES, THERE IS THE POTENTIAL FOR ME TO LEAVE DNA ON YOUR HAND (SEE TRIAL TRANSCRIPT PAGE 645 AND PAGE 646)

NOW LOGICALLY APPLYING MR. ARNOLDS TESTIMONY, THE NECK SWABBING FROM MS. K.G. NECK OR THE SAMPLE THAT WAS TESTED AND REFERANCED IN THE CODIS CASE EVALUATION FORM, THE UNKNOWN FORENSIC SAMPLE OF THE NECK SWAB FROM K.G. NECK SHOULD HAVE INCLUDED HER ASSAILANTS DNA IN A MIXTURE ACCEPTING HER ASSERTS THAT (1) HER ASSAILANT GRABED HER BY THE BACK OF THE NECK... (SEE TRIAL TRANSCRIPT PAGE 306 AND 307) AND (2) HER ASSAILANT WAS KISSING ON HER NECK... (SEE TRIAL TRANSCRIPT PAGE 309) THAN CLEARLY IF SHAKING HANDS WOULD LEAVE DNA, IT MUST BE PRESUMED THAT THESE TACTICS WOULD HAVE ALSO LEFT TRACES OF DNA. UNFORTUNATELY THE LABORATORY DOCUMENT DOES NOT INDICATE THAT TO BE THE FACTS OF THE TESTED SPECIMENT, IN IT'S ABSENCE

DRAWS REASONABLE INFERANCES THAT THE SAMPLE BEING TESTED OR REFERANCE IN THIS DOCUMENT ORIGINATED FROM SOME OTHER SOURCE THAT WAS NOT MS. K.G. AND DOES NOT TIE PETITIONER TO THIS CRIME. UNFORTUNATELY TRIAL COUNSEL WAS AGAIN DEFICIENT FOR FAILING TO PRESENT AND IMPEACH MR. ARNOLD WITH THE "CODIS CASE EVALUATION FORM. AND PREJUDICE THE DEFENSE BECAUSE(1) IF PRESENTED TO THE JURY WOULD HAVE UNDERMINED CONFIDENCE IN THE DNA EVIDENCE AND TESTIMONY AND (2) COMBINING IT WITH MR. BELHOMME VERSION OF EVENTS OF THE DARKNESS IN THE APARTMENT WOULD HAVE PLAYED A SIGNIFICANT ROLE IN DISCREDITING THE IDENTIFICATION IN THIS CASE, REBUTTING THE STATES THEORY OF THE CORRECTNESS OF THE IDENTIFICATION. (SEE TRIAL TRANSCRIPT PAGE 767 AND 806) THE CODIS CASE EVALUATION FORM IS ATTACHED IN APPENDIX 7) AND/OR SEE SCOTT V FLA. DEP'T OF CORR., ET. AL, CASE NUMBER 1:21CV22439-BB, DOCKET ENTRY 49 PARAGRAPH 8 AND IT'S ATTACHMENTS

ALTHOUGH THERE WAS AN ALLEGED OUT OF COURT IDENTIFICATION PHOTO LINE UP MADE BY WILLIAMS RULE WITNESS MS. K.G. (SEE TRIAL TRANSCRIPT PAGE 322-324) THIS FACT IS NOT DISPOSITIVE BECAUSE TRIAL COUNSEL MR. MATHES AGAIN DEFICIENTLY FAILED TO MOVE TO SUPRESS AND/OR IMPEACH MS. K.G. SUGGESTIVE PHOTO LINE UP IDENTIFICATION WITH HER SWORN UNDER OATH DEPOSITION WHERE SHE ASSERTED THAT OF THE FOLLOWING IN REFERANCE TO HER IDENTIFICATION

Q. AND SO YOU'RE NOT 100 PERCENT SURE?

A. NO AND WHEN SHE MY MOM ACTUALLY SHE WAS LIKE OKAY WHAT DO YOU REMEBER ABOUT HIM, SO I STARTED THINKING I DIDN'T SAY NOTHING TO HER WHEN SHE HAD TOLD ME, AND I WAS LIKE HE HAD A SKULLY ON AND SHE SEEN HIM -- LIKE SHE HAD IT WAS LIKE A PICTURE OF ME AND MY DAUGHTER RIGHT THERE, AND IT WAS LIKE A ~~DARK SPOT~~ ~~AND THE PICTURE~~ R, AND SHE WAS LIKE PUT THIS ON TOP OF THE PICTURE, LIKE YOU KNOW, RIGHT HERE LIKE... (SEE K.G. DEPOSITION PAGE 53)

Q. SO YOU HAD TO PUT SOMETHING ON TOP OF THE PICTURE TO TRY TO MAKE THIS IDENTIFICATION?

A. YES, YES. (SEE K.G. DEPOSITION AT PAGE 54)

Q. YES.

A. SO I PUT IT ON ONE OF THE DARK AREAS LIKE MY MOM FLIPPED IT ON A DARK AND PUT IT LIKE THERE ON TOP OF IT. (SEE K.G. DEPOSITION AT PAGE 55)

Q. DARK?

A. NO, SHE TOLD ME TO PUT "THIS IS THE GUY" AND

Q. YOUR NAME? AND SHE TOLD YOU PUT "THIS IS THE GUY."

A. SHE SAID GO AHEAD PUT -- YEAH, SAYING PUT THE --

Q. THE POLICE OFFICER TOLD YOU TO WRITE THAT?

A. YEAH THE DETECTIVE. (SEE, K.G. DEPOSITION PAGE 57) SEE SCOTT V FLA. DEP'T OF CORR. ET. AL, CASE NUMBER 1:21CV 22439-BB, DOCKET ENTRY 23-2 AT PAGE 61 THROUGH 68 FOR REFERENCED PAGES OF K.G. DEPOSITIONS.

TRIAL COUNSEL DEFICIENT PERFORMANCE PREJUDICING THE DEFENSE BECAUSE HAD A REASONABLE JURY BEEN INTRODUCED TO SUCH FACTS MAY HAVE FOUND IT NECESSARY TO COMPOUND IT WITH MR. Y. BELHOMME VERSION OF EVENTS IN A DARK ROOM, AND THE CONTRADICTED LABORATORY REPORT INCONSISTANT WITH THE STATES EXPERT MR. DAVID ARNOLD TO APPLY A MAJOR SUBTRACTION ON THE WEIGHT TO BE GIVEN TO THE IDENTIFICATION IN THIS CASE OR SIMPLY DISBELIEVE IT ALTOGETHER, FINDING PETITIONER NOT GUILTY. THUS TRIAL COUNSEL DEPRIVED THE JURY OF IT'S TRUTH FINDING FUNCTION, BECAUSE ONLY THE JURY CAN SAY WHAT IT WOULD DO ON THIS NEW BODY OF EVIDENCE. BUT IT SHOULD NOT BE EXCLUDED FROM REVIEW OF

THE ABOVE FACTS MS. K.G. FIRST IDENTIFICATION MADE TO HER COUSEN MS. DONTREVIA MATHIS AS MS. K.G. EXPLAINED AFTER HER ALLEGED SEXUAL ASSAULT SHE JUST RAN TO HER AUNTS HOUSE AND TOLD THEM WHAT HAPPEN. (SEE TRIAL TRANSCRIPT PAGE 311) WHERE MS. MATHIS ALSO LIVED. (SEE TRIAL TRANSCRIPT PAGE 300) IN THE WILLIAMS RULE CASE F08008261 (TRIAL TRANSCRIPT PAGES 260 THROUGHOUT 270) MS. MATHIS GAVE SWORN UNDER OATH TESTIMONY EXPLAINING THAT ~~THE MAN KING~~ DESCRIBED HER ASSAILANT AS A MAN FROM A MOVIE KNOWN AS STATE PROPERTY" ( ) WHILE MS. K.G. WAS STILL CRYING AND UNDER THE STRESS CAUSED BY THE ATTACK, OTHERWISE MAKING THE EVIDENCE ADMISSABLE UNDER THE EXCEPTION TO THE HEARSAY RULE FLORIDA STATUTES 90.803 MCDONALD V STATE, 578 SO. 2d 371, 373 (FLA. 1ST DCA 1991) (IN MCDONALD THE VICTIM TESTIFIED AT TRIAL THAT MCDONALD FORCED HER WAY INTO HER APARTMENT WHERE SHE LIVED WITH HER YOUNG CHILD, AND COMMITTED SEXUAL BATTERY ON HER. SHE STATED THAT IMMEDIATELY, ~~THEREAFTER~~, SHE FLED TO A FRIENDS APARTMENT, WHERE SHE BLURTED OUT A DESCRIPTION OF THE INCIDENT CONSISTENT WITH HER TRIAL TESTIMONY. APPROXIMATELY ONE HOUR LATER, SHE RELATED THE SAME STORY TO THE INVESTIGATING POLICE OFFICER. THE FRIEND AND THE OFFICER WERE ALLOWED TO TESTIFY TO THE STORY TOLD THEM BY THE VICTIM, OVER DEFENSE OBJECTION THAT IT WAS INADMISSIBLE HEARSAY.) HERE IN THE CASE AT BAR MS. K.G. SPONTANEOUS STATEMENT WAS NOT A BROAD AND VAGUE DESCRIPTION OF PHYSICAL FEATURES THAT CAN REASONABLY BE SAID SAID TO POINT TO A CLASS OR GROUP OF INDIVIDUALS, BUT WAS CONTRIBUTED TO A SPECIFIC STATEMENT OF IDENTIFICATION OF A KNOWN INDIVIDUAL AFTER HAVING PRECEIVED THEM, FOR WHICH FLORIDA COURTS HAVE RECOGNIZED TO BE A FACTOR TO BE CONSIDERED IN DETERMINING WHETHER A OUT OF COURT PHOTO LINEUP IDENTIFICATION WAS UNNECESSARILY SUGGESTIVE LEADING TO THE SUBSTANTIAL LIKELIHOOD OF MISIDENTIFICATION SO GREAT THAT IT VIOLATES DUE PROCESS. SEE ALAHAD V STATE, 362 SO. 3d 190 (FLA. 2023) (STATING FLORIDA ALTERNATE FACTORS ARE "SUBSTANTIALLY THE SAME" AS THE FIVE NEIL FACTORS FOR OUT OF COURT IDENTIFICATIONS.) CITING NEIL V BIGGERS, 409 U.S. 188, 198 (1972) (THESE FACTORS INCLUDE (1) THE WITNESS HAD AN ADEQUATE OPPORTUNITY TO REVIEW THE DEFENDANT; (2) THE WITNESS PAID CLOSE ATTENTION TO DETAIL" DURING OBSERVATION; (3) THE WITNESS ACCURATELY DESCRIBED DEFENDANT; (4) THE WITNESS WAS CERTAIN OF

THE IDENTIFICATION AND (5) THE WITNESS MADE THE IDENTIFICATION ONLY 2 DAYS AFTER VIEWING THE DEFENDANT.

PETITIONER CONTENDS THAT MS. K.G. INITIAL IDENTIFICATION TO HER COUSIN MS. MATHIES OF THIS INDIVIDUAL FROM THE MOVIE "STATE PROPERTY" WAS RELIABLE BECAUSE THE RECORD INDICATES THAT MS. K.G. HAD ADEQUANT OPPORTUNITY TO REVIEW HER ASSAILANT BECAUSE SHE FACED HIM DIRECTLY AND INTIMATELY DURING RAPE FOR SEVERAL MINUTES (SEE TRIAL TRANSCRIPT PAGE 308) WHERE SHE CONTENDS THAT HE WAS KISSING HER (SEE TRIAL TRANSCRIPT PAGE 309) MS. K.G. PAID CLOSE ATTENTION TO DETAILS DURING OBSERVATION PROVIDED DESCRIPTION OF ARTICLES OF CLOTHING HER ASSAILANT WAS WEARING (SEE TRIAL TRANSCRIPT PAGE 302) AND INFORMED THE FIRST RESPONDING OFFICER KEVIN WILLIAMS THAT HER ASSAILANT HAD VERY WHITE TEETH. (SEE WILLIAMS RULE CASE F08008261 TRIAL TRANSCRIPT PAGE 309 - 310) MS. K.G. ACCURATELY DESCRIBED THE INDIVIDUAL "BENNIE SEAGUKE" FROM THE MOVIE KNOWN AS "STATE PROPERTY" AS HAVING VERY WHITE TEETH. (SEE WILLIAMS RULE CASE F08008261 TRIAL TRANSCRIPT PAGE 309 - 310) AND NO MISSING TEETH (HER TRIAL TRANSCRIPT PAGE 328) 5'11 FEET TALL, 200 TO 250 POUNDS, BLACK MALE. (SEE TRIAL TRANSCRIPT PAGE) MS. K.G. WAS CERTAIN OF THE IDENTIFICATION PROVIDED TO MS. MATHIES AS THE STATEMENT WAS MADE WHILE UNDER THE STRESS OF THE EVENTS OF HER ATTACK, BEFORE MS. K.G. HAD AN OPPORTUNITY TO HAVE REFLECTIVE THOUGHT AND BEFORE THERE WAS ANY EXTERNAL INFLUENCE BY OTHER SOURCE INDICATED ABOVE. THE IDENTIFICATION MADE BY MS. K.G. TO HER COUSIN MS. MATHIES OF THIS INDIVIDUAL FROM "STATE PROPERTY" MOVIE WAS MADE WITHIN AN HOUR IF NOT WITHIN MINUTES AFTER HER ATTACK (SEE TRIAL TRANSCRIPT PAGE 311) NONETHELESS WHILE THIS WAS THE FIRST IDENTIFICATION MADE OF A KNOWN INDIVIDUAL. THE PERSON IDENTIFIED (BENNIE SEAGUE) HAS NEVER BEEN INTERVIEWED BY POLICE INVESTIGATORS, HAS NEVER BEEN EXCLUDED FROM THE AREA OF THE OCCURANCE OF THE WILLIAMS RULE CRIME SCENE OR THE CRIME SCENE OF THE CASE AT BAR BEING TRIALED, AND ACCORDING TO THE STATES TESTIFYING WITNESSES NONE HAVE INDICATED THAT THIS INDIVIDUAL WAS PLACED IN A PHOTO LINE UP NEXT TO THIS PETITIONER (SEE TRIAL TRANSCRIPT PAGES 501 - 503) TO DECIPHER THE DISCREPANCIES BETWEEN THE TWO, WHILE MS. K.G. ACKNOWLEDGED "... NONE OF THEM LOOKED LIKE HIM..." (SEE TRIAL TRANSCRIPT PAGE 340) FOR WHICH FLORIDA COURTS HAVE FOUND TO BE

UNNECESSARILY SUGGESTIVE LEADING TO THE SUBSTANTIAL LIKELIHOOD OF IRREPARABLE HARM CAUSED BY MISIDENTIFICATION SO GREAT THAT IT VIOLATES DUE PROCESS. SEE MANSON V BRAITHWAITE, 432 U.S. 98 114-16 (1977) (IT WOULD HAVE BEEN BETTER HAD THE ACCUSED BEEN PRESENTED WITH A PHOTOGRAPHIC ARRAY INCLUDING SO FAR AS PRACTICABLE... A REASONABLE NUMBER OF PERSONS SIMILAR TO ANY PERSON THEN SUSPECTED WHOSE LIKENESS IS INCLUDED IN THE ARRAY." THE USE OF THAT PROCEDURE WOULD HAVE ENHANCED THE FORCE OF THE IDENTIFICATION AT TRIAL) ALTHOUGH THE STATE CONTENDS THAT PETITIONERS PHOTO WAS PLACED ON A PHOTO LINE UP BECAUSE OF AN ALLEGED DNA HIT MAKING HIM A SUSPECT (SEE OCTOBER 24, 2012 TRANSCRIPT PAGES 9) AND TRIAL TRANSCRIPT PAGES 274 817) THIS ASSERTION WAS ~~DISPUTED~~ BY THE STATES TESTIFYING EXPERTS MR. DAVID ARNOLD ASSERTING THAT ON MARCH 4, 2008 PETITIONER WAS NOT A SUSPECT (SEE TRIAL TRANSCRIPT PAGE 683) CORROBERATED BY ROBBERT GRIFFITH (SEE TRIAL TRANSCRIPT PAGE) NOT ONE OF THE STATES ~~CHARACTERIZED~~ WITNESSES STANDS ON THE INFERANCE THE STATE ATTEMPTS TO DRAW. EVEN PRESUMING THE STATES DNA EXPERTS TESTIMONY TO BE RELIABLE, THIS FACT WOULD NOT BE DISPOSITIVE BECAUSE MR. ARNOLD TESTIFIED! "... IT WAS DETERMINED THAT THE FREQUENCY IN WHICH THE DNA PROFILE IS EXPECTED TO BE FOUND IN AN UNRELATED INDIVIDUAL, IN THE POPULATION AT LARGE, IS 1 IN 7 BILLION, 580 MILLION. (SEE TRIAL TRANSCRIPT PAGE 644) HOWEVER PETITIONER PHOTO IS NOT DISPLAYED NEXT TO ANY OF ~~HIS~~ HIS RELATIVES AND MR. ARNOLD ACKNOWLEDGES THAT NONE OF PETITIONERS RELATIVES HAS BEEN EXCLUDED AS SUSPECTS. (SEE TRIAL TRANSCRIPT PAGES 656) WHILE ADMITTING THAT THE RESULTS WAS INCONCLUSIVE. (SEE TRIAL TRANSCRIPT PAGE 643) FURTHERMORE THERE IS NOTHING ON THE RECORD TO SUGGEST THAT ANY OF THE INDIVIDUALS DISPLAYED IN THE PHOTO LINE UP'S WAS ALLEGED SEX OFFENDERS. THUS PETITIONER CONTENDS THAT HE WAS SINGLED OUT AS THERE IS NOTHING TO SUGGEST THAT K.G.S ASSAILANT WAS NOT IN FACT WHOM SHE ORIGINALLY BELIEVED HIM TO BE AND/OR OR LOOK LIKE. IN LIGHT OF THE ALLEGED CODES HIT THE PROCEDURE WAS UNNECESSARY.

THEREFORE PETITIONER CONTENDS THAT MS. K.G. IN COURT IDENTIFICATION WAS UNRELIABLE BECAUSE ALTHOUGH SHE HAD AN ADEQUANT OPPORTUNITY TO REVIEW HER ASSAILANT SHE ADMITS THAT SHE WAS NOT PAYING ATTENTION TO THAT (SEE TRIAL TRANSCRIPT PAGE 326) THE FACTS SUPPORTS THAT SHE WAS GUN FOCUS (SEE

TRIAL TRANSCRIPT PAGE 301) MS. K.G. INDEPENDANT RECALL OF HER ALLEGED ASSAILANT WAS CONTRARY TO HER PRETRIAL IDENTIFICATION OF THE INDIVIDUAL FROM THE MOVIE STATE PROPERTY. THERE IS CONFLICT ABOUT ALTHOUGH MS. K.G. WAS UP AND CLOSE WITH HER ASSAILANT AND SEEN HIM BIT A CONDOM WRAPPER OPEN BUT CONTENDS THAT SHE DID NOT SEE HIS TEETH. (SEE TRIAL TRANSCRIPT PAGES 308 AND) WHICH WAS CONTRARY TO HER DEPOSITION THAT SHE ASSERTED HE DID NOT HAVING ANY MISSING TEETH. (SEE TRIAL TRANSCRIPT PAGE 328) MS. K.G. WAS NOT CERTAIN ABOUT HER IDENTIFICATION OF THIS PETITIONER (SEE TRIAL TRANSCRIPT PAGE 333) HER ASSAILANTS WEARING OF A SKULLY AFFECTED HER ABILITY TO GET A RECOGNIZABLE VIEW OF HIS FEATURES. (SEE TRIAL TRANSCRIPTS PAGE 332) AND MS. K.G. IDENTIFICATION OF THIS PETITIONER WAS MADE APPROXIMATELY A MONTH AFTER HER ALLEGED ATTACK WITCH AN ELAPSE IN TIME DIMMED HER MEMORY THAT WAS ALSO TAINTED BY HER MOTHER COERCION TO HER AS INDICATED ABOVE IN WHICH THE FACTS SUPPORTS MS. K.G. SHIFT LANES FROM HER ORIGINAL SUSPECT TO THIS PETITIONER. GIVEN THE STATES THEORY OF THE CASE THAT ALL THREE CRIMES WERE COMMITTED BY THE SAME PERSON (SEE TRIAL TRANSCRIPT PAGE 700) THE PRESUMPTION OF CORRECTNESS WOULD IN ALL LIKELYHOOD SUGGEST FROM THESE FACTS THAT INDIVIDUAL IS NOT THIS PETITIONER BUT THE INDIVIDUAL FROM THE MOVIE "STATE PROPERTY" THAT WAS ALSO A PASSIBLE COURT ROOM SPECTATOR AT TRIAL AS DEMONSTRATED BY THE PROVICABLE FACT THAT MS. K.G. IN COURT IDENTIFICATION ASSERTING: "... HE'S RIGHT THERE. HE'S WEARING PLAID, BLACK GREEN AND WHITE..." FOLLOWED BY THE PROSECUTION ASSERTION: "... LET THE RECORD REFLECT THE WITNESS HAS IDENTIFIED THE DEFENDANT PLEADRO SCOTT..." (SEE TRIAL TRANSCRIPT PAGE 315) WHEN PETITIONER NEVER WORE THESE COLORS IN A CALABERATION AS INDICATED BY THE WITNESS. PETITIONER CONTENDS THAT HE HAD ON A BLACK SHIRT AND BEAGLE PANTS THROUGHOUT THE WHOLE TRIAL. EVEN WHEN RELYING SOLELY ON THE STATE WITNESSES ASSERTIONS THE RECORD IS INCONSISTENT BECAUSE MS. N.B. ASSERTS THE ASSAILANT WAS WEARING "... PLAID, BLUE AND LIKE STRIPED SHIRT. (SEE TRIAL TRANSCRIPT PAGE 464) MS. Y.A. DESCRIBED THE ASSAILANT AS WEARING "... A GRAY PLAID SHIRT..." (SEE TRIAL TRANSCRIPT PAGE 369) THE WITNESS CALABORATIONS OF COLORS ARE NOT EVEN CLOSE TO SUGGEST THE SAME SUSPECT. THEY ARE CLEARLY IDENTIFYING SOMEONE WITH THE MEANS TO CHANGE THERE CLOTHING WHICH THIS PETITIONER DID NOT HAVE AND THERE IS NO RECESS TO DRAW SUCH AN INFERANCE TO THE CONTRARY

TRIAL COUNSEL PERFORMANCE WAS DEFICIENT FOR FAILING TO UTILIZED SIGNIFICANT STATEMENTS MADE BY THE WILLIAMS RULE WITNESS MS. K.G. ~~ON~~ THE SAME NIGHT OF HER ALLEGED SEXUAL ASSAULT IDENTIFYING HER ASSAILANTS TEETH AS VERY WHITE TO THE FIRST REPORTING OFFICER WILLIAMS FOR WHICH DETECTIVE R. GERBER TESTIFIED ON THE WILLIAMS RULE TRIAL CASE NUMBER R08008261 ACKNOWLEDGING THAT OFFICER WILLIAMS HAD PREPARED AN OFFENSE INCIDENT REPORT WHICH INDICATED THAT THE SUSPECT HAD VERY WHITE TEETH. (SEE WILLIAMS RULE TRIAL TRANSCRIPT PAGE 309 THROUGHOUT 312) WILLIAMS RULE WITNESS MS. K.G. TESTIFIED THAT SHE WAS NOT PAYING ATTENTION TO THAT. (SEE WILLIAMS RULE TRIAL TRANSCRIPT PAGE 326) WHILE DEFENSE COUNSEL IN THE WILLIAMS RULE TRIAL MR DURHAM HIGHLIGHTED IN VOIR DIRE, WHO HAD PETITIONER STAND UP AND SMILE FOR THE PANEL AND THEN QUESTIONED THEM ABOUT WHETHER THEY COULD BE FAIR TO HIM EVEN THOUGH HE HAD BOLD TEETH. (SEE TRIAL TRANSCRIPT PAGE 132 AND 133 IN THE WILLIAMS RULE CASE). THIS RESULTED IN THE JURY SENDING A LETTER TO THE COURT DURING DELIBERATIONS IN THE WILLIAMS RULE TRIAL ASKING

MAY WE SEE THE POLICE REPORT DONE BY THE LEAD INVESTIGATOR WITH THE DESCRIPTION GIVEN BY THE VICTIM STATING THE DESCRIPTION OF THE WHITE TEETH. (SEE WILLIAMS RULE TRIAL TRANSCRIPT PAGE 519) (OR WILLIAMS RULE COURT EXHIBIT 1) WHICH SUPPORTS THAT THIS WAS DAMAGING TO MS. K.G. CREDIBILITY ON IDENTIFICATION. BUT EVEN MORE DAMAGING IS THAT MS. K.G. TOLD HER COUSIN DONTRAVIA MATHIS THAT THE MAN WHO RAPED HER LOOKED LIKE THE MAN FROM A MOVIE KNOWN AS "STATE PROPERTY" (BENNER SEAGLE) THIS IS AN IDENTIFICATION OF A KNOWN INDIVIDUAL THAT HAS VERY WHITE TEETH THAT HAS NOT BEEN PLACED IN A PHOTO LINE UP, INTERVIEWED, EXCLUDED FROM THE AREA, OR EXCLUDED FROM THE CRIME. DONTRAVIA MATHIS TESTIMONY IS LOCATED IN WILLIAMS RULE TRIAL TRANSCRIPT PAGE 260 THROUGHOUT 270)

TRIAL COUNSEL DEFICIENT PERFORMANCE PREJUDICE THE DEFENSE BECAUSE THE IDENTIFICATION OF THE DEFENDANT WAS A MATERIAL DISPUTED ISSUE AT TRIAL AND THIS WAS EVIDENCE POINTING TO A COMPLETELY DIFFERENT SUSPECT OTHER THAN THE ACCUSED, AND UNDERMINEDS EACH OF WITNESSES IDENTIFICATION ON THIS PROCEEDING. IF PRESENTED TO THE JURY IT IS MORE LIKELY THAN NOT ANY REASONABLE JUROR WOULD HAVE REASONABLE DOUBT OR THAT NO JUROR ACTING REASONABLY WOULD HAVE VOTED TO FIND PETITIONER GUILTY BEYOND A REASONABLE DOUBT. HERE THE JURY COULD HAVE ACCEPTED THE STATES THEORY THAT ALL THREE CRIMES WAS COMMITED BY THE SAME PERSON. (SEE TRIAL TRANSCRIPT PAGE 700) BUT CONCLUDED THAT, THAT PERSON WAS NOT THE ACCUSED, EXONERATING PETITIONER. AS ONE CANNOT SAY, WITH FAIR ASSURANCE, AFTER PONDERING ALL THAT HAPPENED WITHOUT STRIPPING THE ERRONEOUS ACTION FROM THE WHOLE, THAT THE JUDGMENT WAS NOT SUBSTANTIALLY SWAYED BY THE ERROR, IT IS IMPOSSIBLE TO CONCLUDE THAT SUBSTANTIAL RIGHTS WERE NOT AFFECTED. THE INQUIRY CANNOT BE MERELY WHETHER THERE WAS ENOUGH TO SUPPORT THE RESULTS, APART FROM THE PHASE AFFECTED BY THE ERROR, IT IS RATHER, EVEN SO, WHETHER THE ERROR IT'SELF HAD SUBSTANTIAL INFLUENCE. IF SO, OR IF ONE IS LEFT IN GRAVE DOUBT THE CONVICTION CANNOT STAND.

ALTHOUGH THERE WAS ARE ALLEGED OUT OF COURT PHOTO LINE UP IDENTIFICATION MADE BY WILLIAMS RULE WITNESS MS. Y. A. (SEE TRIAL TRANSCRIPT PAGE 370 AT LINES 6 THROUGH 13) THIS FACT IS NOT DISPOSITIVE BECAUSE THE PROCESS USED WAS DULY SUGGESTIVE RESULTING IN IRREPARABLE HARM TO ANY LATTER IDENTIFICATION IN LIGHT OF THE FACT THAT FIRST PETITIONER WAS DESPLAYED WEARING A BRIGHT GREEN SHIRT DESTINCTIVELY AND SEPARATELY FROM ANY OTHER INDIVIDUAL IN THE PHOTO PACK PROVING TO BE FATAL TO PETITIONER. E.g., BRIGHT GREEN COLORS ARE USED IN EVERY DAY LIFE EVENTS TO CAPTURE PEOPLE MENTAL ATTATION OR ATTENTION EVEN IN SITUATION WITHOUT THEM BEING AWEAR OF THE

MENTAL ATTRACTIONS SUCH AS WHEN AN AN INDIVIDUAL MAYBE RIDING A BIKE OR WALKING DOWN THE STREET TO AN INTERSECTION OR CROSS WALK. THE BRIGHT GREEN SIGN THAT DISPLAYS THE STREET NAME OR NUMBER IS DESIGNED TO CAPTURE THE ATTENTION OF THE PREDETRAINS; YOU WOULD ALSO HAVE THE BRIGHT GREEN LIGHT SIGNALING CARS TO GO; THERE ARE ALSO BRIGHT GREEN SIGNS TO NOTIFY DRIVERS THAT ARE ENTERING OR EXITING OFF OF THE EXPRESS WAYS OR REST STOP'S ECT. LIKEWISE PETITIONERS PHOTO BEING THE ONLY ONE DEPICTED IN THE PHOTO PACK WITH A BRIGHT GREEN SHIRT WAS EQUIVALENT AS THOUGH PETITIONER WAS A STREET SIGN LABLED "HE DID IT" OR TO "PICK THIS PHOTO" RESULTING IN THE MISIDENTIFICATION OF AN INNOCENT MAN (2) PETITIONERS PHOTO IS THE ONLY PHOTO DEPICTED WITH AN ARROW DRAWED ON TOP OF IT. AGAIN SOLICITING MS. Y.A. TO PICK THAT PHOTO. ALTHOUGH MS. Y.A. TESTIFIED THAT SHE SIGNED THE PHOTO PHOTO PACK. (SEE TRIAL TRANSCRIPT PAGE 370 AT LINES 18 THROUGH 19) THERE IS NO SPECIFIC REFERANCE TO AN "ARROW" MS. Y.A. DOES NOT SPECIFY THE WORD "DRAWED" THE ARROW IS NOT CONNECTED TO THE DISTINCTIVE SIGNATUR AND THE PROSECUTION DOES NOT CLARIFY THIS ISSUE WITH THE WITNESS ON THE STAND. TO SUGGEST OTHERWISE WOULD BE SPECULATION AT BEST, HOWEVER IT SHOULD ALSO BE RECOGNIZED THAT THE PHOTO PACK PRESENTED TO MS. Y.A. HAD NUMBERS ON EACH INDIVIDUAL PHOTO, AND A ENTRY SLOT TO INSERT THE NUMBER FOR THE SPECIFIC PHOTO CHOSEN BY THE WITNESS, EVEN ASSUMING MS. Y.A. CHOSE PHOTO NUMBER 2 WRITING ON THE PHOTO PACK IN AREAS NOT DESIGNATED FOR SUCH IMPUT OR INCLUDING THINGS OTHER THAN A SIGNATURE WOULD THAN MAKE IT ARGUBLE THAT SHE DID NOT GIVE FULL CONSIDERATION TO THE CONTENTS OF THE PHOTO PACK AS PRESENTED, WHICH SUPPORTS THAT SHE WAS DISTRACTED BY THE BRIGHT GREEN SHIRT, AGAIN DRAWING THE INFERANCE THAT THE PHOTO PACK WAS SUGGESTIVE. AND (3) ALTHOUGH DETECTIVE R.

MORCIEGO TESTIFIED THAT HE DID NOT WRITE ANYTHING ON THE PHOTO PACK. (SEE TRIAL TRANSCRIPT PAGE 528 AT LINES 2 THROUGH 3) THIS FACT IS NOT DISPOSITIVE BECAUSE DETECTIVE MORCIEGO THAN CONTRADICTS HIMSELF ASSERTING THAT THE LETTERS ON THE BOTTOM RIGHT HAND SIDE OF THE PHOTO PACK ARE HIS INITIALS. (SEE TRIAL TRANSCRIPT PAGE 528 AT LINES 8 THROUGH 9) OTHERWISE INDICATING THAT HE DID WRITE ON THE PHOTO PACK WHICH AGAIN IS SUGGESTIVE IN LIGHT OF THE FACT THAT MORCIEGO IS A SEASONED INVESTIGATOR OFFICER THUS IT MAKES NO LOGICAL SENSE THAT HIS INITIALS WOULD BE ON THE "FRONT" PAGE OF A PHOTO PACK THAT IS SPECIFICALLY INTENDED SOLELY FOR AN IDENTIFYING WITNESS IF NOT TO SUGGEST THE IDENTIFICATION OF A SPECIFIC INDIVIDUAL.(4) THERE WAS NO FORENSIC SCIENTIFIC EVIDENCE CONNECTING PETITIONER TO THE CRIME INVOLVING MS. Y.A. (SEE TRIAL TRANSCRIPT PAGE 683 AND 684 AND 374)(5) MS. Y.A. TESTIFIED THAT SHE WAS ONLY 90 PERCENT CERTAIN THAT PETITIONER IS HER ASSAILANT (SEE TRIAL TRANSCRIPT PAGE 370) WHICH LEAVES A 10 PERCENT CHANCE OF A MISIDENTIFICATION WHILE MS. Y.A. IS HISPANIC AND SHE ALLEGED THAT HER ASSAILANT WAS A BLACK MAN (SEE TRIAL TRANSCRIPT PAGE 350) COURTS HAVE NOTED THAT IT IS WELL ESTABLISHED THAT EYEWITNESSES ARE MATERIALLY LESS ACCURATE WHEN IDENTIFYING INDIVIDUALS OF A DIFFERENT RACE OR DIFFERENT ETHNICITY, SEE U.S. V NOLAN, 956 F.3d 71, 79-81 (2d CIR. 2020)(DISTINGUISHING WHAT IS CALLED THE DEARTH OF SOCIAL SCIENTIFIC RESEARCH IN THE FIELD OF CROSS-ETHNIC BIAS FROM THE CONVINCING SOCIAL SCIENCE DATA DEMONSTRATING THE POTENTIAL UNRELIABILITY OF CROSS RACIAL IDENTIFICATION.) FURTHERMORE MS. Y.A. TESTIFIED; "SHE WAS APPROACHED, BY A BLACK MALE AT GUN POINT. IT WAS A HANDGUN, IT LOOKED LIKE AN AUTOMATIC, IT WAS -- I'M NOT SURE, IF IT WAS DARK GRAY, OR BLACK... I'M NOT SURE WHAT TYPE OF GUN IT WAS. BUT, I BELIEVE IT WAS LIKE A 9 MILLIMETER, OR SOMETHING SIMILAR..." (SEE TRIAL TRANSCRIPT PAGE 350 AND 351) I WAS STILL, THE GUN POINTED. (SEE TRIAL TRANSCRIPT 358) HE HAD THE GUN POINTED AT ME, THE WHOLE TIME... I WAS IN FEAR OF MY LIFE. (SEE TRIAL TRANSCRIPT PAGE 364) CLEARLY SUGGESTING THE WIDELY-RECOGNIZED PHENOMENON KNOWN AS "WEAPON FOCUS," BY WHICH THE PRESENCE OF A WEAPON AT THE CRIME SCENE TENDS TO DRAW THE EYEWITNESSES ATTENTION, DISTRACTING THEM FROM THE FACE OF

THE PERPETRATOR SEE Id. AND HER DISTRATION OR LACK OF ATTENTION TO THE ALLEGED EVENTS THAT WAS OCCURING IS DEMONSTRATED BY HER TESTIMONY ASSERTING THAT: HER ASSAILANT MADE HER DRIVE TO A PARK, RIGHT BEHIND MC. DONALDS, ON 119 AND 27TH AVENUE. (SEE TRIAL TRANSCRIPT PAGE 354) THERE IS NO MC.DONALDS AT THIS LOCATION NEVER HAS BEEN. (PETITIONER SEEKS JUDICIAL NOTICE UNDER FEDERAL RULES OF EVIDENCE RULE 201 AND FLORIDA STATUTES 90.201 TO THIS EXTENT) WHICH MAKES THE ACCOUNT OF EVENTS BY THIS WITNESS TO BE UNRELIABLE. (GOOGLE NORTHWEST SECTION OF MIAMI DADE COUNTY

ALTHOUGH THERE WAS AN ALLEGED IDENTIFICATION MADE BY WILLIAMS RULE WITNESS MS. Y.A. THAT FACT IS NOT DISPOSITIVE BECAUSE IN OPEN COURT SHE IDENTIFIED HER ASSAILANT AS "THEY" (SEE TRIAL TRANSCRIPT PAGE 369) INDICATING THAT SHE OBSERVED TWO OR MORE INDIVIDUALS WITH SUBSTANTIALLY SIMILAR RACIAL CHARACTERISTIC'S MAKING IT IMPOSSIBLE TO DECIPHER WHICH OF THE MULTIPLE CANDIDATE WAS HER ALLEGED ASSAILANT OR WHICH OF THESE INDIVIDUALS SHE ATTEMPTED TO PICK OUT OF A PHOTO LINE UP WHEN THE UNDISPUTED FACTS PRESENTED IN TRIAL WAS THAT THERE WAS ONLY "ONE" ASSAILANT WHICH IS NOT EQUALAVENT TO "THEY" WHERE MS. Y.A. ACKNOWLEDGE THAT SHE IS NOT ONE HUNDRED PERCENT CERTAIN THAT PETITIONER WAS HER ASSAILANT (SEE TRIAL TRANSCRIPT PAGE 370) MAKING HER IDENTIFICATION SO EQUIVOCAL THAT IT SHOULD NOT BE BELIEVED. THERE WAS NO FORENSIC EVIDENCE OR DNA LEADING PETITIONER TO MS. Y.A. ASSAULT (SEE TRIAL TRANSCRIPT PAGE 637 AND 638) THE FACTS ARE IN FAVOR OF DRAWING THE INFERANCE THAT TRIAL COUNSEL PERFORMANCE WAS DEFICIENT FOR FAILING TO OBJECT TO BOTH THE VICTIM/WILLIAMS RULE WITNESS PHRASE " THEY" SEE PITTMAN V STATE, 814 SO. 2d 1257 (FLA. 5TH DCA 2002) (FINDING INEFFECTIVE ASSISTANCE WHERE COUNSEL FAILED TO OBJECT TO THE REFERRANCE TO "THEY" WHEN THE EVIDENCE WAS THERE WAS ONLY ONE PERPETRATOR) AND THE PROSECUTOR POINTING TO THE DEFENSE TABLE ASSERTING: ".. LET THE RECORD REFLECT THE WITNESS HAS IDENTIFIED DEFENDANT, PLEADRO SCOTT..." (SEE TRIAL TRANSCRIPT PAGE 369) WHEN IN FACT THE WITNESS DID NOT IDENTIFY THE DEFENDANT WHOM WAS WEARING BALEGE AND BLACK, NOT GRAY PLAID SHIRT AS ASSERTED BY THE WITNESS (SEE TRIAL TRANSCRIPT PAGE 369) SEE HARVIN V STATE, 886 SO. 2d 1041 (FLA. 1ST DCA 2004) (TRIAL) COUNSEL SHOULD HAVE FILED A MOTION TO

SUPPRESS AND THEN MADE AN OBJECTION TO IN COURT IDENTIFICATION THAT WAS TAINTED BY THE PROSECUTOR POINTING TO THE DEFENDANT WHILE ASKING IF THE WITNESS ~~PROSECUTOR~~ IS ABLE TO DEFINITELY SAY DEFENDANT'S PHOTOGRAPH WAS NOT INCLUDED IN THE PHOTO SPREAD.) FUTHERMORE TRIAL COUNSEL SHOULD HAVE PRESERVED FOR THE RECORD A DESCRIPTION OF THE ARTICLES OF CLOTHING PETITIONER WAS WEARING DURING THE TRIAL. WHERE THE RECORD CLEARLY INDICATE THERE WAS A MATERIAL DISPUTE IN CLOSING ARGUMENTS WHERE COUNSEL BROADLY AND VAGUELY ASSERTED: "... WE SAW -- YOU SAW, WHAT HAPPENED IN THE LIGHT. IN THE LIGHT, N.B. LOOKED AT THIS MAN. AND SAID HE WAS WEARING A BLUE SHIRT, IN THE LIGHT. SO, WHAT DID SHE SAY? WHO DID SHE SEE IN THE DARKNESS, WITH A GUN, WITH HER DAD IN THE ROOM." (SEE TRIAL TRANSCRIPT PAGE 835) SEE RICHARDSON V STATE, 890 SO. 2d 1197 (FLA. 5TH DCA 2005) (TRIAL COUNSEL FAILED TO PRESERVE DEFENDANTS PANTS WHICH DIDN'T MATCH THE EYEWITNESS'S ACCOUNT THAT PANTS WERE BLACK WITH A WHITE STRIPE)

TRIAL COUNSEL DEFICIENT PERFORMANCE PREJUDICE THE DEFENSE BECAUSE IDENTIFICATION WAS A MATERIAL DISPUTED ISSUE IN TRIAL AS THE STATE ARGUED THE CORRECTNESS OF MS. N.B. IDENTIFICATION SHOULD BE BELIEVED BECAUSE THERE WAS WILLIAMS RULE EVIDENCE. (SEE TRIAL TRANSCRIPT PAGE 767 AND 806) THUS IT WAS NECESSARY TO DISCREDIT THE WILLIAMS RULE IDENTIFICATION AND PRESERVE THE DISCREPANCIES ABOUT THE CLOTHING PETITIONER WAS WEARING TO PROTECT THE DEFENDANT FROM AN IRRATIONAL DETERMINATION BY THE JURY BECAUSE NONE OF THE WITNESSES IDENTIFIED CLOTHING PETITIONER WAS WEARING, NOTE EACH OF THE STATES WITNESSES GAVE DIFFERENT COLORS OF CLOTHING THEIR ALLEGED ASSAILANT WAS WEARING AT POINTS IN THE TRIAL WEAR THERE **NO** RECESS, WHILE PETITIONER MAINTAINS THAT HE HAD ON THE CLOTHING THROUGH WHICH TRIAL BLACK AND BAIGE AND FILED A PRO'SE MOTION TO PRESERVE ALL ELECTRONIC SURVEILLANCE THAT WOULD SUPPORT THIS. COUNSEL FAILING TO ADEQUATELY PRESERVE THE ISSUE THEREBY FAILING TO MAKE THE ADVERSARIAL PROCESS WORK UNDERMINING CONFIDENCE IN THE JURY VERDICT

TRIAL COUNSEL PERFORMANCE WAS DEFICIENT FOR FAILING TO TO UTILIZED THE STILL PHOTO'S FROM THE VIDEO TAPED DVD/DVR RECORDED INTERROGATION OF A SUSPECT THAT ALLEGEDLY HAVING A BALD HEAD ACCORDING TO DETECTIVE R. GERBER INCIDENT REPORT ( ) AND HAVING ALLEGEDLY CONFESSED TO HAVING CONSENSUAL SEX BEHIND A TRUCK WITH MS. K. G. ON FEBRUARY 3, 2008 AT 65 NW 23rd STREET. AND ALLEGEDLY ADMITTED OR CONFESSED TO HAVING CONSENSUAL SEX WITH MS. N. B. ON FEBRUARY 16, 2008 AT 237 NORTHEAST 54TH STREET WHILE BOTH MS. K.G. ALLEGED THERE WAS NO CONSENSUAL SEX AT THIS LOCATION, BUT THAT IT WAS FORCED AT GUN POINT (SEE TRIAL TRANSCRIPT PAGE 306 - 308) AND MS. N.B. ASSERTS THAT THERE WAS NO CONSENSUAL SEX: AT THIS LOCATION DATE AND TIME. THAT IT WAS FORCED AT GUN POINT (SEE TRIAL TRANSCRIPT PAGE 457) AND PETITIONER BOOKING PHOTO'S FROM THE SAME DATE AND TIME OF THE ALLEGED RECORDING OF THE VIDEO DISPLAYS PETITIONER WITH A FULL HEAD OF HAIR. (SEE TRIAL TRANSCRIPT PAGE) AND THE ARRESTING OFFICER ACKNOWLEDGE THAT HE HAS NEVER SEEN THIS PETITIONER WITH A BALD HEAD. (SEE TRIAL TRANSCRIPT PAGE 417) YET TRIAL COUNSEL MAKES NO ATTEMPT TO DEMONSTRATE FOR THE JURY THAT THERE MUST HAVE BEEN MULTIPLE SUSPECTS ARRESTED FOR THIS OFFENSE, WHEN EACH INCIDENT THE WITNESS AND VICTIMS ALL CONTENDS THAT THERE WAS ONLY ONE ASSAILANT. TWO DIFFERENT HAIR CUTS ON MARCH 4, 2008 EQUALS TWO DIFFERENT SUSPECTS

TRIAL COUNSEL DEFICIENT PERFORMANCE PREJUDICE THE DEFENSE BECAUSE IDENTIFICATION WAS A MATERIAL DISPUTED ISSUE IN TRIAL AS PETITIONER MAINTAINED THAT HE DOES NOT KNOW MS. N.B. AND DID NOT RAPE HER. (SEE TRIAL TRANSCRIPT PAGE 752) AND STILL PHOTO'S FROM THE VIDEO POINTS DIRECTLY TO A THIRD PARTY SUSPECT COMBINING THIS WITH THE OTHER OMITTED EVIDENCE HAD IT BEEN SUBMITTED TO THE JURY A REASONABLE JUROR WOULD HAVE VOTED NOT GUILTY, SEE STASSNETT V STATE, 838 SO. 2d 650 (FLA. 1ST DCA 2003); CHAVERS V. STATE, 876 SO. 2d 715 (FLA. 4TH DCA 2004)

IT WAS AN UNCONSTITUTIONAL FUNDAMENTAL DENIAL OF DUE PROCESS FOR THE TRIAL COURT TO DENY PETITIONER OF THE RIGHT TO A COMPLETE DEFENSE

WHETHER ROOTED DIRECTLY IN THE DUE PROCESS CLAUSE OF THE 14TH AMENDMENT OR IN THE COMPULSORY PROCESS OR CONFRONTATION CLAUSE OF THE 6TH AMENDMENT OF THE U.S. CONSTITUTION AND/OR THE FLORIDA CONSTITUTION ARTICLE 1 SECTION 9 PETITIONER HAS A RIGHT TO A COMPLETE DEFENSE

UNFORTUNATELY PETITIONER LOST THIS RIGHT IN THIS CASE CONTRIBUTED TO THE TRIAL COURTS GRANTING (SEE TRIAL TRANSCRIPT PAGE 243 AT LINES 6 THROUGH 17) THE STATES MOTION IN LIMIN (SEE TRIAL TRANSCRIPT PAGE 10 THROUGH 12) EXCLUDING:.

ANY STATEMENTS MADE BY ... PRIOR TO THE TRIAL BY THE DEFENDANT EITHER TO THE POLICE OR THE WITNESSES TESTIFYING AT TRIAL OR THE NON WITNESSES ...? " (SEE TRIAL TRANSCRIPT PAGE 10, AT LINES 9 THROUGH 12)

RELYING ON FLORIDA STATUTES 90.803 (18) (9) WHICH WAS MECHANISTICALLY APPLIED IN A WAY THAT DEFEATS THE ENDS OF JUSTICE AS THE DEFENSE MADE IT CLEAR "... WELL, THE DEFENSE IS GOING TO SEEK TO INTRODUCE THE STATEMENT ESPECIALLY. IT'S OUR POSITION THAT THE REPORT THAT DETECTIVE GERBER WRITES, IT'S CONTRADICTED BY HIS ACTUAL VIDEOTAPE STATEMENT TO IT'S CERTAINTY, WHICH IS WHY I WANT TO OBJECT..." (SEE TRIAL TRANSCRIPT PAGE 11 AT LINES 11 THROUGH 12)

AS CLARIFICATION PETITIONER MAINTAINS THAT HE HAS NEVER MADE NO ADMISSION OR CONFESSION AS DESCRIBED BY DETECTIVE R. GERBER INCIDENT REPORT AND ARREST AFFIDAVITS. (SEE, TRIAL TRANSCRIPT PAGE 400 AT LINES 12 THROUGH 15) AND THAT THERE MUST HAVE BEEN

A THIRD PARTY SUSPECT MAKING THE ADMISSION THAT WOULD CORROBERATE THESE REPORTS. (SEE SCOTT V FLA. DEP'T OF CORR. ET. AL., CASE NUMBER 1:21CV 22439-BB AT DOCKET ENTRY 49 AT PARAGRAPH 6 AND 13 FOR INCIDENT REPORTS AND PARAGRAPH 17 AND 18 FOR ARREST AFFIDAVITS) WHICH INCLUDES QOUTES FROM A VIDEO TAPED INTERROGATION OF A BALD HEAD MALE CLAIMING TO BE THIS PETITIONER THAT HAS NOT BEEN TURNED OVER TO THE DEFENSE TODATE. NAMELY: (1) "... MR. SCOTT ADMITTED TO HAVING CONSENSUAL SEX WITH THE VICTIM IN THAT CASE BEHIND A TRUCK..." AND (2) "... MR. SCOTT ADMITTED TO HAVING CONSENSUAL SEX WITH THE PERSON IN THE PHOTOGRAPH. HE TOLD ME THAT HER BOYFRIEND, WHOM HE DID NOT SEE ARRIVED IN THE APARTMENT SO HE HAD TO LEAVE..."

HOWEVER THE VIDEO TAPED INTERROGATION TURNED OVER IN DISCOVERY DISPLAYS PETITIONER IN THE FIRST INSTANCE ADMITTING TO HAVING CONSENSUAL SEX WITH A LIGHT SKIN FEMALE IN A CAR ON 18TH STREET AND 1ST AVENUE. IN THE SECOND INSTANCE PETITIONER IS OBSERVED ASKING DETECTIVE GERBER TO CLARIFY WAS THE PERSON IN THE PHOTO WAS IN FACT SHAKERA WILLIAMS. BUT TO NO AVAIL. PETITIONER ACKNOWLEDGE THAT A SHAKERA WILLIAMS HAD CLAIMED TO HAVE BEEN PREGNANT FROM HIM AT ONE TIME. HOWEVER THE VIDEO IS ABSENT OF ANY DISCUSSION OF ANY SEXUAL ACTIVITY OR SEXUAL ENCOUNTERS WITH THIS PETITIONER AND THE PERSON HE KNOWS TO BE SHAKIRA WILLIAMS, WHOM NAME DOES NOT APPEAR IN ANY CHARGING DOCUMENTS, HAS NEVER TESTIFIED IN ANY DEPOSITIONS, HEARINGS OR TRIALS INVOLVING THE FACTS OF THESE CASE, AND PETITIONER HAS PERSONAL KNOWLEDGE AND HISTORY TO ESTABLISH THAT SHE WAS TWENTYFIVE YEARS OLD AT THE TIME THIS ALLEGED CRIME OCCURED, AND THE INTERROGATION RECORDED, AND HER FATHER LIVED ON THE NORTHWEST SIDE OF MIAMI DADE. AS PETITIONER HAS PERSONAL TIES TO THIS INDIVIDUAL DATING BACK TO THE 1990'S MIAMI SCHOOL DAYS

THE VIDEO SHOWS PETITIONER DESCUSSING SOMEONE BY THE NAME NENE WHOM HE MET ON NORTHEAST 2 AVENUE AND 62 STREET NEAR WENDY'S RESTAURANT. WHOM HE WALKED WITH TO NORTHEAST 54 STREET..." TO

ELABORATE "NENE" AND "SHAKIRA WILLIAMS" ARE TWO DISTINCTLY SEPARATE INDIVIDUALS. THAT IS NOT N.B. NENE WAS NOT 16 OR 17 YEARS OLD IN THE YEAR 2008 WAS NOT DISPLAYED IN A PHOTO, DID NOT TESTIFY IN ANY DEPOSITION HEARING OR TRIAL IN THIS CASE, AND HER NAME DOES NOT APPEAR IN ANY CHARGING DOCUMENT.

THE VIDEO DOES NOT STATE ANY SPECIFIC DATES, TIMES THAT I INTERACTED WITH THESE INDIVIDUALS, DOES NOT MENTION THE ADDRESS IN THE CHARGING DOCUMENT, OR THE INCIDENT REPORTS OR ARREST AFFIDAVITS THAT DISPLAYS 237 NE 54 STREET [redacted], NOR DOES THE VIDEO MAKE ANY REFERANCE TO THE ALTERNATIVE ADDRESS INCLUDED IN THE TRIAL TRANSCRIPT AT PAGE 450 LINES 8 THROUGH 12) 327 NE 54 STREET APT 8. THERE IS NO REFERANCE TO THE NAME OF MS. N.B. WHOM ACKNOWLEDGED THAT HER TRUE ASSAILANT KNOWS HER TRUE NAME BECAUSE SHE GAVE IT TO HIM. (SEE TRIAL TRANSCRIPT PAGE 462 THROUGH 464) NOR IS THERE ANY METION OF ANY OF THE WILLIAMS RULE VICTIMS, OR A MR. FRANCIS BELHOMME OR A YANACESSA BELHOMME AND THERE IS NOTHING TO SUPPORT, SUGGEST OR ESTABLISH THAT ANYONE IN ANY OF THE STATES CHARGING DOCUMENTS GOES BY ANY OF THE NAMES MENTIONED BY THIS PETITIONERS INTERROGATION AND THE VIDEO DISPLAYS PETITIONER WITH FULL HEAD OF HAIR.

YET PETITIONER POINTS OUT THAT DETECTIVE GERBIER REPORTS ARE UNIQUE AND EXTRACTS SPECIFIC WORDS FROM THE KNOWN CONTENTS OF A TANGIBLE VIDEO RECORDED INTERROGATION THAT HE HAD PERSONAL POSSESSION OF, TO MAKE USE OF IN THE DRAFTING AND FILING OF HIS REPORTS WHICH ARE PRESUMED TO BE CORRECT. SO WHERE IS THE VIDEO THAT CORRESPONDS WITH THE DISTINCT FEATURES OR HAIR CUT DESCRIBED BY GERBIER? THAT CORROBERATES THE VERBLE CONTEXT.

PETITIONER CONTENDS THAT THE COURTS DISPOSITION OF THIS ISSUE IN PETITIONERS MOTION TO VACATE AND SET ASIDE JUDGMENT AND SENTENCING AS GROUND 1, 13 SEE SCOTT V FLA. DEP'T of CORR. ET. AL CASE NUMBER 1:21 CV 22439-BB AT DOCKET ENTRY 23 EXHIBIT 15 AND AS RAISED IN PETITIONER AMENDED SECOND OR SUCCESSIVE MOTION FOR POST-CONVICTION RELIEF AS GROUND 1, 2, 10, 11 SEE Id AT EXHIBIT 18 ALSO SEE DEFFENDANTS

MOTION FOR REHEARING ON THE DENIAL OF MOTION TO VACATE SET ASIDE OR CORRECT SENTENCING AT GROUND 1 LOCATED AT Id PAGE 150 AND SEE, SCOTT V FLA. DEP'T, OF CORR. ET. AL, CASE NUMBER 1:21 CV 22439-BB AT DOCKET ENTRY 29-1 AT GROUNDS 6, 12, 14 AND 26 ALSO SEE. SCOTT V RONNIE QUINN, CASE NUMBER 3D 26-0514 AT GROUND 3, 5 WAS ALL DISPOSED OF CONTRARY TO CLEARLY ESTABLISHED LAW AS THOSE DECISIONS CONTRADICTS THE GOVERNING LAW SET FORTH IN SUPREME COURT CASES EXPRESSING: "... IT WAS HELD THAT THE SIXTH AMENDMENT RIGHT OF CONFRONTATION OF WITNESS REQUIRES THAT A DEFENDANT IN A STATE CRIMINAL CASE BE ALLOWED TO IMPEACH THE CREDIBILITY OF A PROSECUTION WITNESS BY CROSS EXAMINATION DIRECTED AT POSSIBLE BIAS." SEE DAVIS V ALASKA, 415 US 308 (1974) ("... SINCE IN ORDER FOR A JURY TO MAKE AN INFORMED JUDGMENT AS TO THE WEIGHT TO BE GIVEN TO THE TESTIMONY OF THE PROSECUTION WITNESS, THE JURORS SHOULD HAVE BEFORE THEM THE DEFENSE THEORY REGARDING POSSIBLE BIAS AND PREJUDICE OF THE WITNESS...") NONETHELESS PETETIONERS ATTEMPTS IN THES CASE WAS FORECLOSED BY THE COURT (SEE, TRIAL TRANSCRIPT PAGE 427 AT LINE 4 THROUGH 7) SUSTAINING THE STATES OBJECTION TO THE PURPOSED CROSS-EXAMINATION.

THE DEFENSE THEORY IN THIS CASE INCLUDE BUT NOT LIMITED TO IF THE STATE COULD NOT MEET IT'S DISCOVERY OBLIGATIONS UNDER FLORIDA RULES OF CRIMINAL PROCEDURES RULE 3.220 BY TURNING OVER CORROBERATING EVIDENCE OF THE REPORTS AUTHORED BY DETECTIVE R. GERBIER. THAT FACT SHOULD BE CONSIDERED BY THE JURORS IN WEIGHING ALL THE EVIDENCE IN THE CASE IN THAT THE ABSENCE OF CORROBERATING EVIDENCE DEMONSTRATES BIAS, FILING OF FALSE REPORTS OR EVIDENCE AND/OR MESHANDLING EVIDENCE, ECT. RAISING THE QUESTION NOT IF PETITIONERS DNA WAS ALLEGEDLY OBTAINED FROM THE WILLIAMS RULE CRIME SCENE, BUT "... WAS IT PLACED THERE THROUGH ILLEGAL CONDUCT..." IN LIGHT OF THE FACT THAT DETECTIVE R. GERBIER WAS

THE LEAD DETECTIVE IN THIS CASE AND THE WILLIAMS RULE CASE AND HAD CONTROL AND POSSESSION OF ALL THE EVIDENCE IN THESE CASES INCLUDING THE WILLIAMS RULE FORENSIC UNKNOWN DNA SAMPLE. (SEE TRIAL TRANSCRIPT PAGE 381 AT LINES 16 THROUGH 25) DEFINED BY DAVID ARNOLD AS; "... IT'S SOMETHING THAT WE DON'T KNOW 100 PERCENT, WHERE IT CAME FROM..." SEE TRIAL TRANSCRIPT PAGE 631 AT LINES 2 THROUGH 10) GERBIER ALSO HAD POSSESSION OF THE STANDARD SAMPLE OF THIS PETITIONER (SEE TRIAL TRANSCRIPT PAGE 395 AT LINES 16 THROUGH 23) DEFINED BY DAVID ARNOLD AS: "... BLOOD, WHICH IS BEING DRAWN FROM THE INDIVIDUAL..." (SEE TRIAL TRANSCRIPT PAGE 631 AT LINES 11 THROUGH 20) A DEFENDANT IS DENIED THE RIGHT OF EFFECTIVE CROSS EXAMINATION WHERE DEFENSE COUNSEL, ALTHOUGH BEING PERMITTED TO ASK A PROSECUTION WITNESS WHERE HE IS BIASED, IS NOT PERMITTED TO MAKE A RECORD FROM WHICH TO ARGUE WHY THAT WITNESS MIGHT BE BIASED OR OTHERWISE LACKS THAT DEGREE OF IMPARTIALITY EXPECTED OF A WITNESS AT TRIAL. SEE. Id. A REASONABLE JURY ACTING WITH THE KNOWLEDGE OR BELIEF THAT FALSE REPORTS OR EVIDENCE WAS FILED OR SUBMITTED IN THIS CASE COULD HAVE FOUND IT NECESSARY TO REJECT ALL EVIDENCE HANDLED BY DETECTIVE R. GERBIER. BUT FOR THIS EXCLUSION HAS DEPRIVED THE JURY OF IT'S TRUTH FINDING FUNCTION, AND PETITIONER OF THE ACQUITTAL THAT WOULD HAVE RESULTED.

IT FOLLOWS THAT IF THE STATE COULD PROVIDE CORROBERATING EVIDENCE OF THE REPORTS AUTHORED BY DETECTIVE R. GERBIER THAT THE VIDEO RECORDING EVIDENCE WOULD BE OF AN INDIVIDUAL OTHER THAN THIS PETITIONER AND PERHAPES MS. N.B. 20 YEAR OLD BOYFRIEND. (SEE TRIAL TRANSCRIPT PAGE 481 AT LINES 2-9) AND THEREFORE NOT HEARSAY. FIRST THE SUPREME COURT STATED THAT "... WHERE CONSTITUTIONAL RIGHTS DIRECTLY AFFECTS THE ASCERTAINMENT OF GUILT ARE IMPLICATED, THE HEARSAY RULE MAY NOT BE APPLIED MECHANISTICALLY TO DEFEAT THE ENDS OF JUSTICE. SEE CHAMBERS V MISSISSIPPI, 410 U.S. 284, 294 (1973) (HOLDING THAT THE EXCLUSION OF A THIRD PARTY'S CONFESSION CORROBORATED BY OTHER EVIDENCE, VIOLATED THE PETITIONERS RIGHT TO A FAIR TRIAL UNDER THE HEARSAY RULE...)

IT IS AN UNCONSTITUTIONAL DENIAL OF DUE PROCESS UNDER THE STATE AND FEDERAL CONSTITUTION FOR TRIAL COUNSEL TO FAIL TO REQUEST AN ALIBI JURY INSTRUCTION WHERE AN ALIBI DEFENSE WAS PRESENTED IN TRIAL

PETITIONERS DEFENSE IN TRIAL WAS IN PART AN ALIBI, IN SUPPORT THEREOF THE DEFENSE CALLED MYESHA ASHLEY WHOM TESTIFIED THAT: "...SHE LIVED WITH HER KIDS AND PLEADRO SCOTT... WHO IS HER COUSIN..." (SEE TRIAL TRANSCRIPT PAGE 739) THAT SHE REMEMBERED FEBRUARY 16, 2008 BECAUSE SHE HOST A CARD PARTY..." (SEE TRIAL TRANSCRIPT PAGE 740) THEY STARTED IN THE DAYTIME, YOU KNOW, AROUND LIKE 5 O'CLOCK... AND GO UNTIL THE NEXT DAY..." (SEE TRIAL TRANSCRIPT PAGE 741) THAT MR. SCOTT THES PETITIONER WAS PRESENT AT THE PARTY..." (SEE TRIAL TRANSCRIPT PAGE 742) FOLLOWED BY PETITIONERS TESTIMONY ASSERTING: "...ON THE 16TH, WE GET TOGETHER WHERE HERE FRIENDS WAS PLAYING CARDS IN THE LIVING ROOM (SEE TRIAL TRANSCRIPT PAGE 752) UNFORTUNATELY THE JURY INSTRUCTION AS AN WHOLE COMPLETELY OMMITS ANY INSTRUCTIONS ON PETITIONERS ALIBI DEFENSE (SEE GENERALLY TRIAL TRANSCRIPT PAGE 866 THROUGH 905) PETITIONER MAKES IT CLEAR ON RECORD THAT HE ONLY RELIED ON THE DECISION OF HIS ATTORNY BECAUSE HE DOES NOT KNOW LAW. (SEE TRIAL TRANSCRIPT PAGE 736) SATISFYING THE DEFICIENCY PRONG OF A STRICKLAND V WASHINGTON, ANALYSIS

TRIAL COUNSEL DEFICIENT PERFORMANCE PREJUDICE THE DEFENSE BECAUSE THE JURY CHARGE AS PROVIDED REDUCED THE STATES BURDEN OF PROOF BY RELIEVING THE JURY OF THE OBLIGATION TO CONSIDER PETITIONERS THEORY OF DEFENSE AS DUE PROCESS ENTITLES PETITIONER TO HAVE THE JURY ADEQUATELY GUIDED IN IT'S DELIBERATIONS. THE EFFECTS OF THIS ERROR IS IMPOSSIBLE TO QUANTIFY AS NO ONE CANNOT SPECULATE WHAT THE VERDICT WOULD HAVE BEEN HAD THE JURY BEEN PROPERLY GUIDED IN IT'S DELIBERATION. SEE MORASNE V STATE, 761 SO. 2d 440 (FLA. 2d DCA 2000)

IN LIGHT OF THE NEW EVIDENCE, NO JUROR, ACTING REASONABLY WOULD HAVE VOTED TO FIND PETITIONER GUILTY BEYOND A REASONABLE DOUBT. SCHLUP, 513 U.S. AT 329. REMOVING THE DOUBLE NEGATIVE, A PETITIONER'S BURDEN AT THE GATEWAY STAGE IS TO DEMONSTRATE "THAT MORE LIKELY THAN NOT ANY REASONABLE JUROR WOULD HAVE REASONABLE DOUBT." HOUSE, 547 U.S. AT 538. AS THIS FORMULATION MAKES CLEAR, "ACTUAL INNOCENCE" IS SOMETHING OF A MISNOMER, BECAUSE "THE SCHLUP STANDARD DOES NOT REQUIRE ABSOLUTE CERTAINTY ABOUT THE PETITIONERS GUILT OR INNOCENCE" THAT IS A PETITIONER NEED NOT MAKE "A CASE OF CONCLUSIVE EXONERATION." Id. AT 538, 553; SEE ALSO SCHLUP, 513 U.S. AT 327 (THE SHOWING OF MORE LIKELY THAN NOT IMPOSES A LOWER BURDEN OF PROOF THAN THE CLEAR AND CONVINCING STANDARD.") THUS, A "PETITIONER'S SHOWING OF INNOCENCE IS NOT INSUFFICIENT SOLELY BECAUSE THE TRIAL RECORD CONTAINED SUFFICIENT EVIDENCE TO SUPPORT THE JURY'S VERDICT." Id. AT 331; SEE HOUSE, 547 U.S. AT 553-54 (GRANTING A GATEWAY INNOCENCE CLAIM DESPITE ACKNOWLEDGING THAT "SOME ASPECTS OF THE STATES EVIDENCE ... STILL SUPPORT AN INFERENCE OF GUILT") NONETHELESS THE QUESTION PURPOSE IN THE INSTANT CASE AT BAR IS "... MAY A COURT CONSIDER AN GATEWAY ACTUAL INNOCENCE CLAIM WHEN THE JUDGMENT AND SENTENCING UNDER ATTACK IS VOID FOR LACK OF SUBJECT MATTER JURISDICTION."? IN ALIKHANI V U.S. 200 F.3d 732 (11TH CIR. 2000) (REJECTED THE VIEW THAT FAILURE OF AN INDICTMENT TO STATE AN OFFENSE ... DIVESTS THE DISTRICT COURT OF THE POWER EVEN TO ENTER A JUDGMENT OF ACQUITTAL." Id. AT 735) HOWEVER THE QUESTION HERE REMAINS OPEN. AS THE FLORIDA SUPREME HAS REJECTED TO EXERCISE IT'S DISCRETIONARY JURISDICTION TO ENTERTAIN THE QUESTION. SEE FLORIDA SUPREME COURT WEBSITE (http://www.supremecourt.flcourts.gov) AT DOCKET ENTRY 7 AND 20 FOR COPY OF INITIAL BRIEF. AS NO ACTION HAS BEEN EMPLOYED TO RELIEVE PETITIONER FROM A JUDGMENT THAT IS VOID ON IT'S FACE. WHERE LITIGANTS HAVE ONCE BATTLED FOR THE COURT DECISION THEY SHOULD NOT BE REQUIRED TO BATTLE FOR IT AGAIN. SEE STRAZZULLA V HENDRICK, 177 SO. 2d 1 (FLA. 1965)

THE TRIAL TRANSCRIPT PAGES REFERANCED IN THIS DOCUMENT MAY BE LOCATED AT SCOTT V FLA. DEP'T OF CORR., ET. AL. CASE NUMBER 1:21CV22439-BB, DOCKET ENTRY 24-2 TRANSCRIPT F UNLESS OTHERWISE STATED HEREIN. THE FAILURE TO PRESENT EXCULPATORY EVIDENCE HAS BEEN FEATURED IN IS AT DOCKET ENTRY 29-1 AT GROUND 7; ALSO SEE AMENDED SECOND OR SUCCESSIVE MOTION FOR POST CONVICTION RELIEF LOCATED IN IS AT DOCKET ENTRY 23-2 STARTING AT PAGE 189 ARGUED ON GROUND 28 AT PAGE 225 OF RECORD; ALSO SEE SCOTT V QUINN, ET. AL, CASE NO: 3D2026-0514 AT GROUND 9 AND INITIAL BRIEF IN THE FLORIDA SUPREME COURT UNDER SCOTT V QUINN, ET. AL, CASE NO: SC2026-0878 AT DOCKET ENTRYS 7 AND 20

CONCLUSION

AN EXTENTION OF TIME IS BEING REQUESTED IN GOOD FAITH AND WITHOUT ANY INTENT TO CAUSE UNNECESSARY DELAY AS PETITIONERS CLAIMS ARE MERITORIOUS BUT FOR THE UNIVERSAL EMPLOYMENT OF UNFAIR PROCEDURES HAS DEPRIVED HIM OF BUILDING AN EXCULPATORY RECORD IN ACCORDANCE WITH DUE PROCESS, THERE IS CONFLICTING CASES

OATH

I PLEADRO J. SCOTT DECLARE AND SWEAR UNDER PENALTY OF PERJURY THAT ALL THE ABOVE INFORMATION AND FACTS ARE TRUE AND CORRECT PURSUANT TO FLORIDA STATUTES 92-525 AND 28 U.S.C. § 1746 INCLUDING THE ATTACHED PROOF OF SERVICE

REQUESTED RELIEF

WHEREFORE PETITIONER PRAYS WITH GOOD CAUSE SHOWN THAT AN EXTENSION OF TIME BE GRANTED ON THE ABOVE STYLE CAUSE TO FILE A WRIT OF CERTIORARI AND ALL OTHER RELIEF THIS COURT FINDS AS JUST AND PROPER

RESPECTFULLY SUBMITTED ON THIS DAY OF 2026

PLEADRO J. SCOTT DC# 198737
FLORIDA STATE PRISON
P.O. BOX 800
RAIFORD, FL 32083

APPENDIX 1

TO APPLICATION DIRECTED TO JUSTICE BRENNAN, J., SEEKING AN EXTENSION OF TIME TO FILE A PETITION FOR WRIT OF CERTIORARI...

Third District Court of Appeal

State of Florida

Opinion filed March 25, 2026.
Not final until disposition of timely filed motion for rehearing.

No. 3D26-0514
Lower Tribunal No. F08-8259

Pleadro J. Scott,
Petitioner,

vs.

Warden Ronnie Quinn, et al.,
Respondents.

A Case of Original Jurisdiction – Habeas Corpus.

Pleadro J. Scott, in proper person.

James Uthmeier, Attorney General, for respondents.

Before SCALES, C.J., and MILLER and GOODEN, JJ.

PER CURIAM.

Petitioner Pleadro J. Scott petitions this Court for a writ of habeas corpus, alleging that his appellate counsel was ineffective during his direct

appeal. This is the third time he has done so. See Scott v. State, 248 So. 3d 98 (Fla. 3d DCA 2017); Scott v. State, 425 So. 3d 637 (Fla. 3d DCA 2025). But his conviction and sentence became final after direct appeal over thirteen years ago. See Scott v. State, 114 So. 3d 393 (Fla. 3d DCA 2013); Scott v. State, 123 So. 3d 1147 (Fla. 2013). For that reason, his petition is untimely and must be dismissed. See Fla. R. App. P. 9.141(d)(5) ("A petition alleging ineffective assistance of appellate counsel on direct review must not be filed more than 2 years after the judgment and sentence become final on direct review unless it alleges under oath with a specific factual basis that the petitioner was affirmatively misled about the results of the appeal by counsel. In no case may a petition alleging ineffective assistance of appellate counsel on direct review be filed more than 4 years after the judgment and sentence become final on direct review.").

Petition dismissed.

APPENDIX 2

TO APPLICATION DIRECTED TO JUSTICE BRENNAN, J. SEEKING AN EXTENSION OF TIME TO FILE A PETITION FOR WRIT OF CERTIORARI...

FILED TO SANTA ROSA CI CIR
APR 08 2026
FOR MAILING BY

PA

IN THE THIRD DISTRICT COURT OF APPEALS

CASE NUMBER 3D2026-0514

PLEADRO J. SCOTT
PETITIONER

V

WARDEN, MR. RONNIE QUINN, ET. AL
RESPONDANT

PETITION FOR REHEARING AND/OR REHEARING EN BANC OR CLARIFICATION

COMES NOW, MR, PLEADRO J. SCOTT, PETITIONERS PRO SE PERSUANT TO FLORIDA RULES OF APPELLANT PROCEDURES RULE 9.420 AND RESPECTFULLY MOVES THIS COURT FOR REHEARING... IN THE ABOVE STYLE CAUSE AND IN SUPPORT ASSERTS THE FOLLOWING:

IS REHEARING APPROPIATE WHEN THE PANEL DECISION IS BASED UPON INADEQUANT INFORMATION

REHEARING AND CLARIFICATION IS NECESSARY WHEN THIS COURTS PANEL DECISION IS FIRST BASED UPON MISSTATED FACTS IN IT'S ASSERTION THAT THIS IS THE THIRD TIME PETITIONER HAS ATTACKED THIS JUDGMENT ATTACKING INEFFECTIVE ASSISTANCE OF APPELLANT COUNSEL, CITING TO BOTH SCOTT V STATE, 248 So. 3d 98 (FLA. 3d DCA 2017); AND SCOTT V STATE 425 So. 3d 637 (FLA. 3d DCA 2025) BUT UNFORTUNATELY OVERLOOKING THAT SCOTT V STATE, 425 So. 3d 637 (FLA. 3d DCA 2025) IS A DISTINCTIVELY SEPARATE AND DIFFERENT CASE FROM THE JUDGMENT AND CONVICTION UNDER ATTACK. DIFFERENT BY DATES, TIMES, NAMES OF PRIMARY VICTIMS, LOCATION, AND CASE NUMBER, TRIAL AND SENTENCING DATES. THIS ESTABLISHES THAT THE COURTS PANEL HAS NOT GIVEN FULL CONSIDERATION TO THE SUBSTANTIAL ALLEGATIONS PUT BEFORE THEM SEE, WHIPPLE V STATE, 431 S. 2d 1011, 1012 (FLA. DIST. APP. 2d 1983) FOR THE PROPERSITION THAT: "... A PARTY MAY FILE FOR REHEARING WHERE CAREFUL ANALYSIS INDICATES A POINT OF LAW OR A FACT WHICH THE COURT HAS OVERLOOKED OR MISAPPREHENDED..." Id AT 431 S. 2d AT 1013.

THE PANEL'S ACTS AND OMISSIONS SERVES THE PREJUDICE PETITIONER IN THAT PROPER CONSIDERATION OF THE PROCEDURAL HISTORY OF THIS JUDGMENT UNDER ATTACK WILL ESTABLISH THAT THE INSTANT PETITION IS ONLY PETITIONERS SECOND MOTION ATTACKING INEFFECTIVE ASSISTANCE OF APPELLANT COUNSEL AND PROPERLY APPLYING THE LAW TO THIS FACT PETITIONER IS ENTITLED TO BENEFIT FROM THE RULE THAT COURTS MUST HOLD A PRO'SE PRISONERS TO A LESS STRINGENT STANDARD THAN FORMAL

PLEADINGS DRAFTED BY LAWYERS. SEE, NORTON V STATE, 851 So. 2d 862 (FLA. 2d DCA 2003); HAINES V KERNER, 404 U.S. 519, 92 S. CT. 594, 30 L. Ed. 2d 652 (1972) AS PETITIONER DID NOT RECOGNIZE THE SIGNIFICANCE OF THE INFORMATION THAT HE POSSESSED, THE PROPER VEHICAL TO INITIATE SUCH A CLAIM CONTRIBUTED TO CRYPTIC TRIAL TRANSCRIPT TESTIMONY AND/OR FLORIDA LAWS...

SECOND THE PANEL DECISION MISAPPLIES THE LAW TO THE FACTS RELYING ON FLORIDA RULES OF APPELLANT PROCEDURES RULE 9.141(d)(5) TO DESMISSK THIS PETITION, BUT UNFORTUNATELY OVERLOOKING THE EXCEPTION EMBEDDED IN THE RULE THAT ASSERTS; "... UNLESS IT ALLEGES UNDER OATH WITH A SPECIFIC FACTUAL BASIS THAT PETITIONER WAS AFFIRMATIVELY MISLEAD..." WHERE AS HERE THE ACTUAL PETITION CONTAINS AN OATH AND EACH AND EVERY GROUND RAISED USED THE SPECIFIC WORD PLAY THAT PETITIONER WAS "MISLEAD" THUS THE ACTS AND OMISSION OF THE PANEL DECISION SERVES TO MAKE THE EXCEPTION TO THE RULE 9.141(d)(5) INOPERATIVE. IT IS ELEMENTARY CANNON OF CONSTRUCTION THAT A STATUTE SHOULD BE INTERPRETED SO AS NOT TO RENDER ONE PART INOPERATIVE... SEE, MOUNTAIN STATES. TEL. CO. V PUEBLO OF SANTA ANA, 472 U.S. 237, 249, 105 S. CT. 2587, 2594, 86 L.Ed 2d 168 (1985)

THIRD THE PANEL DECESION OVER LOOKS THE FACT THAT ALL OF THE CLAIMS LISTED/INCLUDED IN THE WRIT ARE NOT SOLELY ATTACKING INEFFECTIVE ASSISTANCE OF APPELLANT COUNSEL INCLUDING BUT NOT LIMITED TO PETITIONERS CLAIMS ATTACKING "THE FAILURE TO HOLD AN NELSON HEARING" AND "THE INTRODUCTION of THE WILLIAMS RULE EVIDENCE WAS HARMFUL ERROR." THE PANELLS OPINION DOES NOT EVEN TOUCH THE SURFACE OF THESE CLAIMS, WHICH ESTABLISH THAT IT DID NOT GIVE FULL CONSIDERATION TO THE ALLEGATIONS BEFORE IT

ADHERENCE TO THIS FLORIDA RULES OF APPELLANT PROCEDURES RULE 9.141(d)(5) IS NOT APPROPRIATE WHEN IT WOULD CREATE MANIFEST INJUSTICE. THE ARGUMENTS PRESENTED REQUIRES THIS COURT TO JUDICIAL NOTICE OF THE BRIEFING FROM THE DIRECT REVIEW AND AUTHORITIES INCLUDED THEREIN INCLUDING BUT NOT LIMITED TO MILLER V STATE, 791 SO. 2d 1165 FLA. 4TH DCA 2001) (FACT THAT APPELLANT WAS IDENTIFIED AS THE ASSAILANT IN AN EARLIER STABBING ATTACK OF A FEMALE VICTIM IN HER APARTMENT DID NOT SHARE SUFFICIENT POINTS OF SIMILARITY WITH THE CHARGED KNIFE ATTACK OF A FEMALE VICTIM IN HER APPARTMENT WHO ALSO IDENTIFIED APPELLANT AS THE ATTACKER, HARMFUL ERROR TO ADMIT THE COLLATERAL CRIME) IF THERE IS NO CONTROLLING DECISION BY THIS COURT OR THE DISTRICT COURT HAVING JURISDICTION OVER THE TRIAL COURT ON A POINT OF LAW, A DECISION BY ANOTHER DISTRICT COURT IS BINDING, SEE, BRANNON V STATE, 850 SO. 2d 452 (FLA. 2003) WHICH IS SUFFICIENT IN THIS CASE IN THE ABSENCE OF GRANTING RELIEF TO CERTIFY CONFLICT WITH THE FOURTH DCA UNDER FLORIDA ~~RULES OF~~ APPELLANT P. 9.330(9) THERE IS ALSO THE CASE OF DRAKE V STATE, 400 SO. 2d 1217, 1219 (FLA. 1981) (EXPLAINING THE MERE GENERAL SIMILARITY WILL NOT RENDER THE SIMILAR FACTS LEGALLY RELEVANT TO SHOW IDENTITY.) AGAIN FACTUALLY SUFFICIENT TO CERTIFY CONFLICT WITH THE FLORIDA SUPREME COURT UNDER FLORIDA ~~RULES OF~~ APPELLANT PROCEDURES 9.330(9) IN ABSENCE OF REHEARING ENBANC TO MAINTAIN UNIFORMITY WITH THIS COURT PRECEDENT IN CASES INCLUDING BUT NOT LIMITED TO WILLIAMS V STATE, 662 SO. 2d. 419 (FLA. 3d DCA 1995); CARBONNELL V STATE, 47 SO. 3d 644, 947 (FLA 3d DCA 2010) (FINDING HARMFUL ERROR IN THE ADMISSION OF WILLIAMS RULE EVIDENCE) PETITIONER CONTENDS THAT EQUAL PROTECTION ENTITLES HIM TO THIS SAME RELIEF. COURTS HAVE EMPHASIZED THE NEED FOR CONSISTENT CASE LAW, EXPLAINING THAT THE MAIN PURPOSE OF ENBANC REVIEW IS TO HARMONIZE DECISIONS OF THE DISTRICTS TO MINIMIZE THE DISPARITY IN DECISIONS CAUSED BY THE LUCK OF THE DRAW. ~~SEE STEPHENS V STATE~~

CONCLUSION

THE PANELS DETERMINATION IS NOT SUPPORTED BY THE RECORD AND DEVERGE FROM THE ESSENTIAL REQUIREMENTS OF DUE PROCESS. THE VERY NATURE OF THE WRIT DEMANDS THAT IT BE ADMINISTERED WITH THE INITIATIVE AND FLEXIBILITY ESSENTIAL TO INSURE THAT MISCARRIAGES OF JUSTICE WITHIN IT'S REACH ARE SURFACED AND CORRECTED.

OATH

I PLEADRO J. SCOTT DECLARE AND SWEAR UNDER PENALTY of PERJURY THAT ALL THE ABOVE INFORMATION AND FACTS ARE TRUE AND CORRECT PERSUANT TO FLOREDA STATUTES 92.525 AND 28 U.S.C. § 1746 INCLUDING THE BELOW CERTIFICATE of SERVICE

REQUESTED RELIEF

WHEREFORE PETITIONER PRAYS WITH GOOD CAUSE SHOWN THAT THIS COURT GRANT THIS MOTION VACATING IT'S PANEL OPINION AND ADDRESSING EACH CLAIM ON IT'S MERIT, IN A WRITTEN OPINION AND ALL OTHER RELIEF THIS COURT FINDS JUST AND APPROPRIATE

RESPECTFULLY SUBMITTED ON THIS DAY OF APRIL 2026

PLEADRO J. SCOTT DC# 198737
SANTA ROSA CORRECTIONAL INSTITUTION
5850 EAST MILTON ROAD
MILTON, FL 32583

CERTIFICATE OF SERVICE

I PLEADRO J. SCOTT HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THIS FOREGOING DOCUMENT ENTITLED "PETITION FOR REHEARING AND/OR REHEARING ENBANC OR CLARIFICATION." WAS PLACED IN THE FLORIDA DEPARTMENT OF CORRECTIONS, SANTA ROSA CORRECTIONAL INSTITUTION, LEGAL MAIL SYSTEM FOR MAILING TO THE OFFICE OF THE ATTORNEY GENERAL AT ONE SE THIRD AVE, SUITE 900, MIAMI, FL 33131, AND THE THIRD DISTRICT COURT OF APPEALS ~~CLERK~~ CLERK OF COURTS AT 2001 SW 117 AVE MIAMI, FL 33175 PERSUANT TO THE PRISON MAIL BOX RULE ON THIS DAY OF APRIL 2026

RESPECTFULLY SUBMITTED

PLEADRO J. SCOTT DC# 198737
SANTA ROSA CORRECTIONAL INSTITUTION
5850 EAST MILTON ROAD
MILTON, FL 32583

APPENDIX 3

TO APPLICATION DIRECTED TO JUSTICE BRENNAN, J SEEKING AN EXTENSION OF TIME TO FILE A PETITION FOR WRIT OF CERTIORARI...

IN THE DISTRICT COURT OF

APPEAL

OF FLORIDA

THIRD DISTRICT

May 4, 2026

Pleadro J. Scott,

Petitioner(s),

v.

Warden Ronnie Quinn, et al.,

Respondent(s).

3D2026-0514

Trial Court Case No. F08-8259

Upon consideration of pro se Petitioner's "Petition for Rehearing and/or Rehearing En Banc or Clarification," filed on April 13, 2026, the motion for rehearing or clarification is hereby denied.

SCALES, C.J., and MILLER and GOODEN, JJ., concur.

Pro se Petitioner's motion for rehearing en banc is, likewise, denied.

A True Copy
ATTEST

3D2026-0814 5/4/26 Prieto
Mercedes M. Prieto, Clerk
District Court of Appeal
Third District

CC: Crim Appeals MIA Attorney General
Pleadro J. Scott

NS

APPENDIX 4

TO APPLICATION DIRECTED TO JUSTICE BRENNAN. J. SEEKING AN EXTENSION OF TIME TO FILE A PETITION FOR WRIT OF CERTIORARI...

Supreme Court of Florida

FRIDAY, AUGUST 14, 2026

Pleadro J. Scott,
Petitioner(s)
v.

Warden Ronnie Quinn, et al.,
Respondent(s)

SC2026-0878
Lower Tribunal No(s).:
3D2026-0514;
132008CF0082590001XX

It appearing to the Court that the notice was not timely filed, it is ordered that the cause is hereby dismissed on the Court's own motion, subject to reinstatement if timeliness is established on proper motion filed within fifteen days from the date of this order. *See* Fla. R. App. P. 9.120. All pending motions are hereby denied as moot.

A True Copy
Test:

SC2026-0878 8/14/2026
John A. Tomasino
Clerk, Supreme Court
SC2026-0878 8/14/2026

LC

Served:
HON. RAMIRO C. ARECES
CRIM APPEALS MIA ATTORNEY GENERAL
3DCA CLERK
MIAMI-DADE CLERK
LIZ MARIE FELIZ
PLEADRO J. SCOTT

APPENDIX 5

TO APPLICATION DIRECTED TO JUSTICE BRENNAN, J. SEEKING AN EXTENSION OF TIME TO FILE A PETETION FOR WRIT OF CERTIORARI...

PART B - RESPONSE

SCOTT, PLEADRO	198737	2605-209-101	R.M.C.- MAIN UNIT	K3211L
NAME	NUMBER	FORMAL GRIEVANCE LOG NUMBER	CURRENT INMATE LOCATION	HOUSING LOCATION

Your request for Administrative Remedy or Appeal has been received, reviewed & evaluated.

This grievance is not accepted as a grievance of reprisal in that you have not shown that you have suffered any form of reprisal from the actions of staff in submitting grievances. Chapter 33-103.002 defines a Grievances of Reprisal as a grievance submitted by an inmate alleging that staff have or are threatening to take retaliatory action against the inmate for good faith participation in the inmate grievance procedure. Based on this information, you must first submit an informal grievance in compliance with Chapter 33-103, F.A.C.

Your request for administrative remedy is in non-compliance with the Rules of the Department of Corrections, Chapter 33-103.014 (f) (g), Inmate Grievance Procedure. The rule requires that you first submit an informal grievance at the appropriate level at the institution. You have not done so or you have not provided this office with a copy of the informal grievance, nor have you provided a valid or acceptable reason for not following the rules.

Upon receipt of this response, if you are within the allowable time frames for processing a grievance, you may submit your informal grievance, in compliance with Chapter 33-103, Inmate Grievance Procedure.

Based on the foregoing information, your grievance is returned without action.

F. Shepard LT

SIGNATURE AND TYPED OR PRINTED NAME OF EMPLOYEE RESPONDING

SIGNATURE OF WARDEN, ASST. WARDEN, OR SECRETARY'S REPRESENTATIVE

6/26/24

DATE

FLORIDA DEPARTMENT OF CORRECTIONS

REQUEST FOR ADMINISTRATIVE REMEDY OR APPEAL

☐ **Third Party Grievance Alleging Sexual Abuse**

TO: ☒ Warden ☐ Assistant Warden ☐ Secretary, Florida Department of Corrections

From or **IF Alleging Sexual Abuse**, on the behalf of:

Last	First	Middle Initial	DC Number	Institution
SCOTT,	PLEADRO	J	198737	RMC

Part A – Inmate Grievance

GRIEVANCE ALLEGING REPRISAL

GRIEVANT ASSERTS THAT HE IS BEING SUBJECT TO REPRISAL FOR HIS GOOD FAITH PARTICIPATION IN THE GRIEVANCE PROCESS AFTER FILING SEVERAL GRIEVANCE CONCERNING THE DENIAL OF SERVICES FROM THE LIBRARY OF NEEDED ACCESS OF LEGAL RESEARCH MATERIALS AND SUPPLIES ECT. TO ALLOW GRIEVANT TO PROPERLY DRAFT LEGAL DOCUMENTS, IN COMPLIANCE WITH COURT RULES, TO BE INFORMED OF THE ELEMENTS NECESSARY TO STATE A CAUSE OF ACTION, TO BE INFORMED TO THE PROPER VENICAL TO USED TO CHALLANGE HIS WRONGFUL CONVICTION ECT. UNFORTUNATELY TODATE GRIEVANT HAS NOT RECIEVED A TANGIBLE COPY OF A RESPONSE, WHILE THE TIME TO RESPONSE BY THE LIBRARY SUPERVISOR MRS. ROBERTS HAS EXPIRED AND WELL OVER DUE. SAID CONDUCT BEING EMPLOYED WITH THE INTENT TO DETER GRIEVANT FROM USE OF THE GRIEVANCE PROCESS CONTRARY TO F.A.C. 33-103-017(1) AND PREVENTS PETITIONER FROM BEING ABLE TO MARSHAL THE FACTS IN AN APPEAL FROM THE INFORMAL GRIEVANCE LEVEL. THUS GRIEVANT IS SEEKING AN INVESTIGATION TO CURB THIS CONDUCT AND DETER OTHER STAFF FROM SIMILAR OR THE SAME CONDUCT

INFORMAL GRIEVANCE WAS FILED ON APPROXIMATELY MAY 9, 2026

MAY 28 2026
DATE

198737
SIGNATURE OF GRIEVANT AND D.C. #

***BY SIGNATURE, INMATE AGREES TO THE FOLLOWING # OF 30-DAY EXTENSIONS:** ____ / _____
Signature

INSTRUCTIONS

This form is used for filing a formal grievance at the institution or facility level as well as for filing appeals to the Office of the Secretary in accordance with Rule 33-103.006, Florida Administrative Code. When an appeal is made to the Secretary, a copy of the initial response to the grievance must be attached (except as stated below).

When the inmate feels that he may be adversely affected by the submission of a grievance at the institutional level because of the nature of the grievance, or is entitled by Chapter 33-103 to file a direct grievance he may address his grievance directly to the Secretary's Office. The grievance may be sealed in the envelope by the inmate and processed postage free through routine institutional channels. The inmate must indicate a valid reason for not initially bringing his grievance to the attention of the institution. If the inmate does not provide a valid reason or if the Secretary or his designated representative determines that the reason supplied is not adequate, the grievance will be returned to the inmate for processing at the institutional level pursuant to F.A.C. 33-103.007 (6)(d).

09D

Receipt for Appeals Being Forwarded to Central Office

Submitted by the inmate on: _____ (Date) Institutional Mailing Log #: 2605-209-101 _____ (Received By)

Reception & Medical Center
Date: 5/28/26
Initials: B

INSTITUTION/FACILITY
INMATE (2 Copies)
INMATE'S FILE
INSTITUTIONAL GRIEVANCE FILE

CENTRAL OFFICE
INMATE
INMATE'S FILE - INSTITUTION/FACILITY
CENTRAL OFFICE INMATE FILE
CENTRAL OFFICE GRIEVANCE FILE

DC1-303 (Effective 11/13) Incorporated by Reference in Rule 33-103.006, F.A.C.

APPENDIX 6

To APPLICATION DIRECTED TO JUSTICE BRENNAN, J. SEEKING AN EXTENSION OF TIME TO FILE A PETITION FOR WRIT OF CERTIORARI...

PART B - RESPONSE

SCOTT, PLEADRO	198737	2607-205-344	FLORIDA STATE PRISON	J1101S
NAME	NUMBER	FORMAL GRIEVANCE LOG NUMBER	CURRENT INMATE LOCATION	HOUSING LOCATION

You have filed this DC1-303 in non-compliance with chapter 33-103.014(1)(o). You are raising allegations and charges that have not been raised below at the previous level. (Since this is an appellate review process and not a fact-finding process, it is not appropriate to raise new allegations, charges and facts that the previous decision-maker has not had an opportunity to investigate and respond to.)

The informal grievance to 209-2607-0058 is in regards to having a medical hold removed. The complaints raised in this formal are in regards to Staff not wearing ID.

Upon receipt of this response, if you are within the allowable time frames for processing a grievance, you may resubmit your grievance at your current location in compliance with Chapter 33-103, Inmate Grievance Procedure.

Based on the foregoing information, your grievance is returned without action.

L. Thompson

SIGNATURE AND TYPED OR PRINTED NAME OF EMPLOYEE RESPONDING	SIGNATURE OF WARDEN, ASST. WARDEN, OR SECRETARY'S REPRESENTATIVE	8/3/26 DATE

AUG 0 3 2026

FLORIDA DEPARTMENT OF CORRECTIONS

REQUEST FOR ADMINISTRATIVE REMEDY OR APPEAL

☐ **Third Party Grievance Alleging Sexual Abuse**

TO: ☒ Warden ☐ Assistant Warden ☐ Secretary, Florida Department of Corrections

From or **IF Alleging Sexual Abuse**, on the behalf of:

SCOTT, PLKABRO J	198737	FSP
Last First Middle Initial	DC Number	Institution

Part A – Inmate Grievance

THIS IS AN APPEAL TO INFORMAL GRIEVANCE LOG # 209-2607-0058 ATTACHED AND INCLUDED HERE IN AND SHALL BE INCORPARATED AS IF RE-TYPED HERE IN FULL

THE RESPONSE AT THE INFORMAL LEVEL ONLY PARTIALLY ADDRESS THE CONCERNS RAISED AS FOLLOWS: (1) AN INMATE THAT HAS A NEED FOR MEDICAL ATTENTION WHICH IS CONSTITUTIONAL PROTECTED BY THE EIGHTH AMENDMENT SHOULD NOT HAVE TO FOREGO OTHER CONSTITUTIONAL PROTECTED RIGHTS TO OBTAIN ACCESS TO THE OTHER IN THIS CASE PERSONAL SECURITY AND BODILY LIBERTY, AND A NUTRITIONAL DIET AS ASSURED TO ALL INMATES SIMULTANEOUSLY SERVED, THUS GRIEVANT IS SEEKING AN INVESTIGATION TO ASSURE AN PROGRAM THAT IS TO CORRECT THE DEFECTS COMPLAINED OF AND/OR REMOVAL OF STAFF FROM THE AREA THAT FAILS TO COMPLY AND ENFORCE THE WRITTEN POLICY ACCORDING TO IT'S TERMS.

ONLY AS A MEANS OF IDENTIFICATION OF PERSONAL RESPONSIBLE PETITIONER POINTS TO THE USE OF FORCE INCIDENT OCCURRING ON JULY 16, 2026. FOR WHICH A INCIDENT REPORT MUST BE FILED AND WOULD I.D. THE OFFICER IMPLEMENTING THE CONDUCT COMPLAINED OF AS HE DOES NOT WEAR HIS I.D. AND UPTHOUGH THE CHAIN OF COMMAND ALL IGNORED OR TURNED A BLIND EYE TO THE CONDUCT BEING COMPLAINED OF

JULY 30, 2026 (DATE) 2607-205-344 198737 (SIGNATURE OF GRIEVANT AND D.C. #)

***BY SIGNATURE, INMATE AGREES TO THE FOLLOWING # OF 30-DAY EXTENSIONS:**

13h

____ / _____
Signature

INSTRUCTIONS

This form is used for filing a formal grievance at the institution or facility level as well as for filing appeals to the Office of the Secretary in accordance with Rule 33-103.006, Florida Administrative Code. When an appeal is made to the Secretary, a copy of the initial response to the grievance must be attached (except as stated below).

When the inmate feels that he may be adversely affected by the submission of a grievance at the institutional level because of the nature of the grievance, or is entitled by Chapter 33-103 to file a direct grievance he may address his grievance directly to the Secretary's Office. The grievance may be sealed in the envelope by the inmate and processed postage free through routine institutional channels. The inmate must indicate a valid reason for not initially bringing his grievance to the attention of the institution. If the inmate does not provide a valid reason or if the Secretary or his designated representative determines that the reason supplied is not adequate, the grievance will be returned to the inmate for processing at the institutional level pursuant to F.A.C. 33-103.007 (6)(d).

JUL 30 2026 **Receipt for Appeals Being Forwarded to Central Office**

Submitted by the Inmate on: _____ (Date) Institutional Mailing Log #: _____

_____ (Received By)

DISTRIBUTION:

INSTITUTION/FACILITY
INMATE (2 Copies)
INMATE'S FILE
INSTITUTIONAL GRIEVANCE FILE

CENTRAL OFFICE
INMATE
INMATE'S FILE - INSTITUTION./FACILITY
CENTRAL OFFICE INMATE FILE
CENTRAL OFFICE GRIEVANCE FILE

DC1-303 (Effective 11/13)

Incorporated by Reference in Rule 33-103.006, F.A.C.

INMATE REQUEST

STATE OF FLORIDA
DEPARTMENT OF CORRECTIONS

Mail Number: _____
Team Number: _____
Institution: RMC

TO: (Check One) ☐ Warden ☐ Asst. Warden ☐ Classification ☐ Security ☐ Medical ☐ Mental Health ☒ Dental ☐ Other _____

FROM:	Inmate Name	DC Number	Quarters	Job Assignment	Date
	PEDRO SCOTT	198737	K3-21	N/A	7/15/26

REQUEST Check here if this is an informal grievance ☒

GRIEVANT ASSERTS THAT HE HAS SIGNED SEVERAL MEDICAL REFUSAL SEEKING TO HAVE THE MEDICAL HOLD ON HIM REMOVED SO THAT HE CAN BE RETURNED TO HIS CLOSE MANAGEMENT HOUSING INSTITUTION, AS HIS CONDITIONS OF CONFINEMENT AT THIS INSTITUTION IS HAZARDOUS TO HIS HEALTH AND SAFETY, AS CONFINEMENT STAFF IS REFUSING TO FEED GRIEVANT, AND SOLICITING ATTACKS ON GRIEVANTS PERSONAL SECURITY, UNLAWFUL USE OF CHEMICAL AGENT WITH THE INTENT TO CAUSE DEATH. GRIEVANT IS SEEKING TO HAVE THE MEDICAL HOLD REMOVED BEFORE IT RISES TO THAT POINT I'VE SIGNED REFUSALS ON MAY 11, 2026, JUNE 26, 2026 AND JULY 1, 2026 WHY HAS THE MEDICAL HOLD NOT BEEN REMOVED

All requests will be handled in one of the following ways: 1) Written Information or 2) Personal Interview. All informal grievances will be responded to in writing.

Inmate (Signature): _____ DC#: 198737

DO NOT WRITE BELOW THIS LINE

RESPONSE 209-2607-0058 **DATE RECEIVED:** Reception & Medical Center Date: 7/15/26 Initials: B

Review of records indicates you do not have a medical hold and have transferred. If you have further concerns address at your current institution.

[The following pertains to informal grievances only:

Based on the above information, your grievance is Denied. (Returned, Denied, or Approved). If your informal grievance is denied, you have the right to submit a formal grievance in accordance with Chapter 33-103.006, F.A.C.]

Official (Print Name): Jodi Poole, AA Hospital Administration RMC - Centurion | Official (Signature): _____ | Date: 7-20-26

Original: Inmate (plus one copy)
CC: Retained by official responding or if the response is to an informal grievance then forward to be placed in inmate's file
This form is also used to file informal grievances in accordance with Rule 33-103.005, Florida Administrative Code.

Informal Grievances and Inmate Requests will be responded to within 15 days, following receipt by staff.
You may obtain further administrative review of your complaint by obtaining form DC1-303, Request for Administrative Remedy or Appeal, completing the form as required by Rule 33-103.006, F.A.C., attaching a copy of your informal grievance and response, and forwarding your complaint to the warden or assistant warden no later than 15 days after the grievance is responded to. If the 15th day falls on a weekend or holiday, the due date shall be the next regular work day.

DC6-236 (Effective 11/18)

Incorporated by Reference in Rule 33-103.005, F.A.C.

APPENDIX 7

To APPLICATION DIRECTED TO JUSTICE BRENNAN J. SEEKING AN EXTENSION OF TIME TO FILE A PETITION FOR WRIT OF CERTIORARI...

CODIS Case Evaluation Form

Case Number: M1080203034533
Analyst: David Arnold
Date: 2.19.08

Evidence Item: neck swab

Biological Material ID: Blood [ ] Semen [ ] Saliva [X] Other [ ]

Type of Case: Sexual Battery [X] Homicide [ ] Robbery [ ] Burglary [ ]
Other [ ]

CODIS Entry: NO [ ] YES [X]

Specimen ID: M1080203034533_05

Locus	Alleles	Alleles	Alleles	Alleles
D8S1179	15,16			
D21S11	28,30			
D7S820	11,11			
CSF1PO				
D3S1358	14,16			
TH01	7,9.3			
D13S317	12,14			
D16S539	11,11			
D2S1338	21,25			
D19S433	12,14			
VWA	15,17			
TPOX	7,9			
D18S51				
Amelogenin	X,Y			
DaS818	12,13			
FGA	21,24			

Reviewer: [signature] Date: 3/4/08

DNA Profile: Complete [ ] Partial [X] Mixture [ ]

Case Disposition: Unsub [X] Match to Subject [ ] No Match [ ] Subject Only [ ]
Match to Victim [ ] No foreign profile [ ]

LDIS Search Date: 2/20/08 Match Found? [Y] [N]

SDIS Remote Search (Major Crimes Cases Only) Date: 3/4/08 Match Found? [Y] [N]

After a profile has been entered, a search of the local forensic database, and the local suspect database should be performed.

CODIS Match: Unsolved case [ ] Solved Case [ ]

If DNA profile matches a subject, list subject name: Placido Scott

APPENDIX 8

TO APPLICATION ADDRESSED TO JUSTICE BRENNAN. J. SEEKING AN EXTENSION OF TIME TO FILE A PETITION FOR WRIT OF CERTIORARI...

8/31 LEGAL MAIL
Provided to Florida State Prison on
8/31 for mailing by OT

IN THE FLORIDA SUPREME COURT

PLEADRO J. SCOTT
PETITIONER

V

RONNIE QUINN, ET AL
RESPONDANTS

CASE NO: SC 2026-0878
DCA CASE NO: 3D 2026-0514
LOWER TRIBUNAL NO: F08005259

MOTION TO REINSTATE NOTICE INVOKING THE DISCRETIONARY JURISDICTION OF THE FLORIDA SUPREME COURT THAT WAS DISMISSED ON AUGUST 14, 2026 AS NOT TIMELY

PETITIONER HEREBY MOVES THIS MOST HONORABLE COURT TO REINSTATE THE NOTICE INVOKING THIS COURT DISCRETIONARY JURISDICTION IN THE ABOVE STYLE CAUSE AS GROUNDS IN SUPPORT ASSERTS THE FOLLOWING

PETITIONER INVITES THIS COURT TO TAKE JUDICIAL NOTICE OF IT'S OWN RECORDS AND/OR RESPONDENTS RESPONSE IN REPLY ON THE FACT THAT FLORIDA DEPARTMENT OF CORRECTIONS OFFICIALS HAS IMPLEMENTED OBSTRUCTIVE TACTICS PREVENTING PETITIONER FROM MAKING COPY'S OF LEGAL DOCUMENTS RESULTING IN PETITIONER HAVING TO HAND WRITE THEM MULTIPLE TIMES TO HAVE A COPY STAMPED FOR HIS OWN FILES BUT COMPELLED TO SUBMIT THAT COPY WHEN THE OTHER MYSTERIOUSLY DON'T MAKE IT TO IT'S DESIGNATED ADDRESS, LEAVING PETITIONER WITHOUT A COPY. (SEE GRIEVANCE LOG

HOWEVER PETITIONER CONTENDS THAT ON MARCH 25, 2026, THE FIFTH DISTRICT COURT OF APPEALS ISSUED AN ORDER DISMISSING PETITIONER FOR WRIT OF HABEAS CORPUS

ON APRIL 8, 2026 PETITIONER FILED FOR REHEARING, RESPONDENTS APPENDIX TO MOTION TO DISMISS AT PAGE 2

ON MAY 4, 2026 THE THIRD DISTRICT COURT OF APPEALS DENIED THE MOTION FOR REHEARING RESPONDANTS APPENDEXED AT PAGE 9 TO MOTION TO DISMISS

ON JUNE 4, 2026 PETITIONER SUBMITTED A NOTICE TO INVOKE THE FLORIDA SUPREME COURT DISCRETIONARY JURISDICTION RESPONDANTS APPENDIX PAGE 11 APPENDIX TO RESPONDANTS MOTION TO DISMISS

UNFORTUNATELY THE RESPONDANTS AND/OR THE COURT MISCALCULATE AND/OR INTERPET THE DAYS FOR FILING, E.G., THE RESPONDANTS ARE CORRECT THAT THE NOTICE TO INVOKE JURISDICTION WAS TO BE FILED BY JUNE 3, 2026 HOWEVER THE COURT AND THE RESPONDANTS OVERLOOKS AND MISSTATES THE DAY OF THE WEEK JUNE 3, 2026 LANDED ON THIS DATE LANDED ON A SUNDAY A WEEKEND MAKING THE PROPER FILING DATE OR LAST DATE FOR FILING THE NEXT BUSINESS DAY WHICH WAS JUNE 4, 2026 MAKING THE NOTICE TIMELY, SEE ALEXANDER V SEC'Y, DEP'T OF CORR., 523 F.3d 1291, 1294 n.5 (11TH CIR. 2008) NOTICE OF APPEAL TIMELY BECAUSE SIGNED AND DATED MONDAY AFTER 30 DAY PERIOD EXPIRED ON SUNDAY) ABROGATED ON OTHER GROUNDS ALSO SEE HAAG V STATE, 591 SO. 2d 614, 617 (FLA. 1992) (HOLDING THAT UNDER THE MAILBOX RULE A PRO'SE INMATES FILING IS DEEMED FILED WHEN THE INMATE LOSES CONTROL OVER THE DOCUMENT BY PLACING IT IN THE HANDS OF PRISON OFFICIALS) CITING HOUSTON V LACK, 487 U.S. 266, 270-71, 276 (1988) (NOTICE OF APPEAL TIMELY BECAUSE PRO'SE PRISONER'S DELIVERY TO PRISON AUTHORITIES BEFORE DEADLINE CONSTITUTED FILING WITH CLERK) SEE, ALSO FLORIDA RULES OF JUDICIAL ADMINISTRATION RULE 2.514 AND FLORIDA RULES OF APPELLANT PROCEDURES RULE 9.420 ALSO SEE, FLORIDA RULES APPELATE PROCEDURE RULE 9.120 FOR THE PROPERSITION THAT WHERE A DEADLINE FALLS ON THE WEEKEND, IT IS EXTENDED TO THE NEXT BUSINESS DAY

IN FURTHER SUPPORT OF PETITIONERS CONTENTION OF TIMELY FILING PETITIONER ASSERTS THAT ON APRIL 21, 2026 HE SUBMITTED A DOCUMENT ENTITLED "NOTICE OF INTENT TO SEEK THE DISCRETIONARY REVIEW OF THE FLORIDA SUPREME COURT" STAMPED WITH A CORRECTIONAL STAMP FROM FLORIDA DEPARTMENT OF CORRECTIONS SANTA ROSA CORRECTIONAL INSTITUTION PURSUANT TO THE PRISON MAIL BOX RULE AS REFERANCED IN THE CERTIFICATE OF SERVICE. FOR MAILING TO THE FLORIDA SUPREME COURT SEE APPENDIX B TO PETITIONERS MOTION TO REINSTATE NOTICE INVOKING THE DISCRETIONARY JURISDICTION OF THE FLORIDA SUPREME COURT THAT WAS DISMISSED ON AUGUST 14, 2026 AS NOT TIMELY

HOWEVER UPON INQUIRY WITH THE CLERK OF COURTS AS TO RECEIPT OF THIS DOCUMENT PETITIONER WAS ADVISED THAT THIS DOCUMENT WAS NOT RECEIVED SEE APPENDIX C TO ABOVE CITED APPENDIX

AS A RESULT PETITIONER RESUBMITTED APPENDIX B CITED ABOVE WITH A CORRECTIONAL STAMP FROM FLORIDA DEPARTMENT OF CORRECTIONS, RECEPTION AND MEDICAL CENTER ON JUNE 1, 2026 WHICH ALSO CONTAINED THE PREVIOUSE STAMP FROM FLORIDA DEPARTMENT OF CORRECTIONS, SANTAROSA CORRECTIONAL INSTITUTION IN WHICH HE RECIEVED A RESPONSE FROM THE CLERK OF COURTS APPENDIX D TO THE ABOVE CITED APPENDIX ~~WERE~~ AN ACKNOWLEDGEMENT LETTER OF NEW CASE FILING WITH CASE NUMBER SC2026-0878 THUS PETITIONER CONTENDS THAT THE PREMATURE NOTICE APPENDIX B FILED BEFORE THE THIRD DISTRICT COURT OF APPEALS DENIAL OR MOTION FOR REHEARING PRESERVES THE TIMELINESS OF THE APPEAL SEE U.S. V KAPELUSHNIK, 306 F.3d 1090, 1094 (11TH CIR. 2002) (PREMATURE NOTICE OF APPEAL PROPER BECAUSE JUDGMENT OF CONVICTIONS BECAME FINAL) PETITIONER WAS THAN LATER INFORMED THAT THIS CASE WAS ALREADY PENDING AFTER SUBMITTING HIS NOTICE APPENDIX B TO THE THIRD DISTRICT COURT OF APPEALS

CONCLUSION

THE NOTICE TO INVOKE THIS COURTS JURISDICTION WAS TIMELY FILED

OATH

I PLEADRO J. SCOTT DECLARE AND SWEAR UNDER PENALTY OF PERJURY THAT ALL THE ABOVE INFORMATION AND FACTS ARE TRUE AND CORRECT PURSUANT TO FLORIDA STATUTES 92-525 AND 28 U.S.C. § 1746 INCLUDING THE ATTACHED CERTIFICATE OF SERVICE

REQUESTED RELIEF

WHEREFORE PETITIONER PRAYS WITH GOOD CAUSE SHOWN THAT THIS COURT VACATE THE ORDER DISMISSING THIS CASE AS NOT TIMELY, AND REINSTATE THE NOTICE INVOKING THIS COURT DISCRETIONARY JURISDICTION AND ALL OTHER RELIEF THIS COURT FINDS JUST AND PROPER IN THE INTEREST OF JUSTICE. INCLUDING REINSTATING THE INITIAL BRIEF ALREADY ON THE COURT RECORD

RESPECTFULLY SUBMITTED ON THIS DAY OF AUGUST 2026

PLEADRO J. SCOTT DC# 198737
FLORIDA STATE PRISON
P.O. BOX 800
PALATKA, FL 32083

CERTIFICATE OF SERVICE

I PLEADRO J. SCOTT HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THIS FOREGOING DOCUMENT ENTITLED "MOTION TO REINSTATE NOTICE INVOKING THE DISCRETIONARY JURISDICTION OF THE FLORIDA SUPREME COURT THAT WAS DISMISSED ON AUGUST 14, 2026 AS NOT TIMELY" WAS PLACED IN THE FLORIDA DEPARTMENT OF CORRECTIONS, FLORIDA STATE PRISON LEGAL MAIL SYSTEM FOR MAILING TO THE OFFICE OF THE ATTORNEY GENERAL AT ONE SE THIRD AVENUE, MIAMI, FL 33131 AND THE FLORIDA SUPREME COURT CLERK OF COURTS, AT 500 SOUTH DUVAL STREET, TALLAHASSEE FLORIDA 32399 PURSUANT TO THE PRISON MAIL BOX RULE SEE HOUSTON V LACK, 487 U.S. 266, 275 (1988) ON THIS DAY OF 2026

RESPECTFULLY SUBMITTED

PLEADRO J. SCOTT
FLORIDA STATE PRISON
P.O. BOX 800
RAIFORD, FL 32083

APPENDIX 9

To APPLICATION DIRECTED TO JUSTICE BRENNAN, J. SEEKING AN EXTENSION OF TIME TO FILE A PETITION FOR WRIT OF CERTIORARI.

Supreme Court of Florida

THURSDAY, SEPTEMBER 10, 2026

Pleadro J. Scott,
Petitioner(s)
v.

Warden Ronnie Quinn, et al.,
Respondent(s)

SC2026-0878
Lower Tribunal No(s).:
3D2026-0514;
132008CF0082590001XX

Petitioner's "Motion for Reinstate Notice Invoking the Discretionary Jurisdiction of the Florida Supreme Court that was Dismissed on August 14, 2026 as Not Timely" is hereby denied.

A True Copy
Test:

SC2026-0878 9/10/2026

John A. Tomasino
Clerk, Supreme Court
SC2026-0878 9/10/2026

LC

Served:
HON. RAMIRO C. ARECES
CRIM APPEALS MIA ATTORNEY GENERAL
3DCA CLERK
MIAMI-DADE CLERK
LIZ MARIE FELIZ
PLEADRO J. SCOTT

APPENDIX 10

TO APPLICATION DIRECTED TO JUSTICE BRENNAN, J. SEEKING AN EXTENSION OF TIME TO FILE A PETITION FOR WRIT OF CERTIORARI...

Supreme Court of Florida
Docket Sheet

Case No.	SC2026-0878	**Judge**	
Case Title	Pleadro J. Scott v. Warden Ronnie Quinn, et al.	**Case Type**	Discretionary Review - Notice to Invoke - Direct Conflict of Decisions

#	Docketed Date	Docket Entry Type	Status	Outcome	Description	Submitted By
21	08-24-2026 01:33 PM	Letter-Case (SC) - Letter	Docketed		Letter	Pleadro J. Scott
20	08-21-2026 11:34 AM	Brief - Juris Initial (Amended)	Docketed		Petitioners Initial Brief - Placed with file.	Pleadro J. Scott
19	08-14-2026 11:25 AM	Disposition (SC) - Rev Dism Untimely	Docketed		It appearing to the Court that the notice was not timely filed, it is ordered that the cause is hereby dismissed on the Court's own motion, subject to reinstatement if timeliness is established on proper motion filed within fifteen days from the date of this order. See Fla. R. App. P. 9.120. All pending motions are hereby denied as moot.	
18	08-12-2026 01:08 PM	Motion (SC) - Appendix	Docketed		Appendix to Respondent's Motion to Dismiss	Liz Marie Feliz On Behalf of Warden Ronnie Quinn
17	08-12-2026 01:08 PM	Motion (SC) - Dismiss	Docketed	Denied	Motion to Dismiss	Liz Marie Feliz On Behalf of Warden Ronnie Quinn
16	08-12-2026 01:08 PM	Motion (SC) - Ext of Time (Juris Brief-Answer)	Docketed	Denied	Motion for Extension of Time to File Respondent's Answer Brief on Jurisdiction	Liz Marie Feliz On Behalf of Warden Ronnie Quinn
15	08-11-2026 02:45 PM	Order - Appendix Strike Portions (Juris)	Docketed		The appendix attached to Petitioner's brief on jurisdiction, which was filed with this Court on July 22, 2026, does not comply with Florida Rule of Appellate Procedure 9.120(d). All documents contained in Petitioner's appendix, with the exclusion of the opinion or order of the district court of appeal to be reviewed, are hereby stricken. Petitioner's Motion for Extension of Time to File a Renewed Appendix on Jurisdiction is hereby denied as moot. Counsel for respondent having not filed an answer brief, the above case has been submitted to the Court for consideration.	

Supreme Court of Florida
Docket Sheet

Case No. SC2026-0878 **Judge**

Case Title Pleadro J. Scott v. Warden Ronnie Quinn, et al. **Case Type** Discretionary Review - Notice to Invoke - Direct Conflict of Decisions

#	Docketed Date	Docket Entry Type	Status	Outcome	Description	Submitted By
					A copy of petitioner's brief may be found on this Court's website (http://www.supremecourt.flcourts.gov) via the Case	
14	08-06-2026 10:21 AM	Motion (SC) - Ext of Time	Docketed	Denied	Motion for an Extension of Time to File a Renewed Appendix on Jurisdiction	Pleadro J. Scott
13	07-24-2026 12:49 PM	Notice - Address Change	Docketed		Notice of Address Change	Pleadro J. Scott
12	07-22-2026 04:51 PM	Brief - Appendix-Juris	Docketed		Jurisdictional Appendix to Jurisdictional Brief - Non-compliant portions stricken 8/11/2026.	Pleadro J. Scott
11	07-22-2026 11:55 AM	Brief - Appendix-Juris	***STRICKEN***	***STRICKEN***	Jurisdictional Appendix to Jurisdictional Brief - Contains more than the decision for review. Portions stricken 8/11/26.	Pleadro J. Scott
10	07-22-2026 11:54 AM	Letter-Case (SC) - Letter	Docketed		Letter	Pleadro J. Scott
9	07-20-2026 08:45 AM	Order - Dismissal re: Failure To Comply	Docketed		In reviewing our records, we note that your case is subject to dismissal for failure to comply with this Court's direction. See Fla. R. App. P. 9.410. We have not received the appendix for the jurisdictional brief in accordance with this Court's order dated June 25, 2026. Failure to file the above referenced documents with this Court within 15 days from the date of this order could result in the imposition of sanctions, including dismissal of the petition.	
8	06-25-2026 03:02 PM	Order - Appendix Due	Docketed		Petitioner's Brief on Jurisdiction was filed with this Court on June 25, 2026, but not accompanied by an appendix pursuant to Florida Rule of Appellate Procedure 9.120(d). Petitioner is directed, on or before July 2, 2026, to file an appendix containing only a	

Supreme Court of Florida
Docket Sheet

Case No. SC2026-0878 **Judge**

Case Title Pleadro J. Scott v. Warden Ronnie Quinn, et al. **Case Type** Discretionary Review - Notice to Invoke - Direct Conflict of Decisions

#	Docketed Date	Docket Entry Type	Status	Outcome	Description	Submitted By
					copy of the opinion or order of the district court of appeal to be reviewed.	
7	06-25-2026 11:01 AM	Brief - Juris Initial	Docketed		Petitioner's Brief on Jurisdiction	Pleadro J. Scott
6	06-25-2026 10:58 AM	Letter-Case (SC) - Letter	Docketed		Letter	Pleadro J. Scott
5	06-17-2026 02:49 PM	Letter-Case (SC) - Acknowledgment Letter-Modified	Docketed		The Florida Supreme Court has received the following documents reflecting a filing date of June 17, 2026. Letter In response to the above letter, enclosed is a copy of the new case acknowledgment letter. The Florida Supreme Court's case number must be utilized on all pleadings and correspondence filed in this cause.	
4	06-17-2026 02:42 PM	Letter-Case (SC) - Letter	Docketed		Letter	Pleadro J. Scott
3	06-09-2026 01:26 PM	Letter-Case (SC) - Acknowledgment Letter-New Case	Docketed		The Florida Supreme Court has received the Notice to Invoke Discretionary Jurisdiction reflecting a filing date of June 9, 2026.	
2	06-09-2026 11:31 AM	Event - No Fee Required	Docketed		No Fee Required - Habeas Below	
1	06-09-2026 11:26 AM	Notice - Invoke Discretionary Jurisdiction	Docketed		Notice to Invoke Discretionary Jurisdiction	

IN THE UNITED STATES SUPREME COURT
CASE NO:

PLEADRD J. SCOTT
PETITION

LEGAL MAIL
Provided to Florida State Prison on
for mailing by
10/26/26

- V -

RICKY DIXON, SECRETARY,
FLORIDA DEPARTMENT OF CORRECTIONS, ET. AL.
RESPONDENTS

PROOF OF SERVICE FOR "APPLICATION DIRECTED TO JUSTICE BRENNAN, J. SEEKING AN EXTENSION OF TIME TO FILE A PETITION FOR WRIT OF CERTIORARI

I PLEADRD J. SCOTT, DO SWEAR OR DECLARE THAT ON THIS DATE OF OCTOBER 26, 2026 AS REQUIRED BY SUPREME COURT RULE 29 I HAVE SERVED THE ENCLOSED MOTETION ENTITLED "APPLICATION DIRECTED TO JUSTICE BRENNAN, J. SEEKING AN EXTENSION OF TIME TO FILE A PETITION FOR WRIT OF CERTIORARI", TO THE FLORIDA DEPARTMENT OF CORRECTIONS, FLORIDA STATE PRISON, LEGAL MAIL COLLECTIONS REPRESENTATIVES TO BE SERVED ON THE U.S. SUPREME COURT CLERK OF COURTS, AT 1 FIRST STREET, N.E. WASHINGTON, DC 20543 HOWEVER PETITIONER CONTENDS THAT HE WAS UNABLE TO SERVE THE ATTORNEY GENERAL AND THE OFFICE OF THE STATE ATTORNEY IN ACCORDANCE WITH THE RULE DUE TO THE EXTERNAL IMPEDIMENT OR INTERFERANCE BY FLORIDA STATE PRISON LIBRARY SUPERVISOR MR. HESTER INADEQUANT SERVICES IN PROVIDING PHOTOCOPIES OF LEGAL DOCUMENTS. THUS PETITIONER IS SUBMITTING HIS ONLY COPY TO THE COURT. PURSUANT TO THE PRISON MAIL BOX RULE. HOUSTON V LACK, 487 U.S. 266, 275 (1988) ON THIS 26 DAY OF OCTOBER 2026

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

PLEADRD J. SCOTT DC# 198737
FLORIDA STATE PRISON
P.O. BOX 800
RAIFORD, FL 32083