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SUPREME COURT OF FLORIDA

Salomon Roberts,
Petitioner,

V.

Julie L. Jones, etc.,
Respondent.

Case No.: SC 16-1150

L.T. No.: 82-8169, 82-9856

And 82-15413

PETITIONER'S SHOW CAUSE AS TO WHY HE
Should Neither be, barred nor Sanctioned
For Redressing the Court relating to his
Life, Liberty And/or Property

This Cause before this Court pursuant to a letter
construed As the Great writ of Habeas Corpus
And this dispenser of Justice now seeks to Sanction
Petitioner After Examining the letter And its supportive
documents; who construed the reviewed to Habeas Cor-
pus.

Petitioner tends to show why a Miscarriage of Justice
will result From this Court's failure to Consider the
Merits of the demonstratable reality on face of the
record.

See Putman v. Turpin, 53 F. Supp. 2d 1285 at 1293 (U.S. M.D.

La. 1999); Martinez v. State, 933 So. 2d 1155 at 1158
(Fla. 3rd Dist 2006) (holding... "Fundamental error is
error that would result in a Miscarriage of Justice

FILED
JOHN A. TOMASINO
OCT 10 2016

CLERK, SUPREME COURT

if, not considered and is of such a nature that it essentially amounts to a denial of due process of law. Id at 1158. As in this instance.

This very Court Scull decision expressly articulated:

"The essence of due process is that fair notice and a reasonable opportunity to be heard must be given to interested parties before judgment is rendered."

"Due process envisions a law that hears before it condemns, proceeds upon inquiry and renders judgment only after proper consideration of issues advanced by adversarial parties." Id.

Having acknowledge due process essence, petitioner relies on Judge Wigginton observance in CASWELL 999 So. 2d 1065 et 1066 observing:

"It seems to be the settled law of this state that the duty of a court to apply to admitted facts a correct principle of law is such a fundamental and essential element of the judicial process that a litigant cannot be said to have had the remedy by due course of law, guaranteed by section 4 of the declaration of rights of our constitution if a judge (or judges) fails to or refuses to perform that duty."

Florida Courts Refuse to Apply the well-Settled Correct Principle of law to the Established Facts on Face of record; Not only denying Petitioner the Federal Protected right to due Process of law, But Eroding the Scales of Justice rendering its Balance Impaired.

Petitioner's Plea Colloquy And Judgment - Sentences Proffered before this Court For Evaluation Clearly demonstrate that State Court Failure to Formally accept his open "Coerced" Plea resulted in a Manifest Injustice, where the Court inter alia Imposed Multiple Sentences which exceeds the limits of law For the Particular offense. An error in itself that renders Petitioner's Plea Involuntary. A Manifest Injustice that is not Subject to Bar or Estoppel. Relying on EASON 932 So.2d at 467; McBride, 848 So.2d at 294

Moreover, Petitioner's Comprehensive Appendix on Cert. Review [Ex. A Attach B, C, And D] Reflects that his Life Sentence For Attempted Murder exceeds the statutory limits of 30 years by law And that [H]e has served five (5) years above this maximum on Face of record

The State Court Conviction And Sentence [Ex. A Attach C]

For the "[un]charged crime" of Burglary of Conveyance is An error so Egregious that it Allowed the Court to Impose A nature Life Sentence for Possession of Firearm while Engaged in Criminal [s. 790.07] offense which carries a Maximum of three years.

These errors invalidates A Plea And renders the Plea (Even if it was Formally) Accepted "Involuntary" because the Court lack Authority to Impose An illegal Sentence Pursuant to a Plea. See Fla. R.

App. P. 9.140(b)(2)(A)(ii)(a) thru (c). See Also Williams 500 So.2d 501 (Fla. 1986)

The Specific reasons set forth above Reflects on Face of record that a Manifest Injustice has Occurred

This William Court Expressly held:

" A trial Court Cannot Impose An illegal Sentence Pursuant to a Plea bargain." Id citing Robbins v. state, 413 So.2d 840 (Fla. 3rd DCA 1982); Smith v. state, 358 So.2d 1164 (Fla. 2d DCA 1978). Id at 503 And n. 4

It's Forbert' holding determined:

" It is a well-established principle of law that a

Forbert v. state, 437 So.2d 1079 (Fla. 1983)

defendant should be allowed to withdraw a plea of guilty where the plea was based on (upon) a misunderstanding or misapprehension of facts considered by the defendant in making the plea. *Id.* at 1081. As is the case here, where the defendant entered an open (although coerced) plea with the belief that the sentences would be legal, when in fact the sentences is not legal, the defendant should at least be given an opportunity to plea anew rather than denied on procedural tactics. See Torres v. State, 865 So. 2d 1253 at 1255 and n. 5 (Fla. 2004)

This Honorable Court and other Florida Courts have held that a ruling must be "on the merits" for an issue to have truly been "decided" and thus precludes the consideration of an issue on the basis of res judicata.

Wherefore, because Florida Courts judgments based on any grounds which do not involve the merits of the action may not be used as the basis for the operation of the doctrine of res judicata. *Id.* citing Kent v. Suter, 40 So. 2d 145, 147 (Fla. 1949)

Petitioner contends that Meride decision teaches us that we (the courts) must consider a vehicle, even if it is successive and would be barred by collateral estoppel, if a manifest injustice would result see King v. State, 974 So. 2d 632 at 634 (Fla. 4th Dist 2008).

What is A Manifest Injustice? A manifest Injustice occurs when a defendant's sentence exceeds the statutory maximum. See EASON at 932 So.2d at 467 in which the Fourth District Zolache 687 So.2d 298 articulated "Law of the case may be revisited because it is fundamentally unfair for a defendant to serve an illegal sentence." Id. at 300

Wherefore, instead of this Court issuing an order directing Fla. Dept of Corrections to initiate disciplinary on petitioner. The Court should require DOC to show cause relating to the legality of their restraint since the Agency possess judgment - sentence documents also. They may concede. See Henry V. Santane, 62 So.3d 1122 at 1128-29 (Fla. 2011)

Otherwise, to punish petitioner because the courts have refused to provide a merit based analysis would subject petitioner to continual unlawful restraint and denial of the right to be heard according to law. See U.S.C.A. Const. Amend 5, 14; West's F.S.A. Article I Section 9

Thus, this Court must consider in light of trial court own records that petitioner is entitled to proceeding to plea anew or proceed to trial, otherwise a gross

Miscarriage of Justice would Result. See Martinez,
933 So.2d at 1158.

IF this Honorable Court Rely on the Historical Proced-
ural hurdles. Then let the Sanction be Entered by
a Fair-Minded Judge with a Clear Conscience.

Presented In Good Faith

DATE

Isl. Solomon Roberts
Petitioner

PROOF OF SERVICE

I HEREBY CERTIFY that a true Copy of the Foregoing
Show Cause was placed in Hardee CI officials
hands for mailing to Respondent Julie L. Jones
Sec'y of Fla. Dept of Corrections at 501 S. Calhoun
Street Tallahassee Fla. 32399-250 This 6 Day
of October 2016.

Isl. Solomon Roberts

Solomon Roberts #066691

Hardee CI

6901 State Road 62

Bowling Green, Fl. 33834

cc: Person of Interest
Latrice Walden