

Gary Hunt

25370 Second Avenue
Los Molinos, California 96055

March 5, 2012

Florida Supreme Court
Attn: Thomas D. Hall, Clerk of the Court
500 South Duval Street
Tallahassee, Florida 32399

RE: Habeas Corpus Demand for Larry Mikiel Myers

Dear Clerk Hall;

In response to your letter of February 20, 2012, I am submitting this letter and including sufficient information to invoke the jurisdiction of the Supreme Court of Florida and to lay before this Court the "specialized circumstance" that warrant the consideration of this Court.

With regard to the Florida Constitution, it is apparent that under the exigent circumstance, the Constitution provides this Court the authority to act in this matter, to wit:

Article V, Section 3(b) (6):

May review a question of law certified by the Supreme Court of the United States or a United States Court of Appeals which is determinative of the cause and for which there is no controlling precedent of the supreme court of Florida.

In this instance, since the United States Court of Appeals for the 11th Circuit has failed to answer and return the Demand for Habeas Corpus (proof of service attached), it would appear that: (1) They do not recognize this Demand as within their jurisdiction; or, (2), they have failed to abide by the United States Constitution. Since it has not been certified, that absence speaks clearly of either of the above. And, surely, there is no controlling precedence in this Court.

Article V, Section 3(b) (7), (8) & (9):

May issue writs of prohibition to courts and all writs necessary to the complete exercise of its jurisdiction.

May issue writs of mandamus and quo warranto to state officers and state agencies.

May, or any justice may, issue writs of habeas corpus returnable before the supreme court or any justice, a district court of appeal or any judge thereof, or any circuit judge.

The issuance of the appropriate writ, to an agent of the state (Sheriff), is the proper exercise under the circumstances set forth herein.

With regard to precedence, as addressed in your letter:

In *Abelman* [*Abelman v. Booth*, 62 U.S. 506 (1858)], Booth filed with the state court as a first, and only, resort for Habeas Corpus. Had Booth filed with the federal court, and that court refused to answer or return, Justice Taney's decision would, most assuredly, have been different from what the record shows. Justice Taney would have difficulty arguing that Booth had no remedy in filing with the State Court, and so that record is not on point.

In the case of the Demand for Habeas Corpus, by Larry Mikiel Myers, he attempted to serve the Demand on an agent of the state, while in federal custody in arrangement with the State agent, which would have required that the federal judge, the judge in the pending case against Myers, receive the Habeas Corpus from the state agent, and then answer. The Demand for Habeas Corpus was not served on the State; rather, through the State due to the nature of the confinement, however, this does not negate the remedy sought. That remedy is a ruling by this Court, which then stands to challenge by the federal court, and an answer to that challenge to establish that the federal court has an obligation, under the law, to respond to a Demand for Habeas Corpus.

The denial of Habeas Corpus under both state and federal constitutions leaves an insurmountable problem for the citizen who has every right to the due and proper consideration of that "sacred writ".

Myers' initial attempt to serve was made on January 24, 2012, prior to trial, which trial took place from February 6-9, 2012, and, should, with all due consideration of the law, have been answered, or returned, prior to commencement of trial. Instead, the trial proceeded with total disregard to that enumerated right.

Subsequently, on behalf of Larry Mikiel Myers, copies of the Demand for Habeas Corpus were mailed, certified, receipt requested, to, respectively, the Sheriff, the Judge (Merryday), the 11th District Court of Appeals (Atlanta), and, the Florida Supreme Court.

To date, March 5, 2012, neither Sheriff Gualtieri, Judge Merryday, nor the 11th Circuit Court of Appeals, have returned or answered, since the date of their receipt, February 13, 2012. Three weeks have passed, and only the Florida Supreme Court, through its Clerk, Thomas Hall, has demonstrated due consideration of the judicial branch's lawful obligation, with regard to Habeas Corpus.

Clearly, then, absent active pursuit of justice by the Florida Supreme Court, every possible remedy, under the constitutions, will have been denied and both constitutions suspended, without the requisite constitutional condition for suspension being met.

It would seem that under these circumstances, the Florida Supreme Court is the only remaining recourse in seeking the lawful remedy, under the law, not to intervene and assume any authority not granted by the Constitution, rather, as the Judicial Branch of the state government, interceding, and assuring that justice is had, "without delay".

Interceding on behalf of a Citizen of Florida, and assuring that proper answer and return are made does not presume authority where none may exist, rather, it requires only that this Court determine and assure that there is no void, or abyss, in which Larry Mikiel Myers, and both constitutions, be swallowed up and disappear.

Can this Court perceive any other recourse than to intercede and assure that rights are maintained, even if their action is only to assure that the federal courts recognize their obligations under the United States Constitution?

Absent intervention, the Florida Supreme Court has failed in its obligation to pursue justice and uphold and defend both constitutions.

Based upon the arguments above, I hereby invoke the jurisdiction the Supreme Court of Florida in this matter of Habeas Corpus for Larry Mikiel Myers.

With due respect for the Constitutions,

I remain,

Respectfully,

Gary Hunt
Citizen of Florida, residing in California

Phone: (530) 384-0375
email: hunt@outpost-of-freedom.com

Attachments:

- copy letter to Sheriff Gualtieri w/receipt
- copy letter to Judge Merryday w/receipt
- copy letter to 11th Circuit Court of Appeals w/receipt
- copy of Habeas Corpus of Larry Mikiel Myers