

PROVIDED TO AT
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IN THE SUPREME COURT OF FLORIDA

MARCUS B. HARRIS,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

SC/4-2042

CASE NO: 2D14-177

L.T. CASE NO: 12-CF-2604

BY _____

CLERK, SUPREME COURT

2014 NOV -3 AM 10:50

FILED
JOHN A. TOIT, CLERK

ON APPEAL FROM DISTRICT COURT OF APPEAL
SECOND DISTRICT OF FLORIDA
STATE OF FLORIDA

JURISDICTIONAL BRIEF OF APPELLANT

M B Harris

Marcus B. Harris

Hamilton Correctional Inst. – Annex

10650 S.W. 46th Street

Jasper, Florida 32052-3735

CONTENTS OF BRIEF

Contents of Brief.....	i
Table of Citations.....	ii
Introduction.....	1
Argument:	
Whether Denial Of Transcripts In Criminal Direct Appeal Violates Due Process And Equal Protection Of Law Must Be Enforced By Supreme Court.....	1
Conclusion and Relief.....	2
Certificate of Service.....	2

TABLE OF CITATIONS

Cases

Griffin v. Illinois, 351 U.S. 12 (1956)	3
Harris v. State, case no. 2D14-177.....	1
Harris v. State, case No. SC14-689.....	iii
Schreiner v. McKenzie Tank Lines, Inc., 432 So.2d 557 (Fla. 1983)	1
Snipes v. State, 733 So.2d 1000 (Fla. 1999).....	1
United States v. Cruikshank, 92 U.S. 542, 23 L.Ed. 588 (1875).....	1

Statutes And Rules

Rule 9.200(b)(2), Fla. R. App. P.....	2, iii
Rule 9.140(F)(1) Fla. R. App. P.....	2
Rule 9.300(a), Fla. R. App. P.....	1
Fourteenth Amendment to U.S. Constitution	1
Article 1 Section 2 of the Florida Constitution.....	2
Article V Section 2(a), Fla. Const.....	2
Article V. Section 4(b) Fla. Const.....	1
Rule 9.220 Fla. R. App. P.	3

INTRODUCTION

This appeal has a tortuous history repeated failures seeking an order to produce transcripts in direct criminal appeal. This is a blatant violation of Rules of Appellate Procedure Rule 9.200(b)(2), Fla. R. App. P., and Rule 9.140(F)(1), Fla. R. App. P. Thus, Appellant is denied due process and equal protection of law constitutionally. See *Griffin v. Illinois*, 351 U.S. 12 (1956). On June 18, 2014, by Writ of Mandamus this court sought to resolve by Rule Nisi to no avail. *Harris v. State*, case No. SC14-689. Now Appellant seeks a final remedy. Administrative justice.

ARGUMENT

WHETHER DENIAL OF TRANSCRIPTS IN CRIMINAL DIRECT APPEAL VIOLATES DUE PROCESS AND EQUAL PROTECTION OF LAW MUST BE ENFORCED BY SUPREME COURT

The Appellant has a direct criminal appeal pending in Second District Court of Appeal. See *Harris v. State*, case no. 2D14-177. There is no Amended Brief filed as ordered by the court on April 4, 2014. See Website (<http://www.2DCA.org>). On June 2, 2014, Amended Designations to the Court Reporter. Since the Second District Court imposed sanction on Court Reporter Michele Leinonen to no avail. See (<http://www.2DCA.org>). As the United States Supreme Court has noted; “The Fourteenth Amendment prohibits a state from depriving any person of life, liberty, or property, without due process of law..., but this had nothing to the rights of one citizen against another. It simply furnishes an additional guarantee against any encroachment by the state upon the fundamental rights which belong to every citizen as a member of society” See *United States v. Cruikshank*, 92 U.S. 542, 23 L.Ed. 588 (1875). Likewise, the Florida Supreme Court held in *Snipes v. State*, 733 So.2d 1000 (Fla. 1999), that the due process provisions of the Florida Constitution requires state action before becoming applicable. Additionally, in *Schreiner v. McKenzie Tank Lines, Inc.*, 432 So.2d 557 (Fla. 1983). The court considered a certified question as to whether there was a requirement of state action similar to

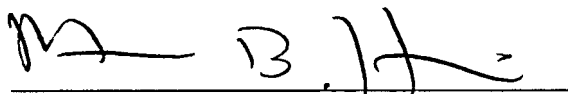
that of the Fourteenth Amendment to U.S. Constitution, that must be found to exist prior to invoking ones rights to seek relief under Article 1 Section 2 of the Florida Constitution; The Supreme Court answered the certified question in the affirmative stating that a state action must be present for relief to be granted under Article 1 Section 2. In *Griffin supra* holds a state failure to provide transcripts on criminal appeal to indigent defendant is a violation of due process and equal protection of law.

CONCLUSION AND RELIEF

WHEREFORE, under Rule making power of Florida Supreme Court Article V Section 2(a), Fla. Const. to enforce Rule 9.140(F)(1) Fla. R. App. P. failure runs afoul with *Griffin supra*. Call for dispensing administration of justice herein.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a true copy has been furnished by U.S. Mail to: Pamela Jo Bondi, Attorney General, 3507 E. Frontage Road, Suite 200, Tampa, Florida 33607-7013. On this 28 day of Oct, 2014.



Marcus B. Harris
Hamilton Correctional Inst. - Annex
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Jasper, Florida 32052-3735

IN THE SUPREME COURT OF FLORIDA

MARCUS B. HARRIS,
Appellant,

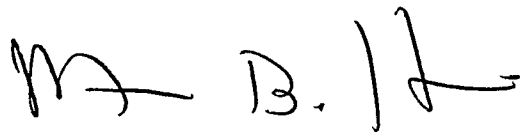
v.

CASE NO: 2D14-177
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STATE OF FLORIDA,
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_____/

APPENDIX

A handwritten signature in black ink, appearing to read 'M. B. Harris', written over a horizontal line.

Marcus B. Harris
Hamilton Correctional Inst. - Annex
10650 S.W. 46th Street
Jasper, Florida 32052-3735

**IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327**

October 10, 2014

CASE NO.: 2D14-177
L.T. No. : 12-CF-2604

Marcus B. Harris

v. State Of Florida

Appellant / Petitioner(s),

Appellee / Respondent(s).

BY ORDER OF THE COURT:

The appellant's "peremptory motion to declare constitutional violation of due process of law failure to produce transcripts summarily reversal discharge as criminal sanction" is denied.

A status report from the court reporter is overdue. The court reporter shall file a status report within 7 days of this order, failing which the court reporter and Record Transcripts, Inc., risk referral to the court administrator and the chief judge.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Served:

Attorney General
R T I Official Court Reporters

Marcus B. Harris
Michele Leinonen, Ct. Rptr.

Pat Frank, Clerk

ec


James Birkhold
Clerk

