IN THE
SUPREME COURT OF FLORIDA

GORDON WAYNE WATTS,
Individually, and on behalf of
similarly situated Florida minorities

Petitioner/Plaintiff/Appellant,

vs.

FLORIDA COMMISSION
ON HUMAN RELATIONS,
Respondent/Defendant/Appellee.
_____/

CASE NO.: SC04-UNDEFINED
Assigned to: SC04-68
Lower Tribunal No.: 2D02-4061

Lower Tribunal Case Number: 22-01590

ON APPEAL FROM THE DISTRICT COURT OF APPEAL OF THE SECOND JUDICIAL DISTRICT, IN AND FOR THE STATE OF FLORIDA

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MOTION TO ACCEPT JURISDICTION

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Comes now petitioner Gordon Watts under the authority of RULE 9.300 MOTIONS (a),

Fla.R.App.P., and, pursuant to said rule, petitioner invokes the following standard:

"Unless otherwise prescribed by these rules, an application for...relief available under these rules shall be made by filing a motion therefor. The motion shall state the grounds on which it is based, the relief sought, argument in support thereof, and appropriate citations of authority."

Short Title of contents:
* Grounds on which motion is based
* Relief sought
* Argument in support thereof
* Appropriate citations of authority

* Grounds on which motion is based:

RULE 9.030(a)(3), Fla.R.App.P.: "The supreme court may issue...all writs necessary to the complete exercise of its jurisdiction...."

RULE 9.030(a)(1)(A)(ii), Fla.R.App.P.: [Mandatory] Appeal Jurisdiction. The Supreme Court SHALL review, by appeal decisions of district courts of appeal declaring invalid a state statute or provision of the state constitution." (Emphesis added by capitalization; Comments added in brackets)

* Relief sought:

Acceptance of this case ; Order overturning the unlawful actions of the respondents, both the district court of appeal, and the lower tribunal beneath it.

* Argument in support therof with appropriate citations of authority:

Although provisions exist for briefs on jurisdiction for discretionary procedings (see RULE 9.120(d), generally), nonetheless, it shall be noted in the preface that there exists no provisions in the Florida Rules of Appellate Procedure of Appellate Procedure for a brief on jurisdiction, when jurisdiction arises under original jurisdiction, such as "all writs" (see RULE 9.100), or under mandatory appellate jurisdiction, arising out od a DCA declaring invalid a statute of section of the state constitution (see RULE 9.110).

Therefore, RULE 9.300 is invoked to bring to This Court the proper communications regarding jurisdiction.

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ALL WRITS JURISDICTION:

St. Paul Title Ins. Corp. v Davis (392 So.2d 1304-05, Fla. 1980), generally held that the all writs clause can not confer jurisdiction of The Florida Supreme Court to seek discretionery review over decisions of district courts of appeal in PCA decisions, without opinion.

Indeed, "the [Florida Supreme] Court's 'all writs' authority remains one of the most confusing and unsettled areas of jurisdiction, a problem worsened by the infrequency of all writs cases." (The Operation and Jurisdiction of the Florida Supreme Court, Kogan and Waters, 18 Nova L. Rev 1151, (Fla. 1994) at VII. E.)

However, the instant case comes within RULE 9.030(a)(3), which, by the definition, is "Original Jurisdiction," so therefore St. Paul and his progeny do not apply.

The "aiding ultimate jurisdiction" would seem the most conservative and common standard for applying the "all writs" jurisdiction. (Ibid; Accord: Florida Senate v Graham, 412 So.2d 360-361 (Fla. 1982))

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The Lower Tribunal in the instant case at bar would have This Court believe that Due Process does not require that the victim even know that the Florida Commission on Human Relations exists, which is absurd on its face, and an obvious violation of due process. Furthermore, where there are laws which allow Petitioner Gordon Watts' one-year statute of limitations to commence either on the day of the act *or* the day he discovered the discrimitory act, fairness would require that the law be followed.

However, no matter how good the law, if it is not followed, and enforced by the District Courts of Appeal, it is no good at all: "The law is only for the rich." (Common saying) The District Courts of Appeal, in writing a PCA decision, without a written opinion, seek to deny access of This Court to enforce justice. This is improper and offensive. This Court should have access to review any lawful appeal it desires.

This would imply that This Court may, if it desires, take this case on the basis of "aiding ultimate justice," invoking all writs authority, even if another basis for jurisdiction exists, which, is true in the instant case.

Having made this case, the petitioner will now leave off and explore an equally appropriate alternative.

MANDATORY APPEAL JURISDICTION

Although it is common knowledge that a ruling, with a written opinion, explicitly stating: "this statute is invalid" is basis for mandatory appellate jurisdiction, Lower Tribunal, in refusing to give a written opinion in PCA decisions, regularly attempts to block This Court's appellate review access, apparently inappropriate.

Article I, Section 21, Florida Constitution protects petitioner generally in regards to "redress of any injury" from inappropriate appellate court action. (Accord: Amendment I, US Const, in re Redress Rights)

However, there is specific and explicit basis for review under the laws, rules, and appropriate case law:

Lower Tribunal would have This Court believe that the last word on its desire to restrict review access would be had by Jenkins v. State, 385 So. 2d 1356, 1359 (Fla.1980) (holding that this Court does not have jurisdiction to review the

unelaborated denials or per curiam decisions without opinion of the district courts).

However, a closer reading of Jenkins reveals that this holding is specifically directed to decisions of District Courts of Appeal, in which conflict exists between other District Courts of Appeal -or between decisions made by This Court, The Florida Supreme Court:

A district court decision without opinion is not reviewable on discretionary conflict jurisdiction. See again: Jenkins v. State, 385 So.2d 1356 (Fla. 1980); Accord: Dodi Publishing Co. v. Editorial Am., S.A., 385 So.2d 1369 (Fla. 1980).

Although there is the great temptation for This Court to take the path of least resistance (and, indeed, the case load of This Court is high and heavy), nonetheless, the precedent set -and attendant justice effected for those all affected -would no doubt weigh in the balance for This Court in favor of taking review of the case at bar. (I.e., the "case law" set here would go a long way in "settling" these two "unsettled" areas of case law.)

While the "inherent invalidity" doctrine has now been abolished, pursuant to updates in the constitution, "commentators have suggested that the Florida Supreme Court might properly exercise this type of jurisdiction in the rare event that a district court has summarily affirmed a lower court's ruling expressly invalidating a statute." The Operation and Jurisdiction of the Florida Supreme Court, Kogan and Waters, 18 Nova L. Rev 1151, (Fla. 1994), at V. D., citing Arthur J. England, Jr., et al., Constitutional Jurisdiction of the Supreme Court of Florida: 1980 Reforms, 32 U. FLA. L. REV. 147, 169-70 (Fla. 1980))

But, This Court asks: "Is the really true?"

ANSWER:

This Court, for better or for worse, is constrained by the Florida Rules of Appeallate Procedure:

The RULES, when mandating that the decisions of the district court must, of necessity explicitly state an act, declare so as to wit:

"The discretionary jurisdiction of the supreme court may be sought to review (A) decisions of district courts that (i) EXPRESSLY declare valid a state statute; (ii)

EXPRESSLY construe a provision of the state or federal constitution;" (RULE 9.030(A)(i) and (ii), Fla.R.App.P., Emphesis added with Caps)

If mandatory jurisdiction had required these same standards then the constitutional revisors would have explicitly included them, as they have here supra.

So, do they?

RULE 9.030(a)(1)(A)(ii), Fla.R.App.P.: [Mandatory] Appeal Jurisdiction. The Supreme Court SHALL review, by appeal decisions of district courts of appeal declaring invalid a state statute or provision of the state constitution." (Emphesis added by capitalization; Comments added in brackets)

There is no constitutional, statutory, nor procedural requirement for "express" or

"explicit" declaration.

Thus, the case law remains unsettled, as well as This Court and all the State, for the two areas concerned and addressed in this instant appeal.

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IN CONCLUSION:

While the making of case law in these two areas is of utmost importance, even more paramount is this axiom:

The Laws of the Land have been written for the purpose of protecting "little" people from oppresive abuses and egregious violations. The intent of the "forefathers" was this. It is therefore offensive that these laws would be written and appellate courts would come along and snub This Court, by first renderring decisions that deny justice to the "little" people, and then by attempting to deny This Court review jurisdiction access.

This is added on top of the violations of the initial lower tribunal, the Florida Commission on Human Relations, who may be very willing to do their job, if only they can get "permission" from the Higher Courts, whomever they may be.

"It does no good for the existance of laws -or Courts -if the justice if swept aside for convenience." (Watts, 2004)

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In the interests of:

(1) establishing solid case law;
(2) exercising protective appellate authority of its charges (the "little" people); and,
(3) for the interests of satisfying curiosity of all the underlying issues, This Court should take this case, and should furthermore
(4) Overturn in part the order of the District Appeallte Court; and, Remand in part, ordering lowest tribunal Fla Comm on Hum Relations investigate the allegations of racial profiling, and ethnic discrimination, as the police so admit explicitly in their official police report, especially in consideration of the exceeding difficulty experienced by poor and less than powerful pro se petitioner in convincing the police to admit anything in a report of this nature and the requisite difficulty in obtaining such a police report.

Respectfully submitted,

Gordon Wayne Watts
GORDON W. WATTS, Petitioner / Plaintiff / Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing MOTION and SUPPLEMENT was mailed to the following parties this _06th_ day of _January_ 2004 in duplicate by First Class U.S. Postal Mail - from two separate locations to ensure delivery, and with one copy Certified with return receipt.

Denise Crawford, Clerk of the Commission, c/o Fla. Comm. on Human Relations
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Second District Court of Appeal, State of Florida
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Respectfully submitted,

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