

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT IN AND FOR LEON
COUNTY

§2241 HABEAS CORPUS PETITION FORM TO BE USED BY PRISONERS IN
ACTION UNDER 28 U.S.C. §2241 OR IN ACTIONS CHALLENGING REMOVAL
PROCEEDINGS

Deshon R. Thomas,
Inmate # 216579,

_____,

vs.

State of Florida

CASE NO. _____
(To be assigned by Clerk)

ANSWER ALL OF THE FOLLOWING:

1. This petition concerns (check where applicable):
 - (a). a conviction
 - (b). a sentence
 - (c). prison disciplinary action or other action resulting in lost gain time credits
 - (d). parole
 - (e). immigration/removal
 - (f). other (explain): wrongful arrest of DeShon Rashard Thomas #210577
2. Provide the following information regarding the conviction(s) and sentence(s) for which you are presently incarcerated: Does not apply/have not gone to trial.
 - (a). Name(s) and location(s) of court: _____
 - (b). Case Number(s): _____
 - (c). Charge(s) for which you were convicted: _____

3. If you did appeal, answer the following: Does Not Apply
 - (a) Name of Court: _____ Case #: _____
 - (b) Result: _____
 - (c) Date of opinion and mandate (citation, if known): _____
4. Claims that challenge your conviction or imposition of sentence can only be raised by motion under 28 U.S.C. § 2255 unless the § 2255 motion is inadequate or ineffective to test the legality of your detention. If any of the grounds raised above challenge your conviction or sentencing:
 - (a) Have you filed a motion under 28 U.S.C. § 2255?
Yes No
If yes, please provide the case #, where filed, relevant date(s), and the results: _____

(b). Explain why the remedy under § 2255 was or is inadequate or ineffective: It is inadequate because the defendant has not gone to trial on any of the criminal charges.

5. Are you currently represented by counsel in this case or in any other court case?

Yes No

If yes, please explain: Court appointed Conflict Counsel/Samuel Olmstead has not discussed any defense or investigative information, anything gathered or evaluated evidence, therefore cannot

6. If this case concerns removal proceedings: represent me.

(a) Date of final order of removal: Does not apply.

(b) Did you file an appeal with the Board of Immigration Appeals? Yes No

7. In the spaces below, set forth every ground which supports your claim that you are incarcerated unlawfully. Briefly summarize the specific facts in support of each ground raised. Conclusions that are not supported by specific facts are insufficient. You may attach additional pages if necessary to raise additional grounds or provide additional facts. Do not cite any law in your statement of facts.

(a). Ground one: Denial of Counsel

Supporting FACTS (state briefly without citing cases or law): I was a minor when my mother, Carissa Chambers voluntarily took me to the Leon County Sheriff's Office on 1/28/11 to give a statement. Leon County Sheriff's Detectives ignored my mother when she invoked my Miranda Rights.

Exhaustion:

[1] - Have you presented ground one to the Bureau of Prisons, either through the prison grievance system or other administrative proceeding? Does Not Apply

Yes No

If yes, please provide the results of the proceeding(s) and the relevant date(s). Include any appeals:

[2]-(Answer only if you are challenging an issue related to removal (immigration) proceedings) - Did you present ground one to the Board of Immigration Appeals? Yes No
If yes, please provide the results of the proceeding(s) and the relevant date(s). _____

(b). Ground two: Illegal Search and Seizure

Supporting FACTS (state briefly without citing cases or law): The Search Warrant for Trenton Ross' one-bedroom apartment using false and fabricated information. Further, the Search Warrant was for firearms or any items or accessories associated with firearms; glass pipe, dome boggies, scale and 5 pots of soil with marijuana stems sprouting from them are not sanctioned in the search Warrant. No other Search Warrant was executed or requested for Trenton Ross' apartment.

Exhaustion:

[1] - Have you presented ground two to the Bureau of Prisons, either through the prison grievance system or other administrative proceeding? Does Not Apply
Yes No

If yes, please provide the results of the proceeding(s) and the relevant date(s). Include any appeals:

[2]-(Answer only if you are challenging an issue related to removal (immigration) proceedings) - Did you present ground two to the Board of Immigration Appeals? Yes No

If yes, please provide the results of the proceeding(s) and the relevant date(s). _____

(c). Ground three: Lack of Investigation

Supporting FACTS (state briefly without citing cases or law): Tracy Bush, victims' mother, never gave detectives an incriminating statement about DeShan Rashard Thomas. However, she and her 16-year-old son, ^{son} ~~brother~~ - Ronterrious Conner (victims' brother) and Sequoyah Conner (victims' half-sister) gave detectives several incriminating statement about others.

For instance, Lededia Jenkins was threatening Lapecia Herrings life because Lapecia owed \$400 to Lededia Jenkins and her mother Sandra Walker. Also, Sterling Conner Jr. named Michael Loggins to his family as being the one breaking into their residence. Michael Loggins broken while Sterling was asleep when Sterling Exhaustion woke up, Michael Loggins was standing over him. There are other suspects.
Exhaustion: Has you presented ground three to the Bureau of Prisons, either through the prison grievance system or other administrative proceeding? Does Not Apply
Yes No

If yes, please provide the results of the proceeding(s) and the relevant date(s). Include any appeals:

[2]-(Answer only if you are challenging an issue related to removal (immigration) proceedings) - Did you present ground three to the Board of Immigration Appeals? Yes No

If yes, please provide the results of the proceeding(s) and the relevant date(s). _____

(d). Ground four: Failure To Produce Witnesses

Supporting FACTS (state briefly without citing cases or law): DeShan Rashard Thomas has been charged not because of physical evidence, but because of witnesses, in these cases 2 witnesses. The first witness in the Cultivation of Marijuana and Possession of Drug Paraphernalia remains a mystery. The 2nd witness, Trentin Ross, has declined to give a sworn deposition 3 or more times - even after being offered money for travel expenses. There is no record in my court file showing any pending request for Depositions.

Exhaustion:
[1] - Have you presented ground four to the Bureau of Prisons, either through the prison grievance system or other administrative proceeding?
Yes No

If yes, please provide the results of the proceeding(s) and the relevant date(s). Include any appeals:

[2]-(Answer only if you are challenging an issue related to removal (immigration) proceedings) - Did you present ground four to the Board of Immigration Appeals? Yes No

If yes, please provide the results of the proceeding(s) and the relevant date(s). _____

8. WHEREFORE, based upon the grounds raised above, Petitioner prays that the court will grant the following relief: DeShan Rashard Thomas to have all charges dismissed.

DECLARATION

I declare under penalty of perjury that I have read the above and the information contained herein is true and correct.

March 3, 2013

(Date)

DeShan Thomas

Signature of Petitioner

IF MAILED BY PRISONER:

I declare or state under penalty of perjury that this petition was (check one):

delivered to prison officials for mailing, or deposited in the prison's internal mail system on:

March 3, 2013 (date).

X DeShan Thomas

Signature of Petitioner

Revised 07/02