

FILED

NOV 09 2018


 D. W. Powell
 CLERK CIRCUIT COURT

 IN THE CIRCUIT COURT
 FOURTH JUDICIAL CIR-
 CUIT, IN AND FOR DUV-
 AL COUNTY, FLORIDA

Vincit omnia Veritas

CASE NO. 162016CF8986A

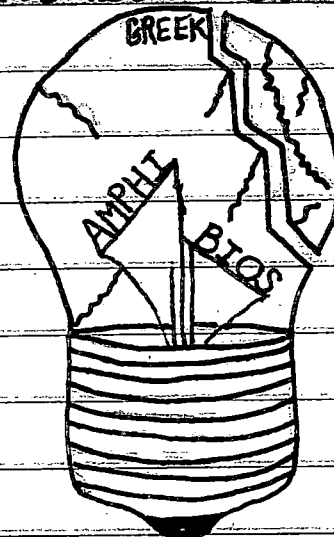
D STATE OF FLORIDA

U Plaintiff

V VS.

A DARRYL T. WHPPLE SR.,

L Defendant



SWORN CORRESPONDENCE

Re: Quintessential-Retrospective NULL-
 Start, i.e., When the Pieces don't fit: 7,000,
 000,000 Probable earthly Points of View,
 ellipsis!

Addressees: Hon. Jd9 Aho, Attorneys.
 Charlie Cofer & Melisa Nelson.

Comes now, the above defendant, Pursu-
 ant to his inalienable federal & state con-
 -stitutionals too address the above addr-
 essees in matters concerning the above

criminal (capital) case conjunctively as I, defendant, have a litany of long overdue serious legal concerns which might even demand answers from the egalitarian board of trustees which governs the landscape of jurisprudence in the U.S.A.; Florida especially, Jacksonville exclusively.

Please Note this correspondence does not meet the Prohibited criteria for neither hybrid/self-representation and, nor is it an adduce demurrer as the dagger of culpability is exclusively inexcusably mine and, I take full ownership of forgoing any fig leaf defense too include both our documented retrograde psychosis as mitigators, accepting un-conditional and un-compromising accountability for [MY] maladroits on that fateful day that subsequently in ways un-be-knowing to me directly/indirectly contributed to demise of my companion, Ms. Carol Renee Demmons. NOTE! The term un-be-knowing refers the medical examiner's officiality... insidious complications.

In all honesty (not being callous), of the 7,000,000,000 Probable earthly points of view, stake a claim! Because the only acce-

Plausible answer to our Particular earthly
 tragic end, a reprobated mind, synonymous
 with something Einstein termed insanity, I
 call the psychosis of iniquity which accom-
 panies (ny) the life long tediousness, living
 with the knowledge of good and evil' many-
 ism, i.e., doing the same [earthly DNA] inhe-
 rited, precociously-luminary-dexterously,
 illu\$ional, www, intellectual-encyclopedia,
 lexiconic-dictionarial-synonym, dis-obedient
 Old & New Testament-Qu'ranic righteous
 Principles. Cursed generational 50 shades
 of gray (soft, with white... a little white lie
 to deep space black... a Political fig leaf and
 the woman you gave me explanation), illiterate-
 mendaciously based maladroit thing, expect-
 ing a different result, the un-acceptable
 answer also... the most bloody & deadly bat-
 tle field is the 18 inches between the heart
 and the Psyche. WE'RE BOTH VICTIMS!

le cœur a ses raisons que la raison ne
 connaît, faith never saw the light of day
 because of reason' nuclear war. Placing
 the rich man's return first, I have un-earth-
 my buried talent and, to my amazement
 I learnt that it, Probity, is an eternal
 Chia Pet already H²O' with the living H²O.

Please allow me to finish my From Foundation of the earth indelible abincunabulis course. Everybody wants heaven but no one wants to die to get there because on earth death is final and hence the only known absolute. People are held captives by the quicksand of what they're already looking for via the psychosis of un-forgiveness of not being like other men, some because of [my] maladroits and, *ad maiorem Dei gloriam*. Because *Quos deus vult perdere Prius dementat Peu à Peu*.

I was raised in the same era as my decrease companion of measured luminary Principles for adroit and maladroits which were weighed on a scale mysteriously named sometimes and, in hindsight by the light of Probity's impartially all the way back to the original allocation, the Garden of Eden, the opportunity to finish one's course has been present, sometimes forthwith and sometimes otherwise but never completely absent. The Prosecutor in the above case has made it court records that they're seeking capital Punishment in said case, which I attempted to accept in open court on June

10th, 2018 to no avail, just as it has been since arraignments back in late 2016. Every attempt to accept said accountability has consequently culminated too constitute this very correspondence. Now! Is there a dichotomous Pun of jurisprudence that is [a] oxy-moronic didactic inherent only in the Sunshine State of Florida?

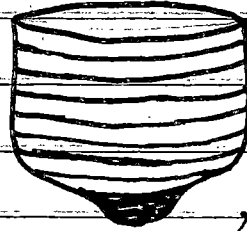
I'm not talking about good measures in/of it'self in the didactic but rather caricaturism, i.e., de Jure of complacency. Sometimes is now at my door and, like Luke 23:40-43 I accept the imminent three(3) nails. The caricaturists for the state and the defense in my humble opinion represents exactly that which the new administrations are each in opposition to, -malfeasance' cancerous catalystism. The state's litigator, for all intent and Purpos appears to be the only litigator who has more than a three(3) dollar bill infinitesimal comprehension concerning the stratagems of court room art of war that not even the noted Al Chipperfield's jurisprudence dexterity can extricate. CORRECTION! the word should've been **in** infinitesimal rather than infinitesimal because the state's litigator is anything but

myopic, hence, a burglary charge §801.02, Fla. Stat. attachment at 1st appearance on October 13th, 2016 [A subsequent Pre-requisite exegesis Proven to have been the appropriate beseechment too attain the desired Grand Jury indictment. . . felony murder.

When juxtaposed by some measure of luminary jurisprudence dexterity & commonality rationality, retrograde psychosis / emotional repressed memory I see all too well the contradicting disparativeness of defense counsel' explanatory jurisprudence Pun concerning the Prosecutor un-myopic gambit. The defendant counselor is doing opposing counselor job with such meticulous proficiency that a Fareta might in all honesty be necessary, i.e., because I know that Mr. Al. Chipperfield certainly also knew before he maladroitly attempted to convince me that Justice Thurgood Marshall view involving circumventing the appellate Procedures of a death Penalty conviction have nothing at all to do with me voluntarily accepting the tabled capital Penalty by the Prosecutor. Just as his \$3.00 bill explanatory Pun concerning

the Fla Stat §810.02

I am a Black American of African descent
willing to pay the ultimate Price for the in-
dicted offense, why can't I! We're no longer
living a double life



, the only accepta-
ble yet un-acceptable answer/exegesis to our
maladroits, I only want but too finish my course!

NOTARY

The State of Florida
County of Duval

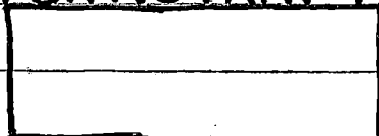
The above instrument was acknowledged
before me on this _____ day of _____, 2018
by _____.

Personally known _____

or

Produced identification _____ type: _____

FOR NOTARY PUBLIC USE ONLY:



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I Provided a true and correct copy of the foregoing in to the hands of a jail official for mailing to the chamber of Judge Aho, 501 West Adams ST. Charlie Cofer-Public Defender, 407 North Laura ST. & Melisa Nelson-State Attorney, 311 West Monroe ST. Each are located in Jacksonville, FL 32202 on this day of _____, 20__.

Respectfully Submitted,
/s/ Mr. Whipple Sr.,

10/29/18

Duval County Pre-trial Detention Facility

500 East Adams ST.
Jacksonville, FL 32202

Personal copies forwarded to also include Duval County Clerk of the Court!!

Attach-1 Al. Perkins & Al. Chipperfield' didactic.

§ 810.015

FLORIDA STATUTES

822

DCA, 1988). This subsection shall operate retroactively to February 1, 2000.

(3) It is further the intent of the Legislature that consent remain an affirmative defense to burglary and that the lack of consent may be proven by circumstantial evidence.

(4) The Legislature finds that the cases of *Floyd v. State*, 850 So. 2d 383 (Fla. 2002); *Fitzpatrick v. State*, 859 So. 2d 486 (Fla. 2003); and *State v. Ruiz/State v. Braggs*, Slip Opinion Nos. SC02-389/SC02-524 were decided contrary to the Legislative intent expressed in this section. The Legislature finds that these cases were decided in such a manner as to give subsection (1) no effect. The February 1, 2000, date reflected in subsection (2), does not refer to an arbitrary date relating to the date offenses were committed, but to a date before which the law relating to burglary was untainted by *Delgado v. State*, 776 So. 2d 233 (Fla. 2000).

(5) The Legislature provides the following special rules of construction to apply to this section:

(a) All subsections in this section shall be construed to give effect to subsection (1);

(b) Notwithstanding s. 775.021(1), this section shall be construed to give the interpretation of the burglary statute announced in *Delgado v. State*, 776 So. 2d 233 (Fla. 2000), and its progeny, no effect; and

(c) If language in this section is susceptible to differing constructions, it shall be construed in such manner as to approximate the law relating to burglary as if *Delgado v. State*, 776 So. 2d 233 (Fla. 2000) was never issued.

(6) This section shall apply retroactively. *Added by Laws 2001, c. 2001-58, § 1, eff. May 25, 2001. Amended by Laws 2004, c. 2004-93, § 1, eff. May 21, 2004.*

810.02. Burglary

(1)(a) For offenses committed on or before July 1, 2001, "burglary" means entering or remaining in a dwelling, a structure, or a conveyance with the intent to commit an offense therein, unless the premises are at the time open to the public or the defendant is licensed or invited to enter or remain.

(b) For offenses committed after July 1, 2001, "burglary" means:

1. Entering a dwelling, a structure, or a conveyance with the intent to commit an offense therein, unless the premises are at the time open to the public or the defendant is licensed or invited to enter; or

2. Notwithstanding a licensed or invited entry, remaining in a dwelling, structure, or conveyance:

a. Surreptitiously, with the intent to commit an offense therein;

b. After permission to remain therein has been withdrawn, with the intent to commit an offense therein; or

c. To commit or attempt to commit a forcible felony, as defined in s. 776.08.

(2) Burglary is a felony of the first degree, punishable by imprisonment for a term of years not exceeding life imprisonment or as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the course of committing the offense, the offender:

(a) Makes an assault or battery upon any person; or

(b) Is or becomes armed within the dwelling, structure, or conveyance, with explosives or a dangerous weapon; or

(c) Enters an occupied or unoccupied dwelling or structure, and:

1. Uses a motor vehicle as an instrumentality, other than merely as a getaway vehicle, to assist in committing the offense, and thereby damages the dwelling or structure; or

2. Causes damage to the dwelling or structure, or to property within the dwelling or structure in excess of \$1,000.

(3) Burglary is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the course of committing the offense, the offender does not make an assault or battery and is not and does not become armed with a dangerous weapon or explosive, and the offender enters or remains in a:

(a) Dwelling, and there is another person in the dwelling at the time the offender enters or remains;

(b) Dwelling, and there is not another person in the dwelling at the time the offender enters or remains;

(c) Structure, and there is another person in the structure at the time the offender enters or remains;

(d) Conveyance, and there is another person in the conveyance at the time the offender enters or remains;

(e) Authorized emergency vehicle, as defined in s. 316.003; or

(f) Structure or conveyance when the offense intended to be committed therein is theft of a controlled substance as defined in s. 893.02. Notwithstanding any other law, separate judgments and sentences for burglary with the intent to commit theft of a controlled substance under this paragraph and for any applicable possession of controlled substance offense under s. 893.13 or trafficking in controlled substance offense under s. 893.135 may be imposed when all such offenses involve the same amount or amounts of a controlled substance.

However, if the burglary is committed within a county that is subject to a state of emergency declared by the Governor under chapter 252 after the declaration of emergency is made and the perpetration of the burglary is facilitated by conditions arising from the emergency, the burglary is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this subsection, the term "conditions arising from the emergency" means civil unrest, power outages, curfews, voluntary or mandatory evacuations, or a reduction in the presence of or response time for first responders or homeland security personnel. A person arrested for committing a burglary within a county that is subject to such a state of emergency may not be

JACKSONVILLE FLORIDA 32202

Al. Chipperfield's didactic... why I can't accept the death penalty willingly.

Appellate review is necessary not only [****40] to safeguard a defendant's right not to suffer cruel and unusual punishment [*172] but also to protect society's fundamental interest in ensuring that the coercive power of the State is not employed in a manner that shocks the community's conscience or undermines the integrity of our criminal justice system. See Gilmore v. Utah, 429 U.S. 1012, 1019 (1976) (MARSHALL, J., dissenting). Because a wrongful execution is an affront to society as a whole, a person may not consent to being executed without appellate review. See id., at 1018 (WHITE, J., dissenting) ("[T]he consent of a convicted defendant in a criminal case does not privilege a State to impose a punishment otherwise forbidden by the Eighth Amendment"). As the District Court stated so compellingly on review of the habeas petition filed on Simmons' behalf by Reverend Louis Franz and Darrel Wayne Hill: "What is at stake here is our collective right as a civilized people not to have cruel and unusual punishment inflicted in our name. It is because of the crying need to vindicate that right, that basic value, that Simmons should be held unable 'to waive resolution in state courts' of the correctness of his death sentence." Franz v. Lockhart, 700 F. Supp. 1005, 1024 [****41] (ED Ark. 1988) (quoting Gilmore v. Utah, *supra*, at 1018 (WHITE, J., dissenting)) (citation omitted), appeal pending, No. 89-1485EA (CA8). See also, e.g., Commonwealth v. McKenna, 476 Pa. 428, 441, 383 A. 2d 174, 181 (1978) ("The doctrine of waiver . . . was not . . . designed to block giving effect to a strong public interest, which itself is a jurisprudential concern[, or to] allo[w] a criminal defendant to choose his own sentence. . . .

The waiver rule cannot be exalted to a position so lofty as to require this Court to blind itself to the real issue -- the propriety of allowing the state to conduct an illegal execution of a citizen") (footnote omitted); People v. Stanworth, 71 Cal. 2d 820, 834, 457 P. 2d 889, 899 (1969) ("[W]e are not dealing with a right or privilege conferred by law upon the litigant for his sole personal benefit. We are concerned with a principle of fundamental public policy. The law cannot suffer the state's interest and concern in the observance and enforcement of [*173] this policy to be thwarted through the guise of waiver of a personal right by an individual") (internal quotation marks omitted; citation omitted).

A defendant's voluntary [****42] submission to a barbaric punishment does not ameliorate the harm that imposing such a punishment causes to our basic societal values and to the integrity of our system of justice. Certainly a defendant's consent to being drawn and quartered or burned at the stake would not license the State [***157] to exact such punishments. Nor could the State knowingly execute an innocent man merely because he refused to present a defense at trial and waived his right to appeal. Similarly, the State may not conduct an execution rendered unconstitutional by the lack of an appeal merely because the defendant agrees to that punishment.

This case thus does not involve a capital defendant's so-called "right to die." When a capital defendant seeks to circumvent procedures necessary to ensure the propriety of his conviction and sentence, he does not ask the State to permit him to take his own life. Rather, he invites the State to violate two of the most basic norms of a civilized society -- that the State's penal authority be invoked only where necessary to serve the ends of justice, not the ends of a particular individual, and that punishment be imposed only where the State has adequate assurance that [***1733] the punishment [****43] is justified. The Constitution forbids the State to accept that invitation.

Society's overwhelming interest in preventing wrongful executions is evidenced by the fact that almost all of the 37 States with the death penalty apparently have prescribed mandatory, nonwaivable appellate review of at least the sentence in capital cases. U.S. Dept. of Justice, Bureau of Justice Statistics, Bulletin, Capital Punishment 1988, p. 5 (July 1989); Carter, Maintaining Systemic Integrity in Capital Cases: The Use of Court-Appointed Counsel to Present Mitigating Evidence When the Defendant Advocates Death, 55 [*174] Tenn. L. Rev. 95, 113-114 (1987). 1. The Arkansas Supreme Court is the only state high court that has held that a competent capital defendant's waiver of his appeal precludes appellate review entirely. Franz v. State, 296 Ark. 181, 196-197, [***158] 754 S.W. 2d 839, 847 (1988) (Glaze, J., concurring and dissenting). Furthermore, since the reinstitution of capital [*175] punishment in 1976, only one person, Gary Gilmore, has been executed without any appellate review of his case. See

Handwritten: 429 U.S. 1012, 1976. Following Utah's execution of Gilmore, that State amended its law to provide for mandatory, [****44] nonwaivable appellate review. Utah Code Ann. § 77-35-26(10) (Supp. 1989); see also Utah Code Ann. § 76-3-206(2) (1978). The extreme rarity of unreviewed executions in itself suggests the unconstitutionality of such killings. Cf. Enmund v. Florida, 458 U.S. 782, 788-796 (1982) (finding unconstitutional Florida's death penalty for felony murder in part because only 8 of 36 jurisdictions authorized death for such a crime); Coker v. Georgia, 433 U.S. 584, 593-597 (1977) (striking down Georgia's provision for death penalty for rape of adult woman in part because Georgia was only State with such a provision).



The Florida Bar

651 East Jefferson Street
Tallahassee, FL 32399-2300

John F. Harkness, Jr.
Executive Director

850/561-5600
www.FLORIDABAR.org

June 13, 2017

Mr. Darryl T. Whipple
Duval County Jail
500 East Adams Street
Jacksonville, FL 32223

Re: Mr. Alphonse Bernard Perkins; RFA No.: 17-16500

Dear Mr. Whipple:

It appears from your Request for Assistance that you may have a misunderstanding as to what The Florida Bar can and cannot do. The Florida Bar is the licensing agency for all attorneys admitted to practice law in the State of Florida. In cases where discipline is indicated, the disciplinary action is taken against the attorney's licensure, and will not affect or overturn the outcome of any criminal proceeding.

The Florida Bar is not permitted to intervene in proceedings in criminal court. The Florida Bar does not participate in the appointment or removal of attorneys. The appointment of counsel and removal of same is determined by statutory law, case law, and the Rules of Criminal Procedure. Complaints about representation of appointed counsel are best addressed by bringing such matters to the attention of the trial judge or by requesting a Nelson hearing.

The Florida Bar does not have the authority to determine whether your counsel rendered ineffective assistance during your criminal proceeding. For this reason, the filing of a Bar complaint will not affect the outcome of your criminal proceeding. If you feel your lawyer is ineffective, you will need to pursue your remedies with the court.

Consequently, I have closed our record in this matter. Please be advised that my action does not preclude you from consulting with private counsel, nor does it preclude you from exercising any legal remedy which may be available to you. Pursuant to the Bar's records retention schedule, the computer record and file will be disposed of one year from the date of closing.

Sincerely,

Charles Hughes, Bar Counsel
Attorney Consumer Assistance Program

cc: Mr. Alphonse Bernard Perkins

John F. Harkness, Jr.
Executive Director

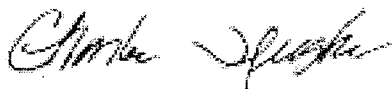
Mr. Darryl T. Wh.
Duval County Jail
500 East Adams Street
Jacksonville, FL 32223

Re: Alphonse Bernard Perkins; RFA No. 17

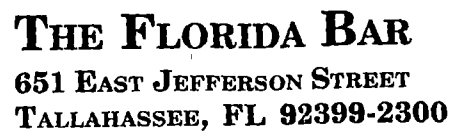
Dear Mr. Whipple:

Enclosed you will find correspondence which was returned to us for no apparent reason, although the outside of the envelope stated "unauthorized items"... the only thing enclosed was a single sheet of paper.

Sincerely,



Charles Hughes, Bar Counsel
Attorney Consumer Assistance Program
ACAP Hotline 866-352-0707



RETURN TO SENDER
Refused by Department of Corrections

☐ Released or Transferred
☒ Need Booking Number & Address
☒ Unauthorized Items

JUN 20 2017
THE FLORIDA BAR BOARD
TALLAHASSEE, FLORIDA

Mr. Darryl T. Whipple
Duval County Jail
500 East
Jacksonville, FL 32202
904/255-1234

NOTES

333 44 1

99334 12/1/57

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

477

30. 223 9973 0000

15-00000-15-00000

202-323-9730

Darryl T. Whipple Sr.

Jail No. 2016026265

PDF 500 E. Adams St.

Jacksonville, FL 32202

PRIVILEGED
Department of Corrections
Jacksonville, FL

PRIVILEGED
Department of Corrections
Jacksonville, FL

Clerk of The Court

501 W. Adams St.

Jacksonville, FL 32202

