

NO. 17-5667

IN THE

SUPREME COURT OF THE UNITED STATES

STEVE AUSTIN JR. - PETITIONER

VS.

STATE OF FLORIDA - RESPONDENT(S)

ON PETITION FOR A REHEARING TO

SUPREME COURT OF THE UNITED STATES

PETITION FOR REHEARING

STEVE AUSTIN JR., PRO SE

GULF C.I. | ANNEX 699 IKE STEELE ROAD

WEWAHITCHKA, FL 32465

(PHONE NUMBER): N/A

QUESTION (S) PRESENTED

1. DID PETITIONER'S WRIT OF CERTIORARI HAVE MERIT?

2. WAS THE PETITIONER DENIED OF HIS DUE PROCESS (14TH)

CONSTITUTIONAL AMENDMENT RIGHT BY THIS COURT DENYING HIS

WRIT OF CERTIORARI WITH NO SUPREME COURT RULES NOR FEDERAL

STATUTES CITED AS TO WHY THE PETITION FOR WRIT OF CERTIORARI

WAS DENIED, AND DENIED WITHOUT AN OPINION?

LIST OF PARTIES

[X] ALL PARTIES APPEAR IN THE CAPTION OF THE CASE ON THE
COVER PAGE.

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APPENDIX A ORDER OF THE SUPREME COURT.

APPENDIX B N/A.

APPENDIX C N/A.

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TABLE OF AUTHORITIES CITED

CASES N/A

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STATUTES AND RULES

28 U.S.C. § 1251

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28 U.S.C. § 1254 (1)

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SUPREME COURT RULE 10. (a), (b)

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OTHER

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(iv)

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR REHEARING

PETITIONER RESPECTFULLY PRAYS THAT A PETITION FOR REHEARING
ISSUE TO REVIEW THE JUDGMENT BELOW.

OPINIONS BELOW

FOR CASES FROM THE SUPREME COURT OF THE UNITED STATES:

THE OPINION OF THE SUPREME COURT OF THE UNITED STATES

APPEARS AT APPENDIX A TO THE PETITION AND IS UNPUBLISHED

BUT HAS BEEN DESIGNATED FOR PUBLICATION BUT IS NOT YET

REPORTED.

JURISDICTION

[X] FOR CASES FROM THE SUPREME COURT OF THE UNITED STATES:

THE DATE ON WHICH THE SUPREME COURT OF THE UNITED STATES DECIDED MY CASE WAS OCTOBER 30, 2017.

A TIMELY PETITION FOR REHEARING IS CURRENTLY BEING FILED / SUBMITTED.

THE JURISDICTION OF THIS COURT IS INVOKED UNDER ARTICLE III OF THE CONSTITUTION OF THE UNITED STATES. SEE

ALSO 28 U.S.C. § 1251; U.S. CONST. AMDT. 11; 28 U.S.C. §§ 1254(1) AND WHATEVER ELSE APPLIES.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

AMENDMENT 6 OF THE UNITED STATES CONSTITUTION

AMENDMENT 11 OF THE UNITED STATES CONSTITUTION

AMENDMENT 14 OF THE UNITED STATES CONSTITUTION

ARTICLE III OF THE UNITED STATES CONSTITUTION

28 U.S.C. § 1251

28 U.S.C. § 1254 (1)

STATEMENT OF THE CASE

1. ON MAY 31, 2017, PETITION FOR A WRIT OF CERTIORARI STAMPED AND MAILED TO THE SUPREME COURT OF THE UNITED STATES. (PETITION FOR THE WRIT OF CERTIORARI DEALS WITH HOW THE THIRD DISTRICT COURT OF APPEALS FOR THE STATE OF FLORIDA ALLOWED PETITIONER'S 5TH AND 14TH CONSTITUTIONAL AMENDMENT RIGHTS TO BE DENIED AND VIOLATED BY FAILING TO CITE FLORIDA RULES OF COURT AND FLORIDA STATUTES REGARDING THE AFFIRMATION - "PER CURIAM. AFFIRMED." - DECISION OF SUCH APPEAL.)

2. THE PETITION WAS FILED ON JUNE 2, 2017, AND PLACED ON THE DOCKET AUGUST 21, 2017 AS NO. 17-5667.

3. ON OCTOBER 30, 2017, THE PETITION WAS DENIED BY THE COURT.

4. THIS PETITION FOR REHEARING FOLLOWS.

REASONS FOR GRANTING THIS PETITION

1. NO SUPREME COURT RULES NOR FEDERAL STATUTES WERE CITED AS TO WHY THE PETITION FOR WRIT OF CERTIORARI WAS DENIED.

2. THE THIRD DISTRICT COURT OF APPEALS - STATE OF FLORIDA HAS DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS (BY AFFIRMING - PER CURIAM. AFFIRMED. - THE LOWER COURT'S DECISION) AND BY BEING THE STATE COURT OF LAST RESORT HAS SANCTIONED SUCH A DEPARTURE BY A LOWER COURT WHICH "CALL(S) FOR AN EXERCISE OF THIS COURT'S SUPERVISORY POWER." PURSUANT TO RULE 10.(a) AND (b) OF THE SUPREME COURT RULES.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: NOVEMBER 11, 2017

NO. 17-5667

IN THE

SUPREME COURT OF THE UNITED STATES

STEVE AUSTIN JR. - PETITIONER

VS.

STATE OF FLORIDA - RESPONDENT(S)

CERTIFICATE OF COUNSEL

I, STEVE AUSTIN JR., DO SWEAR OR DECLARE THAT ON THIS DATE NOVEMBER
11TH, 2017 AS REQUIRED BY SUPREME COURT RULE 44 THAT THIS PETITION
IS PRESENTED IN GOOD FAITH AND NOT FOR DELAY AND THAT IT IS
RESTRICTED TO THE GROUNDS SPECIFIED IN THIS PARAGRAPH (PARAGRAPH 2.).

ⓧ

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

October 30, 2017

Dec. 11-17

Mr. Steve Austin, Jr.
Prisoner ID #959695
Gulf Correctional Institution/Annex
699 Ike Steele Road
Wewahitchka, FL 32465

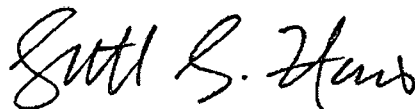
Re: Steve Austin, Jr.
v. Florida
No. 17-5667

Dear Mr. Austin:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,



Scott S. Harris, Clerk

"APPENDIX A"

NO. 17 - 5667

PROVIDED TO GULF CI
MAILROOM

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FOR MAILING
INMATES INITIALS

IN THE

SUPREME COURT OF THE UNITED STATES

STEVE AUSTIN JR. - PETITIONER

VS.

STATE OF FLORIDA - RESPONDENT (s)

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

THE PETITIONER ASKS LEAVE TO FILE THE ATTACHED PETITION FOR REHEARING WITHOUT PREPAYMENT OF COSTS AND TO PROCEED IN FORMA PAUPERIS.

PLEASE CHECK THE APPROPRIATE BOXES:

PETITIONER HAS PREVIOUSLY BEEN GRANTED LEAVE TO PROCEED IN FORMA PAUPERIS IN THE FOLLOWING COURT(S):

SUPREME COURT OF THE UNITED STATES

PETITIONER'S AFFIDAVIT OR DECLARATION IN SUPPORT OF THIS MOTION IS ATTACHED HERETO.

REC-1111
NOV 21 2017
OFFICE OF THE CLERK
SUPREME COURT, U.S.

10-15-77

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, STEVE AUSTIN JR., am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>31.66</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly income:	\$ <u>31.66</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	\$ <u>0</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	\$ <u>0</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	\$ <u>0</u>

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
<u>W/A</u>	<u>N/A</u>	<u>N/A</u>	\$ <u>0</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	\$ <u>0</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	\$ <u>0</u>

4. How much cash do you and your spouse have? \$ 0
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
<u>N/A</u>	<u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
<u>N/A</u>	<u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
<u>N/A</u>	<u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home
Value 0

Other real estate
Value 0

Motor Vehicle #1
Year, make & model N/A
Value 0

Motor Vehicle #2
Year, make & model N/A
Value 0

Other assets
Description N/A
Value 0

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>n/a</u>	\$ <u>0</u>	\$ <u>0</u>
<u>n/a</u>	\$ <u>0</u>	\$ <u>0</u>
<u>n/a</u>	\$ <u>0</u>	\$ <u>0</u>

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
<u>n/a</u>	<u>n/a</u>	<u>n/a</u>

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <u>0</u>	\$ <u>0</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>0</u>	\$ <u>0</u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>0</u>
Food	\$ <u>0</u>	\$ <u>0</u>
Clothing	\$ <u>0</u>	\$ <u>0</u>
Laundry and dry-cleaning	\$ <u>0</u>	\$ <u>0</u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>0</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>0</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>0</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>0</u>
Life	\$ <u>0</u>	\$ <u>0</u>
Health	\$ <u>0</u>	\$ <u>0</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Other: <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Credit card(s)	\$ <u>0</u>	\$ <u>0</u>
Department store(s)	\$ <u>0</u>	\$ <u>0</u>
Other: <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>0</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>0</u>
Other (specify): <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly expenses:	\$ <u>0</u>	\$ <u>0</u>

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? Yes No

If yes, how much? 0

If yes, state the attorney's name, address, and telephone number: N/A

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes No

If yes, how much? 0

If yes, state the person's name, address, and telephone number: N/A

12. Provide any other information that will help explain why you cannot pay the costs of this case.
I AM INDIGENT AND INCARCERATED.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: NOVEMBER 10TH, 2017

0

(Signature)