

# Supreme Court of Florida

FRIDAY, APRIL 17, 2020

CASE NO.: SC20-220

Lower Tribunal No(s).:

2D19-2823; 532009CF00007101XXXX; 532008CF00825601XXXX

JIMMY LEE WHEELER

vs. MARK S. INCH, ETC.

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Petitioner(s)

Respondent(s)

The petition for writ of habeas corpus is hereby denied as procedurally barred. A petition for extraordinary relief is not a second appeal and cannot be used to litigate or relitigate issues that were or could have been raised on direct appeal or in prior postconviction proceedings. *See Denson v. State*, 775 So. 2d 288, 290 (Fla. 2000); *Breedlove v. Singletary*, 595 So. 2d 8, 10 (Fla. 1992). No motion for rehearing will be entertained by this Court.

CANADY, C.J., and POLSTON, LABARGA, LAWSON, and MUÑIZ, JJ., concur.

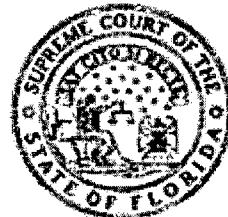
A True Copy

Test:



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John A. Tomasino  
Clerk, Supreme Court



dl

Served:

KENNETH SCOTT STEELY  
JIMMY LEE WHEELER  
HON. STACY M. BUTTERFIELD, CLERK  
C. SUZANNE BECHARD  
HON. MARY BETH KUENZEL, CLERK

SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK

A. (1).

In Re: Wheeler v. Inch, etc. SC No. \_\_\_\_\_  
" Case No. 2D19-2823, To be assigned by The Clerk  
" Related Case. FLSC No. SC20-220  
Habeas Writs Appeal No.: 2D19-2823;  
and No: 2D19-0162,  
" L.T. Case No: CFD8-8256-XX;  
" Unauthorized" Amended No: CFD9-000071-XX.

## Appendix A. (1) pages 1-9;

## Decision of State Court of Appeals

For Corroboration review into the Merits see Appendix G. (2)-(10); State Clearly Agree that it had Nothing to Contest, and that the District Court of Appeal in Case No. 2D19-0162, that the Court's decision does not set forth any facts and does not include any form of legal analysis; that's because "Fraud" is involved, and Fraud has No legal defense; with only one remedy at law, which is to Correct the injustice it knows is Falsely Manifested against Petitioner; in that sense, State has Conceded to Correct the "Malicious Structural errors." See Also, Appendix G. (4).

FL SLC 19-1916, A direct related claim,  
see Appendix G. (10). State has Nothing to  
refute or dispute from the record.

~~Jimmy Lee Wheeler~~  
Jimmy Lee Wheeler,  
D.C.#: B46120,  
Wakulla C.I.

Appendix A. (2)

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING  
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

JIMMY LEE WHEELER, )  
Appellant, )  
v. )  
STATE OF FLORIDA, )  
Appellee. )  
\_\_\_\_\_  
)

Case No. 2D19-162

Opinion filed September 4, 2019.

Appeal pursuant to Fla. R. App. P. 9.141(b)(2) from the Circuit Court for Polk County; William D. Sites, Judge.

Jimmy Lee Wheeler, pro se.

PER CURIAM.

Affirmed. See Wheeler v. State, 237 So. 3d 975 (Fla. 2d DCA 2017) (table decision); Martin v. State, 987 So. 2d 141 (Fla. 2d DCA 2008); McGuire v. State, 979 So. 2d 262 (Fla. 2d DCA 2007).

CASANUEVA, LUCAS, and ROTHSTEIN-YOUAKIM, JJ., Concur.

*Appendix A. (3).*

DISTRICT COURT OF APPEAL  
SECOND DISTRICT  
P.O. BOX 327  
LAKELAND, FL 33802

Dear Appellant:

The attached sheet is a copy of a decision on your appeal in this court.

I am not permitted to explain the reason or reasons the court came to its decision in a case. I can tell you that decisions are reached in an appeal after review by this court of the record from the trial court, the briefs submitted, if applicable (briefs are not required in summary rule 3.850 or 3.800 appeals), as well as oral argument, if any.

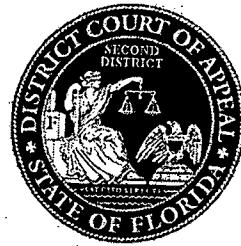
The attached decision means that after reviewing your appeal, this court has determined that there was not reversible error in the action taken by the lower tribunal in your case, and the judgment, order, or sentence you appealed is upheld and stands unchanged (affirmed).

Sincerely,

*Mary Elizabeth Kuenzel*  
Mary Elizabeth Kuenzel  
Clerk

MEK: sg

Attachment



Appendix A. (4).

**DISTRICT COURT OF APPEAL  
SECOND DISTRICT**  
Post Office Box 327  
LAKELAND, FLORIDA 33802  
(863)940-6060

**ACKNOWLEDGMENT OF NEW CASE**

DATE: August 05, 2019

**AMENDED**

STYLE: JIMMY LEE WHEELER

v. STATE OF FLORIDA

2DCA#: 2D19-2823

The Second District Court of Appeal has received the Petition reflecting a filing date of July 25, 2019.  
The county of origin is Polk.

The lower tribunal case number provided is CF08-8256-XX,  
CF09-71-XX.

The filing fee is: No Fee-Habeas Corpus.

Case Type: Habeas Corpus Criminal

The Second District Court of Appeal's case number must be utilized on all pleadings and correspondence filed in this cause. Moreover, ALL PLEADINGS SIGNED BY AN ATTORNEY MUST INCLUDE THE ATTORNEY'S FLORIDA BAR NUMBER.

Please review and comply with any handouts enclosed with this acknowledgment.

cc: Attorney General, Tampa

Jimmy Lee Wheeler

Stacy Butterfield, Clerk

SECOND DISTRICT COURT OF APPEAL OF FLORIDA  
P.O. BOX 327  
LAKELAND, FLORIDA 33802-0327  
(863) 499-2290

Appendix A. (5).

November 12, 2019

Re:

Jimmy Wheeler  
v.  
State of Florida  
Appeal No.: 2D19-2823  
Trial Court No.: CF08-8256-XX; CF09-71-XX  
Trial Court Judge:

Florida Supreme Court  
Attn: Clerk's Office

Attached is a certified copy of the notice invoking the discretionary jurisdiction of the Supreme Court, pursuant to Rule 9.120, Florida Rules of Appellate Procedure. Attached also is this Court's opinion or decision relevant to this case.

The filing fee prescribed by Section 25.241(2)(a), Florida Statutes, was paid through the portal.

The filing fee prescribed by Section 25.241(2)(a), Florida Statutes, was received by this court and is attached.

The filing fee prescribed by Section 25.241(2)(a), Florida Statutes, was not received by this court.

Petitioner/Appellant has been previously determined insolvent by the circuit court or our court in the underlying case.

Petitioner/Appellant has already filed, and this court has granted, petitioner/appellant's motion to proceed without payment of costs in this case.

No filing fee is required because:

- Summary Appeal, pursuant to rule 9.141
- From the Unemployment Appeals Commission
- A Habeas Corpus proceeding
- A Juvenile case
- Other

If there are any questions regarding this matter, please do not hesitate to contact this office.

Sincerely,

Mary Elizabeth Kuenzel  
Clerk

By:

MK: jd

cc: Attorney General  
Jimmy Wheeler

*Appendix A. (6)*

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

October 08, 2019

**CASE NO.: 2D19-0162  
L.T. No.: CF08-8256-XX,  
CF09-71-XX**

**JIMMY LEE WHEELER**

v. **STATE OF FLORIDA**

Appellant / Petitioner(s),

Appellee / Respondent(s).

**BY ORDER OF THE COURT:**

~~X~~ Appellant's motion for rehearing and request for clarification and certification is denied.

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

Served:

Attorney General, Tampa

Helene S. Parnes, A.A.G.  
Stacy Butterfield, Clerk

Jimmy Lee Wheeler

ag

Mary Elizabeth Kuenzel

Mary Elizabeth Kuenzel  
Clerk



*Appendix A. (7).*

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

September 09, 2019

**CASE NO.: 2D19-2823  
L.T. No.: CF08-8256-XX,  
CF09-71-XX**

**JIMMY LEE WHEELER**

**v. STATE OF FLORIDA**

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Appellant / Petitioner(s),

Appellee / Respondent(s).

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**BY ORDER OF THE COURT:**

Petitioner's petition for writ of habeas corpus is denied.  
Petitioner's motion to consolidate is denied.

NORTHCUTT, VILLANTI, and LaROSE, JJ., Concur.

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

Served:

Attorney General, Tampa     Jimmy Lee Wheeler

Stacy Butterfield, Clerk

td

Mary Elizabeth Kuenzel

Mary Elizabeth Kuenzel  
Clerk



Appendix A. (8).

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

October 02, 2019

**CASE NO.: 2D19-2823  
L.T. No.: CF08-8256-XX,  
CF09-71-XX**

**JIMMY LEE WHEELER**

v. **STATE OF FLORIDA**

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Appellant / Petitioner(s),

---

Appellee / Respondent(s).

**BY ORDER OF THE COURT:**

The petitioner's amended motion for rehearing and request for clarification or certification is denied.

The petitioner's motion for rehearing en banc is stricken.

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

Served:

Attorney General, Tampa     Jimmy Lee Wheeler

Stacy Butterfield, Clerk

ag

Mary Elizabeth Kuenzel

Mary Elizabeth Kuenzel  
Clerk



*Appendix A. (q)*

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

April 22, 2020

**CASE NO.: 2D20-0652  
L.T. No.: CF08-8256-XX**

**JIMMY LEE WHEELER**

**v.**

**STATE OF FLORIDA**

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**Appellant / Petitioner(s),**

**Appellee / Respondent(s).**

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**BY ORDER OF THE COURT:**

The petitioner's "request for appointment of counsel to confront and correct structural defects" is denied.

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

Served:

ATTORNEY GENERAL, TAMPA  
STACY BUTTERFIELD, CLERK

JIMMY LEE WHEELER

ag

Mary Elizabeth Kuenzel

Mary Elizabeth Kuenzel  
Clerk

