

*Count to copy*

**SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, DC 20543-0001**

**Document's Cover Sheet**  
**For Resubmitted Petition For Rehearing**  
**pages 1-5**

*Jimmy Lee Wheeler*  
Jimmy L. Wheeler, pro se  
D.C. #: 046120  
Tomoka Correctional Institution

SUPREME COURT OF THE UNTIED STATES  
OFFICE OF THE CLERK  
WASHINGTON, DC 20543-0001  
Dated: July 27, 2022

**In re: Wheeler v. Dixon, Sec. FL DOC, et Al. No: 21-79-20**  
Petitioner – Respondent

**PETITIONER RESUBMITS PETITION FOR REHEARING**

COMES NOW, In corrective Form; the Petitioner, Jimmy Lee Wheeler, pro se, and in proper person before this Honorable Court pursuant to Rule 29(2) respectfully, and timely moves this Court to reconsider Certiorari of a Manifest Injustice, due to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented in this pursuit, on rehearing. Rule 39; review is warranted to correct the injustice here.

**I. BRIEF STATEMENT OF THE CLAIM**

1. There are three major constitutional defects which have clearly intervened with the petitioner's due process and equal protection of the law, undermining the custodial trustee of record's actions in an additional documented 'gun' to wit: 'deadly Weapon'," which made an increasement to the charged offense of simple robbery; see record's excerpts Exhibit A, Also, Constituted serious, intervening Circumstances as follows:

**II. STATEMENT OF THE CASE AND FACTS:**

2. This is a case which should have been corrected by the lower tribunals years ago; and where the Florida Department of Corrections acknowledged the error was due to its computer's malfunctioning to add the 'gun' to each prior robbery, "Admitted in the Appeals' record of the grievance process"; and failed to correct it was a form of "deliberate deception!" and "Obstruction of justice"; which constituted intervening

Circumstances as well as "internal Structural error defects" for ongoing harm which severely prejudiced petitioner by denying due process of law, and the equal protection thereof, etc ...

**GROUND ONE:**

3. Here, petitioner has but one Claim, one issue, and one argument under this Court's ruling and the Supreme Court of Florida; in that, a clearly established Constitutional right to review under public trust have been violated and have also intervened with the court's adjudication in a manner that's (unconstitutional) and cannot be dismissed, waived; or denied, under any claim of "False pretense." for habeas-corpus relief, such a claim is meritorious in *State v. Burton*, 314 So.2d 136, 138 (1975)); *id.* at 1309, see also, [*Anderson v. State*, 574 So.2d 87, 92 (Fla. 1991); [*U.S. v. Russell*, 411 U.S. 423, 431-32, 93 S. Ct. 1637, 36 L. Ed. 2d 366 (1973)]; that's due review for relief.

**LIST OF INTERVENING CIRCUMSTANCES:**

4. Pursuant to Fed. R. Civ. P. 24(a), and Const. Amend V; Article 1, section 9, of the Florida and Untied States Constitution; petitioner has an intervention of right to challenge the custodial documented criminal record, to test the legality of any Fraudulent Misconduct which sustains any portion of the Criminal record! Absent due process of law; to correct the documented record, of DOC.

**Permissive Intervention:**

**III. GROUND FOR REVIEW; #(2)**

5. Pursuant to Rule 24(b)(1)(A) is given a conditional right to intervene by a Federal Statute; or (B) has a claim or defense that shares with the main action a common

question of law or fact; or subsection (b)(2) By a government agency, on timely Motion/petition, the Court may permit a Federal or State governmental official agency to explain the Constitutional defects of an issue put before it on “internal Structural error.”

#### **IV. ARGUMENT**

6. Public injury of any documented Governmental Misconduct which violated petitioner's procedural due process right, would certainly be considered intervening circumstances which merits review, reversal and discharged if proved. Thus, intervening circumstances improper with a “waiver,” etc ... such an erroneous Misconduct for any increasement of a charged offense; constitutes misinformation that would alter the sentencing structure under Fraud, deceit, or Collusion. Id. At 1309 (quoting State v. Burton, 314 So.2d 136, 138 (Fla. 1975)).

#### **V. RELIEF SOUGHT**

7. Here, petitioner is the victim of “false Publication,” where record reveals he has never been charged or adjudicated of robbery with a 'gun'; or any 'Weapon'' in the commission of those prior robbery convictions, for which the order of the Middle District Court would support as “Intervening Circumstances” in such rehearing of petitioner's habeas corpus review should be granted; as well as the relief sought in the writ, etc. Reverse and discharge as they are expired.

#### **VI. CONCLUSION**

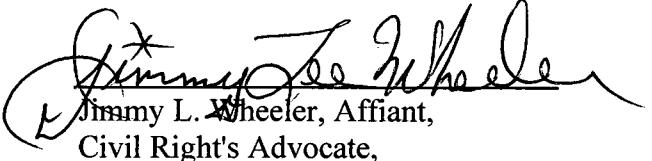
8. The Court should conclude that there is intervening circumstances which defected the lawful process, and rendered sever prejudice to the petitioner for a more serious documented crime than State charged or the court imposed, constituted intervening

circumstances! Absent due process of law. Rule 15; A waiver by defense does not cure the internal Manifest Constitutional error; but rather ensure the judicial intervention was obstruction of justice for the relief sought, This be so prayed.

PROVIDED TO TOMOKA  
CORRECTIONAL INSTITUTION  
ON 12/10/22  
FOR MAILING BY JLW

**DECLARATION AND OATH,**

UNDER PENALTIES OF PERJURY, I declare that I have read the foregoing document; and swear they are filed in "good Faith," presented to this Honorable Court for review and correction for the prior record at issue; and in accordance with section 92.525(2), Florida Statutes (1975). (I.G.W.T.), This Be So prayed.

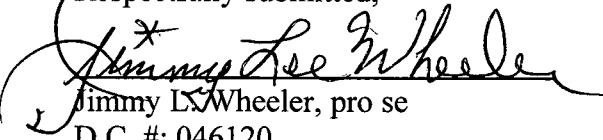
  
Jimmy L. Wheeler, Affiant,  
Civil Right's Advocate,  
In The Legal Pursuit of Justice.

**CERTIFICATE OF SERVICE**

I CERTIFY that a true and correct copy of the foregoing Petition for Rehearing is presented in good Faith and not for any delay; have been placed into the hands of Institutional Staff at Tomoka Correctional Institution, for delivery by U.S. Mail to: Office of the Attorney General c/o Ashley Moody, AG, Criminal Appeals Division, Concourse Center 4, 3507 E. Frontage Rd., Ste. 200, Tampa, FL 33607-7013; To the Supreme Court of the United States, Washington, DC 20543-0001:

on this 27<sup>th</sup> day of July, 2022.

Respectfully submitted,

  
Jimmy L. Wheeler, pro se

D.C. #: 046120

Tomoka Correctional Institution  
3950 Tiger Bay Rd.  
Daytona Beach, FL 32124

cc. The Legal Round Table,  
Whitehouse Associated Press.

