No. 21-7931

In The Supreme Court of The United States

John Bailey, 598365, Petitioner

vs.

State of Florida, Et Al., Respondent(s)

Petition For Rehearing Rule 44 (Please Expedite)

I. In Re denial order dated June 21, 2022 at App. 1.

This Court overlooked the fact that the denied Petition was intended as Petition For Direct Collateral Review (DCR) pursuant to 28 U.S.C. § 1257(a). see Petition at p. 7, Williams v. Pennsylvania, 136 S. Ct. 1899 and argument herein below. I raised my Claims in State Courts the same way as successful whites.

John Bailey, 598365
Bay Correctional Facility
5400 Bayline Drive
Panama City, FL 32404

2. ~~First~~, The petition asked for ("Name of court that Last Ruled on merits of your case") I answered Florida's Second District Court of Appeals when in fact there has never been a ruling on the merits. The closest ruling on merits was when the trial Judge denied my postconviction claims in re ineffective Counsel and the recusal issue. The Judge ruled "you got no proof" or "you can't prove it," This was in spite of the fact that the proof was right in his face. See Apps. B, and C.

Moreover, the orders for Review App. A do not Reflect a ruling on the merits and neither do the orders I supplemented or attempted to supplement for Review. ~~See App~~. and now re-file. See App. A(1), Florida Supreme Court order, May 17, 2020 submitted on May 25, 2022 but returned to me and re-submitted on June 23, 2022 as App. A (1) along with App. A(2) Florida Supreme Court order, June 15, 2022.

Well-settled Supreme Court Laws supports my claim(s) that relief is warranted and is long over-due — "Justice delayed is justice denied." And Constitutional Law § 746.5 ; § 843, LED Digest § 1535, etc.

2

3 This court overlooked the fact that on four separate occasions I raised 28 U.S.C. 1257(a) seeking Direct Collateral Review and each time the papers were returned to me for one reason or another. And that I cited an on point case for 1257(a) Review. See Petition at p. 7. raising Williams v. Pennsylvania, 136 S. Ct. 1899 (2016).

(The Standard of Review under 1257(a) is the de novo standard)

This Court mistakenly used the wrong Standard for Review and did not use 1257(a)).

In Williams, id., a former district attorney pushed for the petitioner's death sentence and later where as a State Supreme Court Justice he refused to recuse himself, denying recusal motions, in regards the case seeking relief. This Court in 2016 held the ~~Court~~ State Supreme Court Justice's refusal to recuse himself violated the Due Process Clause.

In case at hand Judge Brandt Downey "wore two hats at same time," Judge and Prosecutor — in violation of that Same Due Process Clause. App. B. Judge Downey was the ANGRY PROSECUTOR and BIASED JUDGE all wrapped into one, an ~~Angry~~ ANGRY JUDGE trying to force a guilty plea

In case at hand The Judge Mr. Brandt Downey's conduct or actions or threats directed toward attempting to get me to not go to trial and or attempting to coerce me into taking a plea ~~=~~ his attemps to deny my right to trial ~~were~~ were more akin to the prosecutorial role than a neutral unbiased Judge — he pushed or strongly urged for a plea and made it perfectly clear that he would (and did) punish me for going to trial "if convicted." See App. B, Change of Plea, Hearing, November 14, 1991. Moreover, he then blatently lied ~~about~~ in re App B's Contents Claiming he never said the things contained therein. See App. C, motion to Disqualify, September 29, 1992. Surely, Williams, above, is relevant or applicable in case at hand for 11.57 @ Review.

4 This Court overlooked that under State laws my claim(s) in re the Appeals counsel, Judge, etc., was a "dead bang winner" and under State and Federal laws the failure to raise a "dead bang winner" on appeal is ineffective Counsel in violation of well-[redacted] established Supreme Court law. See Strickland v Wainwright, 104 S.Ct. 2052 (1984) and its progeny and See Payne v. United States, 546 F. Supp. 1312 (11th Cir. 2008);

4(a)

native v. Wainwright, 811 F.2d 1430, 1438 (11th Cir. 1987); Casper v. State, 187 So.3d 255 (1DCA 2016). United States v. Cook, 45 F.3d 388, 393 (10th Cir. 1995).

5 my claim of racism by officials at State Court is not necessarily a far-fetched claim and is on record in my case. And see United States v. Brown, 539 F.2d 467 (5th Cir. 1976) ("statement by Judge to attorney... that he was going to preside at [a] defendant's trial and that he 'was going to get that nigger.'"). Brown was granted reversal on appeal. (A racist Judge had presided.)

6 And in a different twist a defendant called a deputy clerk a "nigger" and made strong allegations against Jewish lawyers and Jewish judges; the Court Judge took issue with the attack on the Judges and the Judge then failed to recuse himself and denied motions for recusal. Reversal was had on appeal. See App. 2 Kreager v. State, 566 So.2d 934 (4DCA 1990). I complained about Judge(s) without attacking their religion or Race and I did not use a racial slur against any Court Clerk or other official. However, unlike white man Kreager this Black man defendant (me) was not worthy of

the same relief as given Kreager. See Kreager at App. 2

It is well-settled law that this court can and should correct the injustices here. See Williams, above, 1257 (a); Wiborg v. United States, 163 U.S. 632, 558-59, 16 S.Ct. 1127, 41 L.Ed. 289 (1896); United States v. Atkinson, 297 U.S. 157, 160, 56 S.Ct. 391, 80 L.Ed. 555 (1936); Rule 52 (b) Federal Rules of Criminal Procedure, ~~and Davis v.~~ cited in Davis v. State, 2021 Fla. App. Lexis 6; 46 Fla. L. Weekly D 79 (1DCA 2021).

7 This Court overlooked the facts in re my completed sentences; and it is well-settled law that a prisoner is entitled to file for relief each day that he is illegally or overly-detained as a new cause of action arises "each day" of the over-detention. Due Process and Civil Rights are violated here. And As non-habitual, non-consecutive sentences state laws and Federal law decrees less time to be served in prison than habitual and consecutive sentences, but in spite of the Apps. B and C showing non-habitual, non-consecutive sentences Respondent is making me serve the longer habitual consecutive sentences.

If Respondents were to [redacted] properly apply and calculate the legal non-habitual, non-consecutive sentences of 5 years Count one, 5 years Count 2 and 5 years Count 4 my sentences were completed over a decade ago. Even if them were habitual consecutive to each other they were still completed in October, 2021.

8 This Court mistakenly did not adhere to its holdings to treat pro se filings "liberally" and ~~not hold me and~~ to hold all pro se filers to ~~the~~ less "Stringent standards" than a trained attorney, See Ericson v. Pardus, 127 S. Ct. 2197 (2007).

9 A hearing with Petitioner and a defense attorney and Respondents all in attendence could and should lead to immediate release at said Hearings conclusion.

Justice is "delayed" here and thus "denied." See Knickerbocker Printing Corp v. United States, 99 L Ed 1292 (1954); Ven-Mar of Indian River v. Turner, 614 So. 2d 684 (5 DCA 1993) and State v. Brown, 655 So. 2d 82 (Fla. 1995).

10 Further, the orders under Review do not comport with Florida Law and as such denies me equal protection and due process. The second District Court of Appeal order(s) is deficient as it is one of many orders to deny my original and successive petitions seeking extraordinary relief and neither gives a reason for denial. However, the Court accepts and files and denies all as Topps, below allows successive filings. But there is no use in letting me continue to file multiple times if there is to be no reason given for the denial of my filings. It is like the Court is torturing me — it gives hope by giving no reason for denial then allows the successive petitions just as before to again denn. I believe there should be a ruling on the merits or tell me why not. See Topps v. State, 865 So. 2d 1253 (Fla. 2004).

The "torturing" amounts to cruel and unusual punishment.

11 The Florida Supreme Court orders are just as misleading and violative of equal protection and due process. It allows the multiple successive filings also, and denies them all using basically the same reasons as reflected in App A(1) and A(2). However, it never has reached the merits of even my claim of completed and or illegal sentences and of course not of any other claims. It cites Pettway v. State "bar" as a reason for not considering the merits of claims. And that would probably be O.K. if it then treated me equal to Pettway. It did reach the merits of Pettway's claims. Pettway v. State, 776 So. 2d 930, 931 (Fla 2000). And it is true that I raised the same claims and have been for years — without a ruling on merits.

The Florida Supreme Court has placed a de facto unconstitutional bar on my filings. In Pettway, above, it reached merits of his claims and also the same with others before a bar and an order to show cause in re a bar.

(1) The trial Court barred Pettway's filings after reaching merits,

(2) and then denying after finding no merit.

(2) The Appeals Court reached merits on appeal; (3) The Florida Supreme Court reached merits denied relief and then issued an order to show cause why he should not be barred there. He could not show cause so the Florida Supreme Court then barred him there. Pettway, above.

In case at hand: (1) The trial Court placed a retaliatory bar without giving mandatory relief in re a juge recusal/ineffective counsel issue and did not reach merits, (2) The Appeals Court did NOT reach merits in re the issue raised in post conviction and by habe (ineffective appeals counsel), (3) The Florida Supreme Court placed a de facto bar without reaching merits and without issuing order to show cause as it did in Pettway and in violation of its own law. See State v. Spencer, 751 So.2d 47 (Fla.1999) ("As a matter of practice, the Supreme Court of Florida has first issued orders to show cause before denying a litigant access in this court to challenge his or her conviction, sentence . . . "

Thus, the Florida Courts are applying its laws in a discriminatory manner and unequally. If I were white I would have prevailed when first filed.

12 And, Respectfully, quoting, mr. Justice Clarence Thomas at his confirmation hearings for the Highest Court in the land that he was being the victim of a "legal lynching [as a Nigger] ..."

Fortunately, for mr. Thomas he is an attorney who had powerful advocates some themselves attorneys so he escapes with just a few "rope burns."

I am being legally lynched by that same "system" as mr. Thomas; Trial attorney, appeals attorney both aiding and abetting by standing by doing nothing in regards the unfair, vindictive, biased Judge to the glee of a racist prosecutor (on Record) and condoned by that Judge. Unfortunately, I had no advocates like mr. Thomas had. So I'm still "hanging" or still on the scaffold with a rope around my neck in the final years of my life.

It should be noted that mr. Thomas is in an interracial marriage and so was I.

Surely, mr. Thomas can understand my plight.

Conclusion

Wherefore, please grant Petition for Rehearing.

OATH

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

John Bailey

AUG 01 2022

John Bailey

No. 21- 7931

In The Supreme Court of The United States

John Bailey, 598365, Petitioner

V.S.

State of Florida, Et AL., Respondent(s).

Certification of Counsel — Pro se Rule 44

I hereby certify that the Petition for Rehearing is presented in good faith and not for delay. And I believe it is meritorious.

OATH

I declare under penalty of perjury that the above is true.

John Bailey John Bailey

Certificate of Service

I hereby certify or swear that I have served a copy of this Certification of Counsel on Attorney Gen. of Florida, The Capitol, PL-01, Tal., FL 32399, by Regular U.S. mail, First-class postage prepaid, This 6 day of July, 2022.

John Bailey
John Bailey

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

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

June 21, 2022

Mr. John Bailey
Prisoner ID #598365
Bay Correctional Facility
5400 Bay Line Drive
Panama City, FL 32404

Re: John Bailey
v. Ricky D. Dixon, Secretary, Florida Department of Corrections
No. 21-7931

Dear Mr. Bailey:

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

Scott S. Harris, Clerk

App. 1

JAMES KREAGER, Appellant, v. STATE OF FLORIDA, Appellee
Court of Appeal of Florida, Fourth District
566 So. 2d 934; 1990 Fla. App. LEXIS 7095; 15 Fla. L. Weekly D 2365
Case No. 88-2143
September 19, 1990, Filed

Editorial Information: Subsequent History

Released for Publication October 10, 1990. Rehearing Denied October 10, 1990.

Editorial Information: Prior History

Appeal from the Circuit Court for Broward County; Mark A. Speiser, Judge.

Counsel Richard L. Jorandby, Public Defender, and Louis G. Carres, Assistant Public Defender, West Palm Beach, for appellant.
Robert A. Butterworth, Attorney General, Tallahassee, and Lynn Waxman, Assistant Attorney General, West Palm Beach, for appellee.

Judges: Downey, J. Dell and Gunther, JJ., concur.

CASE SUMMARY

PROCEDURAL POSTURE: Appellant sought review of an order of the Circuit Court for Broward County (Florida), where that court found appellant guilty of direct and indirect contempt of court for uttering a racial slur at a deputy court clerk, and the trial court judge addressed appellant's requests for the judge to recuse himself from the case.In an action for contempt where appellant had filed motions for the trial court judge to recuse himself, the trial court judge was not permitted to take issue with the allegations of prejudice or bias in the motion to recuse.

OVERVIEW: A trial court judge issued a show cause order to appellant, after appellant allegedly uttered a racial slur to a deputy court clerk. Several hearings were held and appellant filed motions to recuse the trial court judge. Appellant based the request for recusal on remarks the trial judge had made about appellant's litigious nature, comments to witnesses, and because the trial judge allegedly knew of appellant's allegations to another court regarding an alleged conspiracy. The trial court judge did not recuse himself, ultimately found appellant guilty of contempt of court, and addressed the issues of prejudice on the record. The court held that the trial court judge was under an obligation not to address the allegations made by a party seeking to recuse the judge from the case. Because of the trial court judge's comments on the alleged prejudice, the order of contempt was reversed and the cause was remanded with directions for the Chief Judge of the circuit court to designate a successor judge to rehear the case.

OUTCOME: The court reversed the trial court's order of contempt and remanded the case to the circuit court for a new hearing by a different judge, as the trial court judge was not permitted to take issue with allegations of bias or prejudice made by a party seeking to recuse the judge from the case.

LexisNexis Headnotes

Civil Procedure > Judicial Officers > Judges > Disqualifications & Recusals > General Overview

App. 2

Civil Procedure > Judicial Officers > Judges > Disqualifications & Recusals > Grounds > Personal Bias

Governments > Courts > Judges

The rule is clear in Florida that a judge cannot take issue with allegations of bias or prejudice made by a party seeking to recuse him from a case. When he does so, he becomes disqualified to continue to preside on the case. The rule applies regardless of whether the motion to recuse or disqualify is legally sufficient.

Opinion

Opinion by: DOWNEY

Opinion

{566 So. 2d 935} Appellant, James Kreager, appeals from an order of the trial court finding him guilty of both direct and indirect contempt of court and sentencing him to ninety days in the Broward County Jail, plus one hundred hours of community service and the expense of the trial court proceedings.

The contempt proceedings arose out of a charge that Kreager had called a Broward County deputy clerk a nigger when she refused to furnish him certified copies of court records without compensation. Word of the incident reached Judge Mark Speiser through his secretary, resulting in the judge's issuing a rule directed to Kreager to show cause why he should not be held in contempt of court "for directing racial slurs towards Betty Jones, Deputy Clerk and abusive conduct affronting the deputy of the court." Several hearings were held before Judge Speiser, at which evidence was adduced relative to the pending charges. On several occasions Kreager filed motions to recuse the judge, which were denied. The matter proceeded with the court ultimately entering the order from which Kreager has perfected this appeal. The state has conceded here that the order of direct contempt is erroneous and need not be considered.

We do not reach the other aspect of the order under consideration because, in our view, the trial judge became disqualified to consider the contempt charge on the merits as a result of his taking issue with Kreager over some of the latter's allegations of bias and prejudice against him in support of his motion for recusal.

Early on in the proceedings, Kreager suggested that he feared he would not receive a fair trial at the judge's hands because of remarks the judge had made about Kreager including his general litigious conduct. He felt uneasy also because the judge had discussed the charge with witnesses in the preparatory stages of the matter without Kreager's being present, and had charged Kreager with lying in open court. At some point in the proceedings, Kreager made the suggestion that the judge may also be prejudiced against him because the judge was familiar with some allegations Kreager had made in the Supreme Court of Florida concerning a conspiracy between Jewish lawyers and Jewish judges.

Thus, at the end of counsels' arguments, after the conclusion of the evidence, Judge Speiser stated:

Okay. There's a couple of things I want to say before I pronounce my ruling in this particular case.

Mr. Kreager, you have made certain allegations that I feel that I need to address. Number one, about my knowledge of some motion you filed with the Florida Supreme Court about Jewish judges being in conspiracy with Jewish lawyers, I didn't and I do not until this day have any knowledge about any motion you have with the Florida Supreme Court or whatever type of proceeding you have instituted in front of the Florida Supreme Court about religious preference and some type of conspiracy you are suggesting is in existence between the lawyers and judges of the Jewish faith. I didn't at the time your case was in front of me involving the City of Fort Lauderdale, nor did I at the time you were questioned by the Court on April 25th, nor at this time, do I know anything about this Jewish conspiracy that you are suggesting exists between the judges and the attorneys.

We appreciate the natural tendency to take issue with and refute accusations considered by the subject to be false. However, the rule is clear in Florida that a judge cannot take issue with allegations of bias or prejudice made by a party seeking to recuse him from a case. When he does so, he becomes disqualified to continue to preside on the case. *Bundy v. Rudd*, 366 So.2d 440 (Fla. 1978); *Ryon v. Reasbeck*, {566 So. 2d 936} 525 So.2d 1024 (Fla. 4th DCA1988); *Gieseke v. Moriarty*, 471 So.2d 80 (Fla. 4th DCA1985). And, at that point, the rule applies regardless of whether the motion to recuse or disqualify is legally sufficient. *Fischer v. Knuck*, 497 So.2d 240 (Fla. 1986); *Cardinal v. Wendy's of South Florida, Inc.*, 529 So.2d 335 (Fla. 4th DCA1988); *Haggerty v. State*, 531 So.2d 364 (Fla. 1st DCA1988).

Accordingly, on this record, which we have very briefly summarized, we believe the trial judge was required to recuse himself and leave the merits of the cause to be decided by another. We, therefore, reverse the order appealed from and remand the cause with directions to the trial judge to recuse himself and request the Chief Judge of the court to designate a successor judge to take over the case and rehear it.

Returned 6/14/22 Received back 6/21/22

The Supreme Court of The United States

John Bailey, 598365,
[redacted] Petitioner,
vs. SC Case No. 21-7931
State of Florida, Et AL., State Courts Nos. SC 22-329
Respondent(s). 2D22-0239
SC22-529

Petitioner's Motion For Leave To Supplement and Supplement

On April 25, 2022 I filed Petition For Writ under 1257(a) ~~of Habeas Corpus~~ at Bay correctional Facility which was date stamped by the prison and then forwarded to [redacted] The Court on that date. The Supplement is an order denying, as procedurally barred, my claims in re ineffective trial and appeal counsel and biased Judge, etc. The order dated may 17, 2022 does not make sense to me in view of the facts in this case, as my issues were timely and properly raised years ago. I believe I should have been given relief when I first filed. Additional order for Court's review dated may 17, 2022 herewith. Note The order does not mention an abuse bar as mentioned before. see my may 11, 2022 Affidavit. ~~But see~~
wherefore, please accept this paper for Review. It is obvious Respondent(s) is prolonging resolution waiting, hoping I die of old age or chronic illness.

OATH

I declare under penalty of perjury the above is true.

John Bailey

RECEIVED
JUN 13 2022
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Certificate of Service

I hereby certify that I have furnished a copy of the above to Clerk of Court, Sup. Ct. of the U.S., 1 First St. N.E., Wash., D.C., 20543-0001 and Pam Bondi, AG of Fla., The Capitol, PL-01, Tal., FL 32399, via Regular U.S. mail, this 25 day of may 2022; ~~22 day of June, 2022.~~

App. AG

MAY 25 2022

John Bailey

5

Supreme Court of Florida

TUESDAY, MAY 17, 2022

CASE NO.: SC22-329
Lower Tribunal No(s).:
522015CF012176000APC; 521991CF019920XXXXNO

JOHN BAILEY

vs. FLORIDA COMMISSION ON OFFENDER REVIEW

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). Any motions or other requests for relief are also denied. No motion for rehearing or reinstatement will be entertained by this Court.

LABARGA, LAWSON, MUÑIZ, COURIEL, and GROSSHANS, JJ., concur.

A True Copy
Test:

John A. Tomasino
Clerk, Supreme Court

Supplemental App. A(1)

The Supreme Court of The United States

John Bailey, 598365,

Petitioner,

SC Case No. 21-7931

vs.

State of Florida, Et AL.,

Respondents.

Petitioner's Motion For Leave TO Supplement with Apps.

And Supplemental App. A(1) and App. A(2)

Respondents will not be prejudiced.

Again, I can find no other case in Florida, Criminal or Civil, where a white litigant in a similar situation, albeit less egregious conduct of Judge there, was denied relief.

And still Respondents will not even consider claims of illegal and or completed sentences or over-detention by years!

It is obvious that Respondents all along are hoping I die in prison without resolution and rectification of the manifest injustices heaped upon me see App. B: "And if [you don't take my offer and you ~~reject~~ go to trial], you will never get out of jail during your lifetime,' [etc.]" Judge Downey's promise which Respondents intend to keep. I hope Respondents do nothing more overt to hasten My death. They are already neglecting some of my serious medical needs.

Supplemental Apps. A (1) and A (2), Florida Supreme Court orders of May 17, 2022 and June 15, 2022, respectively.

wherefore, please grant.

OATH

I declare under penalty of perjury the above is true.

John Bailey

JUN 23 2022

No. 21-7931

In The United States Supreme Court

John Bailey, 598365, - Petitioner,

VS.

State of Florida, Et AL. - Respondent(s).

Proof of Service

I John Bailey, do swear or declare that on this date, June 13, 2022, as required by Supreme Court Rule 29 I have served the enclosed motion for leave to supplement and motion to supplement on parties counsel by hand-delivery to mailroom official at Bay Correctional Facility for mailing by Regular U.S mail first-class postage prepaid to: Pam Bondi, Attorney General of Florida, The Capitol, PL-01, Tal., FL 32399.

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

JUN 23 2022

Executed on June 23, 2022

John Bailey
Bay Corr. Facility
5400 Bayline Drive
Panama City, FL 32404

Supreme Court of Florida

TUESDAY, MAY 17, 2022

CASE NO.: SC22-329
Lower Tribunal No(s).:
522015CF012176000APC; 521991CF019920XXXXNO

JOHN BAILEY vs. FLORIDA COMMISSION ON OFFENDER REVIEW

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). Any motions or other requests for relief are also denied. No motion for rehearing or reinstatement will be entertained by this Court.

LABARGA, LAWSON, MUÑIZ, COURIEL, and GROSSHANS, JJ., concur.

A True Copy
Test:

John A. Tomasino
Clerk, Supreme Court

SUPREME COURT OF THE STATE OF FLORIDA

Supplemental App. A(1)

Supreme Court of Florida

WEDNESDAY, JUNE 15, 2022

CASE NO.: SC22-529
Lower Tribunal No(s).:
521991CF019920XXXXNO

JOHN BAILEY vs. RICKY D. DIXON, ETC.

Petitioner(s) Respondent(s)

To the extent that Petitioner challenges his sentences, the petition for writ of habeas corpus is hereby dismissed because this Court generally will not consider the repetitive petitions of persons who have abused the judicial processes of the lower courts such that they have been barred from filing certain actions there. *See Pettway v. State*, 776 So. 2d 930, 931 (Fla. 2000). To the extent that Petitioner seeks additional relief, the petition is denied because petitioner raises the same issues that he raised in *Bailey v. Inch*, No. SC20-543, 2020 WL 2555093 (Fla. May 20, 2020), which was denied, and *Bailey v. Inch*, No. SC21-374, 2021 WL 2917251 (Fla. July 12, 2021), which was dismissed in part and denied in part. *Cf. Topps v. State,* 865 So. 2d 1253 (Fla. 2004). Any motions or other requests for relief are also denied. No motion for rehearing or reinstatement will be entertained by this Court.

LABARGA, LAWSON, MUÑIZ, COURIEL, and GROSSHANS, JJ., concur.

A True Copy
Test:

Supplemental App. A (2)

John A. Tomasino
Clerk, Supreme Court

SUPREME COURT OF THE STATE OF FLORIDA

No. 21-7931

In The United States Supreme Court

John Bailey, 598365, Petitioner

vs.

State of Florida, Et AL., Respondents

Proof of Service

I, John Bailey, do swear or declare that on this date, July 6, 2022 as required by Supreme Court Rule 29 I have served the enclosed ~~Motion For Leave To Proceed In Forma Pauperis~~ and ~~Motion For Leave To File Petition For Rehearing~~ and Petition For Re-hearing and certification of Counsel Pro se on or to Clerk of Court, Supreme Court of the United States, 1 NE First St., Wash., D.C. 20543-0001 and Attorney Gen. of Florida, The Capitol, PL-01, Tal., FL 32399, by U.S. mail, First-class postage prepaid.

RECEIVED
JUL 19 2022
OFFICE OF THE CLERK
SUPREME COURT, U.S.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 6, 2022.

JUL 08 2022

AUG 01 2022

John Bailey

John Bailey

A