

No. 22-6017

IN THE
SUPREME COURT OF THE UNITED STATES

REGINALD EUGENE GRIMES - PETITIONER,

vs.

UNITED STATES OF AMERICA - RESPONDENT.

PRO SE PETITION FOR **REHEARING** ON PETITION FOR WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

PRO SE PETITION FOR **REHEARING**

REGINALD EUGENE GRIMES
USM #40127-004
PENSACOLA FEDERAL PRISON CAMP
P.O. BOX 3949
PENSACOLA, FLORIDA 32516

GROUND(S) PRESENTED

- GROUND ONE: THE GOVERNMENT KNOWINGLY PRESENTED "FALSE STATEMENTS IN THE OPENING STATEMENT AND ORCHESTRATED THE GOVERNMENT'S KEY WITNESS TO PRESENT PERJURED TESTIMONY AND CAPITALIZED ON THE PERJURED TESTIMONY DURING CLOSING ARGUMENTS TO OBTAIN THE GUILTY VERDICTS FOR DISTRICT COURT CASE NO. 9:15-CR-80003-MIDDLEBROOKS/BRANNON..... 5
- GROUND TWO: THE HONORABLE UNITED STATES DISTRICT JUDGE DONALD M. MIDDLEBROOKS KNOWINGLY VIOLATED "FEDERAL RULES OF CRIMINAL PROCEDURE RULE 32" DURING AND AFTER PETITIONER'S SENTENCING HEARING ON OCTOBER 8TH, 2015... 7
- GROUND THREE: THE GOVERNMENT KNOWINGLY LIED ABOUT MATERIAL ELEMENTS OF FACTS TO THE HONORABLE DISTRICT JUDGE DONALD M. MIDDLEBROOKS DURING PETITIONER'S SENTENCING HEARING THAT WOULD CHANGE THE OUTCOME OF PETITIONER'S CONVICTIONS and/or SENTENCES, IN BEHALF OF DISTRICT COURT CASE NO. 9:15CR80003-DMM..... 9
- GROUND FOUR: THE APPELLATE COUNSEL (RICHARD L. ROSENBAUM) DELIBERATELY REFUSED TO RAISE PETITIONER'S PRESERVED FEDERAL RULES OF CRIMINAL PROCEDURE RULE 32 VIOLATION ARGUMENTS DURING PETITIONER'S DIRECT APPEAL..... 10

LIST OF PARTIES

A list of all parties to the proceedings in the Court whose judgment is the subject of this petition is as follows:

Anderson, Kevin, Esq., Counsel for Buckle;
Benavidez, Cynthia, Co-defendant;
Berman, Randall, Esq., Counsel for Richardson;
Blye, Barlington, Co-defendant;
Brannon, Hon. Dave Lee, Magistrate Judge;
Buckle, Stpfone, Co-defendant;
Casuso, Louis, Esq., Counsel for Benavidez and Escamilia, Jr.;
Cooley, Edward, United States Federal Probation Officer;
Dawkins, Jermaine, Co-defendant;
Escamilia, Jr., Antonio, Co-defendant;
Ferrer, Wifredo A., United States Attorney;
Fleischman, Jack, Esq., Counsel for Dawkins;
Freidman, Jonathan, Esq., Counsel for Walker;
Garber, Hon. Barry, Magistrate Judge;
Garland, Jeffrey, Esq., Counsel for Dawkins;
Gelety, Michael, Esq., Counsel for Wise;
Gershman, Robert, Esq., Stand-by Counsel for Grimes-Petitioner
Greenberg, Benjamin G., United States Attorney;
Greitzer, Howard, Esq., Counsel for Christopher Moore;
Griffith, Brian, Delray Beach Florida's Police Officer;
Grimes, Reginald Eugene, Petitioner;
Hart, Jim, United States Federal Marshal;
Hopkins, Hon. James M., Magistrate Judge;
Hunter, Darrell K., Delray Beach Florida's Police Officer (The HUSBAND during
and at the Time of said Investigation and Arrest of Co-defendant Errica Hunter);
Hunter, Errica, Co-defendant;
Johnson, Delrick, Co-defendant;
Kasen, Jonathan, Esq., Counsel for Blye;
Keating, Robert, Delray Beach Florida's Police Officer;
Leon, Carlos, Palm Beach Gardens Florida's Police Officer;
Lerman, Gregg, Esq., Counsel for Grimes-Petitioner;

Linehan, William, Federal Drug Enforcement Agent;
Lucas, Mark, Delray Beach Florida's Police Officer;
MacRae, Patrick, Esq., Counsel for Hunter;
Mallona, Brian, Esq., Counsel for Richardson;
Matthewman, Hon. William, Magistrate Judge;
McKinzie, Willie, Co-defendant;
McMichael, Adam C., Assistant United States Attorney;
Merlino, Richard, Esq., Counsel for Buckle;
Messer, Jeffrey, Delray Beach Florida's Police Officer;
Middlebrooks, Hon. Donald M., The District Judge;
Miller, Diane, RMR, CRR, Official United States Court Reporter;
Moore, Christopher, Co-defendant;
Moore, Gary B., Co-defendant;
Orshan, Ariana Fajardo, United States Attorney;
Pacheco, Adan, Delray Beach Florida's Police Officer;
Regan, Edward, Esq., Counsel for Grimes-Petitioner;
Reid, Hon. Lisette M., Magistrate Judge;
Ricardo, Leal, The Sprint Telecommunications Representative;
Richardson, Reginald, Co-defendant;
Rodriguez, Valentine, Esq., for Johnson;
Rosenbaum, Richard, Esq., Appellate Counsel for Grimes-Petitioner;
Rott, Richard, Riviera Beach Florida's Police Officer;
Rubio, Lisa Tobin, Assistant United States Attorney;
Sabri, Lida, Avis/Budget Renter Car Employee;
Santucci, Michael E., Supervising United States Federal Probation Officer;
Saracini, Matthew, Delray Beach Florida's Police Officer;
Schlessinger, Stephen, Assistant United States Attorney;
Smachetti, Emily M., Assistant United States Attorney;
Smith, Michael G., Counsel for Gary Moore;
Stickney, Robert, Esq., Counsel for McKinzie;
Stipes, Pauline, RMR, CRR, Official United States Court Reporter;
Suarez, Christine M., Delray Beach Florida's Police Officer;
Wahid, Khurram, Esq., Counsel for Wilson;
Walker, Jermaine, Co-defendant;
Weisberg, Frances, United States Federal Probation Officer;
White, Charles, Esq., Counsel for Williams-Norris;
Williams-Norris, Jerry, Co-defendant;
Wilson, David, Co-defendant;
Wise, Lakisha L., Co-defendant; and
Wright, Kimberly, Federal Drug Enforcement Wiretap Agent.

TABLE OF CONTENTS

JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....	3
STATEMENT OF FACTS.....	4
GROUND FOR GRANTING THE PRO SE PETITION FOR REHEARING.....	5
CONCLUSION.....	11

INDEX TO APPENDIXES/EXHIBITS

- APPENDIX/EXHIBIT "1" - A copy of the **October 4, 2022**, Letter from Petitioner to The Honorable Deputy Clerk, Mr. Clayton R. Higgins, Jr., that consist of **Four (4) Pages**.
- APPENDIX/EXHIBIT "2" - A copy of the **November 8, 2022**, Letter from The Case Analyst "Mr. Clayton R. Higgins, Jr., that consist of **One (1) Page**".
- APPENDIX/EXHIBIT "3" - A copy of the **December 5, 2022**, Letter from The Honorable Clerk of Court "Mr. Scott S. Harris" that consist of **One (1) Page**.
- APPENDIX/EXHIBIT "4" - A copy of the **October 6, 2015**, "SECOND ADDENDUM TO THE PRESENTENCE REPORT."
- APPENDIX/EXHIBIT "5" - A copy of the **May 9, 2017**, Email from Petitioner to Appellate Counsel Richard L. Rosenbaum.
- APPENDIX/EXHIBIT "6" - A copy of the **February 21, 2020**, Eleventh Circuit Court of Appeals **PER CURIAM AFFIRMED** for The Federal Rules of Criminal Procedure **RULE 32 Violation** for Appeal Case No: 19-13362 (See United States v. Reginald Eugene Grimes, Sr., a.k.a. Bro Man, 803 Fed. Appx. 349 (11th Cir. Feb. 21, 2020)).

TABLE OF AUTHORITIES CITED

CASE(S)	PAGE NUMBER(S)
<u>COOPER v. PATE</u> , 12 L.Ed.2d 1030 (1964).....	11
<u>DeMARCO v. UNITED STATES</u> , 928 F.2d 1074 (11TH CIR. 1991).....	6
<u>GIGLIO v. UNITED STATES</u> , 405 U.S. 150, 31 L.Ed.2d 104 (1972).....	6
<u>HAINES v. KERNER</u> , 30 L.Ed.2d 652 (1972).....	4
<u>KINSELLA v. UNITED STATES</u> , 361 U.S. 234, 4 L.Ed.2d 268 (1960).....	7
<u>MOONEY v. HOLOHAN</u> , 294 U.S. 103, 79 L.Ed. 791 (1935).....	6
<u>NAPUE v. ILLINOIS</u> , 360 U.S. 264, 79 S.Ct. 1173, 3 L.Ed.2d 1217 (1959).....	6
<u>PAUL L. GLOVER v. UNITED STATES</u> , 148 L.Ed.2d 604 (2001).....	11
<u>PYLE v. KANSAS</u> , 317 U.S. 213, 63 S.Ct. 177, 87 L.Ed. 214 (1942).....	6
<u>UNITED STATES v. AGURS</u> , 427 U.S. 97, 49 L.Ed.2d 342 (1976).....	7
<u>UNITED STATES v. ESTRADA</u> , 2022 U.S. App. LEXIS 8648 (11TH CIR. MARCH 31, 2022)...	9
<u>UNITED STATES v. REGINALD EUGENE GRIMES, SR., a.k.a. Bro Man</u> , 705 Fed. Appx. 849 (11TH CIR. FLA. AUG. 25, 2017).....	10
<u>UNITED STATES v. REGINALD EUGENE GRIMES, SR., a.k.a. Bro Man</u> , 803 Fed. Appx. 349 (11TH CIR. FEB. 21, 2020).....	11
<u>UNITED STATES v. RODRIQUEZ</u> , 732 F.3d 1299, 1305 (11TH CIR. 2013).....	9

STATUTES AND RULES

FEDERAL RULES OF CIVIL PROCEDURE RULE 59.....	5-11
FEDERAL RULES OF CIVIL PROCEDURE RULE 60(b).....	5-11
FEDERAL RULES OF CIVIL PROCEDURE 28 U.S.C. §2255.....	5-11
FEDERAL RULES OF CRIMINAL PROCEDURE RULE 32.....	5-11
21 U.S.C. §841(a)(1).....	5-11
21 U.S.C. §841(b)(1)(A) and (C).....	5-11
21 U.S.C. §846.....	5-11
28 U.S.C. §1254(1).....	2
THE UNITED STATES SUPREME COURT RULE 29.....	35
THE UNITED STATES SUPREME COURT RULE 39.8.....	5
THE UNITED STATES SUPREME COURT RULE 44.....	2, 5-11

IN THE
SUPREME COURT OF THE UNITED STATES

PRO SE PETITION FOR **REHEARING** ON PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that This Honorable Supreme Court of The United States
GRANT Petitioner's "Pro se Petition For **Rehearing** On Petition For Writ of Certiorari.

JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. §1254(1) and The United States Supreme Court's **Rule 44**.

CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED

FIFTH (5TH) UNITED STATES CONSTITUTIONAL AMENDMENT RIGHTS..... 5-11
SIXTH (6TH) UNITED STATES CONSTITUTIONAL AMENDMENT RIGHTS..... 5-11
EIGHTH (8TH) UNITED STATES CONSTITUTIONAL AMENDMENT RIGHTS..... 5-11
FOURTEENTH (14TH) UNITED STATES CONSTITUTIONAL AMENDMENT RIGHTS..... 5-11

No: 22-6017

IN THE
SUPREME COURT OF THE UNITED STATES

REGINALD EUGENE GRIMES - PETITIONER,

vs.

UNITED STATES OF AMERICA - RESPONDENT.

PRO SE PETITION FOR REHEARING

COME NOW, Petitioner (Reginald Eugene Grimes) Pro se¹, files this "Pro se Petition For Rehearing."

STATEMENT OF FACTS

Petitioner would state the following:

#1. Petitioner would like the records to reflect that on **September 22, 2022**, Petitioner mailed the original "Petition for Writ of Certiorari" and the original "Motion For Leave To Proceed In Forma Pauperis and Affidavit or Declaration In Support of Motion For Leave To Proceed In Forma Pauperis", in which was received on **September 28, 2022**, by This Honorable United States Supreme Court.

#2. Petitioner would like the records to reflect that on **September 29, 2022**, The Case Analyst Clerk "Mr. Clayton R. Higgins, Jr." mailed "The entitled (Grimes v. United States, **USA11 No. 22-10206**) petition for writ of certiorari back to Petitioner in **Error**", in which Petitioner received on **October 3, 2022**, and on **October 4, 2022**, Petitioner supplied "The Honorable Deputy Clerk "Mr. Clayton R. Higgins, Jr." a **Letter of Direction that stated True Facts that Petitioner supplied said "Opinion of The Honorable District Court."** (See Exhibit- 1 - A copy of the **October 4, 2022**, Letter from Petitioner to The Honorable Deputy Clerk, Mr. Clayton R. Higgins, Jr., that consist of **Four (4) Pages**).

(1) Haines v. Kerner, 30 L.Ed.2d 652 (1972), "Pro se litigant pleadings are to be construed liberally and held to less stringent standards than formal pleadings drafted by lawyers;..."

#3. Petitioner would like the records to reflect that on November 8, 2022, The Case Analyst "Mr. Clayton R. Higgins, Jr." mailed "The entitled (Reginald Eugene Grimes v. United States, No. 22-6017), in which notified Petitioner that said petition for a writ of certiorari was filed on September 22, 2022 and placed on the docket November 8, 2022 as No. 22-6017 (See Exhibit- 2 - A copy of the November 8, 2022, Letter from The Case Analyst "Mr. Clayton R. Higgins, Jr., that consist of One (1) Page), in which Petitioner was never informed of the \$300.00 Dollar Filing Fee, in which Petitioner expressed in "The Pro se Motion For Leave To Proceed In Forma Pauperis, dated September 22, 2022" that Petitioner was Willing To PAY COURT COST.

#4. Petitioner would like the records to reflect that on December 9, 2022, Petitioner received the December 5, 2022, Letter from The Honorable Clerk of Court "Mr. Scott S. Harris, entitled (Reginald Eugene Grimes, Sr. v. United States, No. 22-6017), in which notified Petitioner that the motion of petitioner for leave to proceed in forma pauperis is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8. (See Exhibit- 3 - A copy of the December 5, 2022, Letter from The Honorable Clerk of Court "Mr. Scott S. Harris" that consist of One (1) Page).

**MEMORANDUM OF LAW
AND
LEGAL ARGUMENTS OF FACTS**

Petitioner would like the records to reflect that This Honorable United States Supreme Court's "ORDER" on December 5, 2022, that Petitioner's "Writ of Certiorari" is **dismissed** pursuant to "United States Supreme Court RULE 39.8" (See Exhibit- 3), is in **Complete Error of Law** based on prior "United States Supreme Court's Rulings" and prior "United States Eleventh Circuit Court of Appeals Rulings" and said "Writ of Certiorari" is NOT Frivolous nor is said "Writ of Certiorari" is NOT Malicious, in which Petitioner is ONLY Seeking "EQUAL JUSTICE UNDER LAW" and The Eyes of Justice to Protect Petitioner's 5th, 6th, 8th and 14th United States Constitutional Amendment Rights, because said "Legal Arguments of Facts" in Petitioner's "Writ of Certiorari (United States Supreme Court Docket No. 22-6017)" is a First Impression Case and said "PRO SE PETITION FOR RE-HEARING" will state the following:

GROUND ONE: THE GOVERNMENT KNOWINGLY PRESENTED "FALSE STATEMENTS IN THE OPENING STATEMENT AND ORCHESTRATED THE GOVERNMENT'S KEY WITNESS TO PRESENT PERJURED TESTIMONY AND CAPITALIZED ON THE PERJURED TESTIMONY DURING CLOSING ARGUMENTS TO OBTAIN THE GUILTY VERDICTS FOR DISTRICT COURT CASE NO. 9:15-CR-80003-MIDDLEBROOKS/BRANNON

Petitioner would like the records to reflect that on July 27, 2015, (AUSA) Adam C. McMichael Knowingly and Deliberately presented "FALSE STATEMENTS in his ((AUSA) Adam C. McMichael's) "OPENING STATEMENT" (See CR ECF 750, Page 108, Lines 16-20; and Compare CR ECF 341, Pages 1, 2, 4, 5 and 6; and Compare CR ECF 748, Page 3, Paragraphs 3 and 4 (See Exhibit- 4 - A copy of the October 6, 2015, "SECOND ADDENDUM TO THE PRESENTENCE REPORT") for District Court Case No. 9:15-CR-

80003-MIDDLEBROOKS/BRANNON).

Petitioner would like the records to reflect that on July 28, 2015, (AUSA) Adam C. McMichael Knowingly and Deliberately Allowed "PERJURED TRIAL TESTIMONY" by Encouraging "The Government's Key Witness/Head of the Indictment "Gary Bernard Moore"" to Commit PERJURY Under Oath (See CR ECF 751, Pages 237-239, Lines 14-7; and Compare CR ECF 341, Pages 1, 2, 4, 5 and 6; and Compare CR ECF 748, Page 3, Paragraphs 3 and 4 (See Exhibit- 4) for District Court Case No. 9:15-CR-80003-MIDDLEBROOKS/BRANNON).

Petitioner would like the records to reflect that on July 29, 2015, (AUSA) Adam C. McMichael Knowingly and Deliberately Allowed "The Government's Key Witness "Gary Bernard Moore"" to Continue to Commit Perjury Under Oath (See CR ECF 752, Page 55, Lines 9-25; and Compare CR ECF 341, Pages 1, 2, 4, 5 and 6; and Compare CR ECF 748, Page 3, Paragraphs 3 and 4 (See Exhibit- 4) for District Court Case No. 9:15-CR-80003-MIDDLEBROOKS/BRANNON).

Petitioner would like the records to reflect that on July 30, 2015, (AUSA) Adam C. McMichael had Government's Witness Sgt. Robert Keating to Testify that Alleged Co-defendant "Antonio Escamilla, Jr." was directing Alleged Co-defendant "Cynthia Benavidez" from jail. (See CR ECF 753, Page 39, Lines 9-15; and Compare CR ECF 338 and 341, Page 1; and Compare CR ECF 748, Page 3, Paragraphs 3 and 4 (See Exhibit- 4) for District Court Case No. 9:15-CR-80003-MIDDLEBROOKS/BRANNON).

Petitioner would like the records to reflect that on July 31, 2015, (AUSA) Adam C. McMichael Knowingly and Deliberately "CAPITALIZED" on the Perjured Testimony of "The Government's Key Witness/Head of the Indictment "Gary Bernard Moore" about the WEIGHT of The Alleged Heroin Substance" in CLOSING ARGUMENTS, in which was what cause the Trial Jury to Return Guilty Verdicts of a "Kilo or More of Heroin" for Counts One and Eight of the Redacted Indictment. (See CR ECF 776, Page 13, Lines 10-12 and Lines 15-18; and See CR ECF 776, Page 45, Lines 2-10; and Compare CR ECF 341, Pages 1, 2, 4, 5 and 6; and Compare CR ECF 748, Page 3, Paragraphs 3 and 4 (See Exhibit- 4) for District Court Case No. 9:15-CR-80003-MIDDLEBROOKS/BRANNON). See DeMARCO v. United States, 928 F.2d 1074 (11th Cir. 1991), which states in part: "...In Giglio v. United States, 405 U.S. 150, 153, 92 S.Ct. 763, 765, 31 L.Ed.2d 104 [928 F.2d 1076] (1972), the Supreme Court said, 'as long ago as Mooney v. Holohan, 294 U.S. 103, 112, 55 S.Ct. 340, 341, 79 L.Ed. 791 (1935) this court made clear that deliberate deception of a court and jurors by the presentation of known false evidence is incompatible with 'rudimentary demands of justice'. This was reaffirmed in Pyle v. Kansas, 317 U.S. 213, 63 S.Ct. 177, 87 L.Ed.214 (1942). [1991 U.S. App. LEXIS 4] In Napue v. Illinois, 360 U.S. 264, 79 S.Ct. 1173, 3 L.Ed.2d 1217 (1959), we said 'the same result obtains when the State, although not soliciting false evidence, allows it to go uncorrected when it appears. Id. at 269, 79 S.Ct. at 1177.'...A conviction must be overturned which rests in part

upon the [1991 U.S. App. LEXIS 8] knowing use of false testimony if there is any reasonable likelihood that the false testimony could have affected the judgment of the jury. *United States v. Agurs*, 427 U.S. 97, 96 S.Ct. 2392, 49 L.Ed.2d 342 (1976)...We conclude that the prosecutor's argument to the jury capitalizing on the perjured testimony reinforced the deception of the use of false testimony and thereby contributed to the deprivation of due process. The judgment of conviction of DeMarco is VACATED..."

Petitioner would like the records to reflect that Petitioner's 5th and 14th United States Constitutional Amendment Rights are in Complete Violation because (AUSA) Adam C. McMichael Knowingly and Deliberately presented "FALSE STATEMENTS in his OPENING STATEMENTS" on July 27, 2015, and (AUSA) Adam C. McMichael Knowingly and Deliberately Allowed "The Government's Key Witness/ Head of the Indictment "Gary Bernard Moore"" to Commit PERJURY Under Oath on July 28, 2015 and July 29, 2015, and (AUSA) Adam C. McMichael Knowingly and Deliberately "CAPITALIZED" on the Perjured Testimony of "The Government's Key Witness/Head of the Indictment "Gary Bernard Moore" about the WEIGHT of The Alleged Heroin Substance" in CLOSING ARGUMENTS, on July 31, 2015, in which was what cause the Trial Jury to Return Guilty Verdicts for Count One and Eight for District Court Case No. 9:15-CR-80003-MIDDLEBROOKS/BRANNON. See *Kinsella v. United States*, 361 U.S. 234, 80 S.Ct. 297, 4 L.Ed.2d 268 (1960), which states: "Due process has to do with the denial of fundamental fairness, shocking to the universal sense of justice; it deals neither with power nor with jurisdiction, but with their exercise."

Petitioner would like the records to reflect that This Honorable United States Supreme Court should "GRANT" Petitioner's "Pro se Petition For Rehearing On Petition For Writ of Certiorari" and/or "GRANT" Petitioner Any Other Relief Deems Just.

GROUND TWO: THE HONORABLE UNITED STATES DISTRICT JUDGE DONALD M. MIDDLEBROOKS KNOWINGLY VIOLATED "FEDERAL RULES OF CRIMINAL PROCEDURE RULE 32" DURING AND AFTER PETITIONER'S SENTENCING HEARING ON OCTOBER 8TH, 2015

Petitioner would like the records to reflect that on October 8, 2015, During Petitioner's Sentencing Hearing, Petitioner Requested from The Honorable District Court Judge DONALD M. MIDDLEBROOKS, "the opportunity to make some arguments and objections to the "Presentence Investigation Report", the "Second Addendum To The Presentence Report" and the "Government's Response to 747 Objections to Presentence Investigation Report" Ore tenus because Petitioner received the "Presentence Investigation Report" that was prepared and filed in The United States District Court For The Southern District of Florida on SEPTEMBER 3, 2015 (See CR ECF 711, for District Court Case No. 9:15-CR-80003-MIDDLEBROOKS/BRANNON), in which Petitioner received on OCTOBER 2, 2015, in which is a Complete Violation of Petitioner's 5th and 14th United States Constitutional

Amendment Rights and a Complete Violation of Federal Rules Criminal Procedure Rule 32(e)(2) - Minimum Required Notice (which states: The probation officer must give the presentence report to the defendant, the defendant's attorney, and an attorney for the government at least 35 days before sentencing unless the defendant waives this minimum period.), because on OCTOBER 5, 2015, Petitioner had to File Petitioner's "Pro se Defendant's Objections to the Presentence Investigation Report" (See CR ECF 747, for District Court Case No. 9:15-CR-80003-MIDDLEBROOKS/BRANNON), before Petitioner's Sentencing Hearing on OCTOBER 8, 2015, in which The Honorable District Judge DONALD M. MIDDLEBROOKS, stated the following:

"...THE COURT: Well you can certainly do that, and I do want to make sure you have had the time you need.

I'm -- I was advised that Probation had some difficulty, since you were incarcerated getting the PSI to you. So if you are at a disadvantage in any fashion, I want make sure you have enough time. I'll certainly here any verbal statements you have about Mr. McMichael's filings..."
(See CR ECF 790, Pages 8-9, Lines 17-8, for District Court Case No. 9:15-CR-80003-MIDDLEBROOKS).

Petitioner would like the records to reflect that During the **Exact Same Sentencing Hearing on OCTOBER 8, 2015**, Petitioner was **Explaining** to The District Court that The United States Probation Officer "USPO" Ms. Frances Weisberg and The "Supervising USPO" Mr. Michael E. Santucci, **AGREED** with Petitioner in **"The Second Addendum To The Presentence Report** (See CR ECF 748, Page 3, Paragraphs 3 and 4 (See Exhibit- 4, Page 3, Paragraphs 3 and 4))", in which means The Trial Jury Heard **"False Opening Statements by (AUSA) Adam C. McMichael** (See CR ECF 750, Page 108, Lines 16 -20; and Compare CR ECF 341, Pages 1, 2, 4, 5 and 6)", and **"Perjured Trial Testimony by Government's Key Witness/Lead Defendant in said Case "Gary Bernard Moore"** (See CR ECF 751, Pages 237 - 239, Lines 14-7; and Compare CR ECF 341, Pages 1, 2, 4, 5 and 6) and (See CR ECF 752, Page 55, Lines 9-25; and Compare CR ECF 341, Pages 1, 2, 4, 5 and 6), and **(AUSA) Adam C. McMichael Knowingly and Deliberately "Capitalized on the Perjured Testimony of Government Witness "Gary Bernard Moore** (See CR ECF 776, Page 13, Lines 10 -12 and 15-18; and See CR ECF 776, Page 45, Lines 2-10; and Compare CR ECF 341, Pages 1, 2, 4, 5 and 6 and See Exhibit- 4, Page 3, Paragraphs 3 and 4)", in which The Honorable district Judge DOANLD M. MIDDLEBROOKS stated the following:

"...DEFENDANT GRIMES: But it does go to weight, right ?

THE COURT: No. I'm relying on what happened at during the trial.

DEFENDANT GRIMES: Okay. But the trial jury heard Gary Moore say a half a kilo of heroin.

THE COURT: Well, the trial jury did what it did.

DEFENDANT GRIMES: Yes, sir.

*THE COURT: I guess your argument to the court of appeals is there isn't sufficient evidence to convict you. If you want to make that, you can. You have a record, you have a transcript, but this PSI isn't going to help you one way or the other.

You can't say, Paragraph seven of my PSI shows the jury was wrong.

DEFENDANT GRIMES: But the probation officer agreed with me. The probation officer said it was not 18 ounces.

THE COURT: I don't think the court of appeals cares what the probation officers says..."
(See CR ECF 790, Pages 67-68, Lines 9-1, for District Court Case No. 9:15-CR-80003-MIDDLEBROOKS).

Petitioner would like the records to reflect that The Honorable United States Eleventh Circuit Court of Appeals in Atlanta, Georgia, states the following:

"When a defendant challenges one of the factual bases of his sentence, the government has the burden of establishing the disputed fact by a preponderance of the evidence. The district court must ensure that the government satisfies this burden by producing "reliable and specific evidence." See United States v. Rodriguez, 732 F.3d 1299, 1305 (11th Cir. 2013); and See United States v. Estrada, 2022 U.S. App. LEXIS 8648 (11th Cir. March 31, 2022).

Also Petitioner would like the records to reflect that on FEBRUARY 21, 2020, The Honorable United States Eleventh Circuit Court of Appeals in Atlanta, Georgia, issued an "ORDER" that states "Petitioner's 28 U.S.C. §2255 was still pending and that a §2255 motion is the appropriate mechanism by which to bring the claims raised (Fed. R. Crim. P. RULE 32 Violation). See Exhibit-5 - A copy of The 11th Circuit Court of Appeals "February 21, 2020 "ORDER""

Petitioner would like the records to reflect that This Honorable United States Supreme Court should "GRANT" Petitioner's "Pro se Petition For Rehearing On Petition For Writ of Certiorari" and/or "GRANT" Petitioner Any Other Relief Deems Just.

GROUND THREE: THE GOVERNMENT KNOWINGLY LIED ABOUT MATERIAL ELEMENTS OF FACTS TO THE HONORABLE DISTRICT JUDGE DONALD M. MIDDLEBROOKS DURING PETITIONER'S SENTENCING HEARING THAT WOULD CHANGE THE OUTCOME OF PETITIONER'S CONVICTIONS and/or SENTENCES, IN BEHALF OF DISTRICT COURT CASE NO. 9:15CR80003-DMM

Petitioner would like the records to reflect that "If The Trial Jury would have known that (AUSA) Adam C. McMichael was Lying during "Opening Statements" and that The Government's Key Witness/The Leader of the Indictment "Gary Bernard Moore" was Committing Perjured Testimony and that (AUSA) Adam C. McMichael was Lying during "Closing Arguments" Could Have Changed the Juries "Guilty Verdicts for Counts 1 and 8" To "NOT GUILTY" and/or Would Have Changed Petitioner's BASE OFFENSE LEVEL and SENTENCING RANGE, from 168 Months of Imprisonment to at least 135 Months of Imprisonment, which is a Thirty-three (33) Month Difference of Incarceration. (See CR ECF 790, Pages 69-70, Lines 10-8; and Compare CR ECF 338 and 341, Pages 1, 2, 4, 5 and 6; and Compare CR

ECF 748, Page 3, Paragraphs 3 and 4 (See Exhibit- 4), for District Court Case No. 9:15-CR-80003-MIDDLEBROOKS). See Kinsella v. United States, 361 U.S. 234, 80 S.Ct. 297, 4 L.Ed.2d 268 (1960), which states: "Due process has to do with the denial of fundamental fairness, shocking to the universal sense of justice; it deals neither with power nor with jurisdiction, but with their exercise."

Petitioner would like the records to reflect that This Honorable United States Supreme Court should "GRANT" Petitioner's "Pro se Petition For Rehearing On Petition For Writ of Certiorari" and/or "GRANT" Petitioner Any Other Relief Deems Just.

GROUND FOUR: THE APPELLATE COUNSEL (RICHARD L. ROSENBAUM) DELIBERATELY REFUSED TO RAISE PETITIONER'S PRESERVED FEDERAL RULES OF CRIMINAL PROCEDURE RULE 32 VIOLATION ARGUMENTS DURING PETITIONER'S DIRECT APPEAL

Petitioner would like the records to reflect that Appellate Counsel (Richard L. Rosenbaum) Deliberately Refused To Raise Petitioner's Preserved OCTOBER 8, 2015, "Pro se Objections To The Presentence Investigation Report" in behalf of the "RESOLVED and UNRESOLVED ISSUES of MATERIAL FACTS" and "The Complete Violation of "Federal Rules of Criminal Procedure RULE 32"" (See CR ECF's 711, 747, 748 and 754; and Compare "CR ECF 790, Pages 8-9, Lines 17-8" and "CR ECF 790, Pages 60-68, Lines 18-11") in Petitioner's "Appeal Brief", in The Honorable Eleventh Circuit Court of Appeals for Appeal Case No.'s: 15-14533 and 15-14625, in which was and is a Complete Violation of Petitioner's 5th, 6th and 14th United States Constitutional Amendment Rights.

Petitioner would like the records to reflect that on MAY 9, 2017, Petitioner Emailed Appellate Counsel (Richard L. Rosenbaum) Requesting that the "Resolved and Unresolved Issues of Material Facts" (See CR ECF's 747 and 748 and CR ECF 790, Pages 8-9, Lines 17-8 and CR ECF 790, Pages 60-68- Lines 18-11), be submitted in Petitioner's Appeals Brief in behalf of The Federal Rules of Criminal Procedure RULE 32 Violation for Appeals Case No.'s 15-14533 and 15-14625, in which Appellate Counsel (Richard L. Rosenbaum) Deliberately Refused To Do So, (See Exhibit- 5 - A copy of the May 9, 2017, Email from Petitioner to Appellate Counsel Richard L. Rosenbaum), in which caused Petitioner's "Direct Appeal" to be Denied. See United States v. Reginald Eugene Grimes, Sr., a.k.a. Bro Man, 705 Fed. Appx. 897 (11th Cir. Fla. August 25, 2017).

Petitioner would like the records to reflect that Appellate Counsel (Richard L. Rosenbaum) was Completely Ineffective and said Failure to Raise the "Fed. R. Crim. P. RULE 32" Violations in Petitioner's "Direct Appeal" caused Petitioner Convictions for Counts 1 and 8 to Remain the Same and/or Petitioner's Sentences for Counts 1 and 8 to Remain at 168 Months of Imprisonment, instead

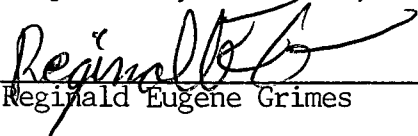
of receiving a Prison Sentence of 135 Months of Incarceration, in which is a Thirty-three (33) Month Difference of Imprisonment. See Paul L. v. United States, 148 L.Ed.2d 604 (2001), which states in part: "Allegation that Federal District Court's erroneous sentencing determination unlawfully increased defendant's prison sentence held to establish prejudice for purpose of Sixth Amendment ineffective-counsel claim." ²

Petitioner would like the records to reflect that This Honorable United States Supreme Court should "GRANT" Petitioner's "Pro se Petition For Rehearing On Petition For Writ of Certiorari" and/or "GRANT" Petitioner Any Other Relief Deems Just.

CONCLUSION

The Pro se Petition for Rehearing on Petition for Writ of Certiorari should be GRANTED.³

Respectfully submitted,


Reginald Eugene Grimes

Date: December 14 , 2022

(2) Petitioner would like the records to reflect that ~~EXHIBIT- 6-~~ is a copy of The February 21, 2020, Eleventh Circuit Court of Appeals PER CURIAM AFFIRMED for The Federal Rules of Criminal Procedure RULE 32 Violation for Appeal Case No: 19-13362 (See United States v. Reginald Eugene Grimes, Sr., a.k.a. Bro Man, 803 Fed. Appx. 349 (11th Cir. Feb. 21, 2020)).

(3) Cooper v. Pate, 12 L.Ed.2d 1030 (1964), "Court must accept allegations in pleadings as true."

**Additional material
from this filing is
available in the
Clerk's Office.**