

No. 22-7581

IN THE
SUPREME COURT OF THE UNITED STATES

Michael David Beiter, Jr. — PETITIONER
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A REHEARING TO

THE UNITED STATES SUPREME COURT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR REHEARING

Michael David Beiter, Jr.
(Your Name)

FCI Bennettsville, P.O. Box 52020
(Address)

Bennettsville, SC 29512
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1. Whether after meeting every prong showing a "particularized need" as required by this Court's precedents, a defendant can still be denied access to grand jury material?
2. Whether after having shown that fraud was committed before the grand jury in order to indict a defendant, such defendant can still be denied access to grand jury material?

LIST OF PARTIES

☒ All parties appear in the caption of the case on the cover page.

☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

The Petitioner herein, who was the Defendant-Appellant below, is Michael David Beiter, Jr., henceforth, Mr. Beiter, Jr. The Respondent herein, which was the Plaintiff-Appellee below, is the United States of America.

RELATED CASES

This case arises from the following proceedings in the United States Court of Appeals for the Eleventh Circuit and the United States District Court for the Southern District of Florida, Ft. Lauderdale Division:

United States v. Michael David Beiter, Jr.

Case No. 22-11978

United States v. Michael David Beiter, Jr.

Case No. 0:09-CR-60202-JIC

INDEX TO APPENDICES

APPENDIX 1 - Supreme Court denial of July 26th, AD2023.

APPENDIX 2 - Grand jury Transcripts of August 13th, AD2009.

APPENDIX 3 - Notice of Fraud and responses from the 11th Circuit Court of Appeals and the FBI.

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

[X] For cases from the Supreme Court

The denial of the United States Supreme Court on June 26,
AD2023. Appears at Appendix 1.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. Article I, §8 of the United States Constitution provides: "Congress shall have power...To regulate commerce with foreign nations, and among the several States, and with the Indian Tribes...."
2. Article I, §10 of the United States Constitution provides: "No State shall...make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts...."
3. House Joint Resolution 192, ratified into law by the 73rd Congress, 1st Session, on June 5th, AD1933 provides: "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that (a) every provision contained in or made with respect to any obligation which purports to give the obligee a right to require payment in gold or a particular kind of coin or currency, or in an amount in money of the United States measured thereby, is declared to be against public policy: and no such provision shall be contained in or made with respect to any obligation hereafter incurred. Every obligation, heretofore or hereafter incurred, whether or not any such provision is contained therein or made with respect thereto, shall be discharged upon payment, dollar for dollar, in any coin or currency which at the time of payment is legal tender for public and private

debts. Any such provision contained in any law authorizing obligations to be issued by or under authority of the United States, is hereby repealed, but the repeal of any such provision shall not violate any other provision or authority contained in such law. (b) As used in this resolution, the term **OBLIGATION** means an obligation (including every obligation of and to the United States, excepting currency) payable in money of the United States; and the term **COIN OR CURRENCY** means coin or currency of the United States, including Federal Reserve notes and circulating notes of the Federal Reserve banks and national banking associations." (emphasis added).

4. Federal Rule of Criminal Procedure 6(e)(3)(E)(i) provides: "The court may authorize disclosure—at a time, in a manner, and subject to any other conditions that it directs—of a grand jury matter: (i) preliminarily to or in connection with a judicial proceeding."

STATEMENT OF THE CASE

On June 26th, AD2023, the Supreme Court denied the Petitioner's Writ of Certiorari (see APPENDIX 1).

This Petition for Rehearing seeks that the lower courts have a bright line decision in which they make sure that government officials refrain from conducting fraudulent actions before the grand jury in order to indict innocent people who, relying on what the law plainly allowed them to do, were prosecuted and punished for doing so.

REASONS FOR GRANTING THE PETITION

The amount of evidence supporting the plain in sight fraud perpetrated by the government and its agents on August 13th, AD2009 (APPENDIX 2) at a grand jury proceeding, is overwhelming. So much so that the government at both, the district court and appellate court levels completely ignored such overwhelming amount of evidence, offering NO rebuttal whatsoever. Something that both lower courts covered up.

The Petitioner contends that his showing proves that fraud was committed, beyond a reasonable doubt standard, to procure the issuance of an indictment on the same date of the proceedings, id est, August 13th, AD2009. Hence, the Petitioner requests for a cursory review of the evidence which reveals that fraud was committed in the instant case.

This Court is the court of last resource for defendants to obtain bright line guidelines so that the lower courts follow the right procedures as to prevent that innocent people be severely punished, particularly, when they acted as the law allowed them to do.

Whether or not this Court supports the status quo, ignoring the overwhelming amount of evidence that a defendant provides in proving that fraud beyond reasonable doubt occurred, is indicative of the granting or not of this petition.

Today, the Petitioner urges this Court to conduct a reassessment of the facts and evidence in this case and prevent, or at a minimum, reduce the chances that fraudulent practices from government officials continue to be exercised in order

to obtain illegal indictments against defendants who relied on what the law plainly allowed them to do, and being punished for doing so. Let this Court uphold the law and act in this case.

CONCLUSION

The Petition for Rehearing should be granted.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "M. D. Beiter, Jr.", is written over a horizontal line.

Michael David Beiter, Jr.

Reg. No. 91383-004

FCI Bennettsville

P.O. Box 52020

Bennettsville, SC 29512

Date: July 17th, AD2023

NOTICE OF INMATE FILING

The Petitioner, Michael David Beiter, Jr., is confined in an institution. Today, July 17th, Year of YAHWEH 2023, the Petitioner is depositing his PETITION FOR REHEARING in the institution's internal mail system. First Class postage, prepaid, affixed thereto.

The foregoing has been mailed to the Court via USPS Certified Mail No. 7018 1130 0000 7465 1271

The foregoing complies with the provisions set forth in Houston v. Lack, 487 U.S. 266, 108 S.Ct. 2379, 101 L.Ed. 245 (1988), as the Petitioner's filin is within the allotted period of time in order to file a Petition for Rehearing according to this Court's rules.

Executed on this 17th day of July, Year of YAHWEH 2023.



Michael David Beiter, Jr. PRO SE

Reg. No. 91383-004

FCI Bennettsville

P.O. Box 52020

Bennettsville, SC 29512

CERTIFICATE OF PARTY UNREPRESENTED BY COUNSEL

This Petition is restricted to the grounds specified at Rule 44(1)(2), and is presented in good faith and not for delay.

Executed on this 17th day of July, Year of YAHWEH 2023.

A handwritten signature in blue ink, appearing to read 'Michael David Beiter, Jr.', is written over a horizontal line.

Michael David Beiter, Jr. PRO SE

Reg. No. 91383-004

FCI Bennettsville

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