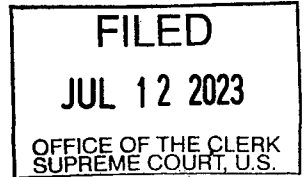


No. 23 - 5744



Civil Claim & SC2023-1325; L.T. Case No. 6D2023-2090.

IN THE
SUPREME COURT OF THE UNITED STATES

In Re Jimmy Lee Wheeler — PETITIONER
(Your Name)

ON PETITION FOR A WRIT OF HABEAS CORPUS

Wheeler v. State of Florida, case 6D2023-2090

PETITION FOR WRIT OF HABEAS CORPUS

Jimmy Lee Wheeler
(Your Name)

Hamilton Correctional Inst. Annex
(Address)

10650 S.W. 46th Street, Jasper, FL 32052;
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- (1) This Court May Find that the Case Mirrors the dictater of this Courts' rulings in State v. Burton, 314 So.2d 136, 138 (Fla. 1975)) (Which remains Active to review Fraud, deceit and Collusion) (Which Merits review and relief if proved at anytime); if the Above Case is still yet Controlling?
- (2) Whether A Manifest injustice Claim May be Supported: dismissed, Circumvented, denied review or denied Absent due process of law, etc. Stephens v. State, 979 So.2d 455, 457 (Fla. 2d DCA 2008).
- (3) Does this Court evaluate internal Structural error defects; under U.S. v. Olano, Rose v. Clark, etc., For Which it has ruled Must be reversed regardless of the outcome of the Case; also Which Cannot be denied as "untimely", (Successive) or "time Barred"
- (4) Whether "Governmental Misconduct Which violates A defendants' due process rights under Florida's Constitution requires the dismissal of Criminal Charges goes For When the Statute's degree is increase 7-years, After the Original Charged offenses are being Served; Constitutes a "Manifest Miscarriage of justice" And Fraud on the Courts Sentence ordered and imposed, absent due process of law; Warrants relief under Rule 33.2(a) and 39 attached herewith For Rule 20.1.

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:

1. Ashley Moody, Attorney General, State of Florida;
2. Lance Eric Muff, General Counsel, D.O.C.,
3. Merrick Garland, United States Attorney General Washington D.C.
& "Whitehouse Legal Round Table", to add with the record I have built for presidential Pardon due to "No justice".

RELATED CASES

Pending in the First D.C.A., Case No. 1D2023-0510;
Pending in the Second D.C.A., Case No. 2D23-1204/23-1546;
Pending in the Sixth D.C.A., Case No. 6D23-3164/No. 21-7920;
Pending in the Sixth D.C.A., Case No. 6D23-2040;
Pending in the Second Jud. Cir. Ct. Case No. 2023-CA-1671,
Pending in the Third Jud. Circuit Ct. Case No. 2023CA000046.

Judicial Notice:

These Cases represent Petitioner's entire Criminal history record which is being Challenged under Collateral Attack upon the entire Criminal record, which are all related to Fraud, deceit and possibly Collusion, see records exhibit C. (2); and B. (3) of the record All of the above Cases are related to 'Fraud' And Gov. Misconduct.

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF HABEAS CORPUS

Petitioner respectfully prays that a writ of habeas corpus issue.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix C-2 to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix C-4 to the petition and is

☒ reported at 60 23-2090; or,
☒ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the Sixth District court appears at Appendix C-4 to the petition and is

☐ reported at "Unelaborated" under "Dread"; or,
☒ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was September 22, 2023.
A copy of that decision appears at Appendix _____.

☒ A timely petition for rehearing was thereafter denied on the following date: August 28, 2023, and a copy of the order denying rehearing appears at Appendix C-3.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a); *to correct Multiple Fraudulent Manifest Injustice Claims, which each of the lower Courts has failed to grant a review; or evaluate as required by law. see Exhibits and Order of the Fla. Supreme Court herein, No review consideration will be entertained.*

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Fraud of Any Criminal Prosecution resulting in a Conviction or any increase to a prior Charged Statute or degree, Constitutes Fraud on the Court, especially 7-years after the sentence is being served; see Case No. 2023CA000046; under prosecutorial Misconduct, Citing Id.

1309 (quoting State v. Burton, 314 So. 2d 136, 138 (Fla. 1975)); and a due process violation of well established right to review and Challenge Claims against the Accused. Const. Amend. 5, 6 and 14; Also under Article I, section 9, Florida Constitution (1975) (2023), each of these Cases allege "Fraudulent governmental Misconduct," Which is under public trust as Custodians of persons and records; Which Makes it a great Public Importance For immediate resolution.

This Court's Jurisdictional Authority is invoked under Article V section 4(b) of the Florida and Const. Amend. V; Art. I, § 13. and 17. As No other Court Would Allow review, and an "Unelaborated" table (decision) is a total denial of due process of law as well as the equal protection of law; here, each Case are related to the very same "Manifest injustice," see Stephens v. State, 974 So. 2d 455, 457 (Fla. 2d DCA 2008); State v. McBride, 848 So. 2d 282 291-92 (Fla. 2003).

STATEMENT OF THE CASE
& RULE 20.4(A) STATEMENT

Record reveals On Multiple Filings in The Same Courts Who refuse to Allow a lawful Challenge to the record, and the alleged "False - gun documentation" Which Was before this Court a time or two has finally been Corrected by the General Counsel of DOC; however, There's Still Fraud and Manifest injustice in the Current Convictions pending in Case No: 2023-CA-000046; L.T. Cases CF08-8256; And CM09-71 under prosecutorial Misconduct, Constituting Fraud on the Court. Rule 10 (b); And rule 9.100;

Thus the instant Case of SC2023-1325, Merits immediate resolution because the Sixth DCA has also issued a Sua sponte "Unelaborated Table decision"; as I have previously informed the Florida State Courts, including the Florida Supreme Court, Who has Went against its own rulings in State v. Burton, 314 So. 2d 136, 138 (Fla. 1975);

In That. An "Unelaborated decision", under review of a Fraud, deceit or Collusion claim of Constitutional error, Unreviewable is a total due process violation! And an internal Structural Error defect, decided by the U.S. Supreme Court; see U.S. v. Olano, 507 U.S. 725, 73637 (1993); citing Rose v. Clark, 478 U.S. 570, 57778 (1986); Johnson v. Zerbst, 304 U.S. 458, 468 (1938), (For Habeas Corpus) Consideration; Warranted here.

REASONS FOR GRANTING THE PETITION

Where the record reveals herein, and in prior filings; all State remedies are exhausted, so well as Federal and U.S. Court of Appeal; Whom have all denied review for the relief due; see Exhibit A-B. All the priors are more than "20-years expired", or vacated, yet still on the Criminal record as active, rendering severe prejudice to petitioner.

Thus, because there is ^{*} (an exception to ^{*)} Collateral Estoppel Where Manifest injustice is shown; this Court should consider the internal harm done on the Cumulative ~~Affect~~ of 48-yrs. of Fraud, deceit and or Collusion; Constituting Structural error defects, etc... see also Fla. R. App. P. 9.141(b)(2)(D); Because of these deficiencies alleged, the present record does not demonstrate conclusively that the petitioner/appellant is not entitled to any relief; Which is due for 48-yrs.

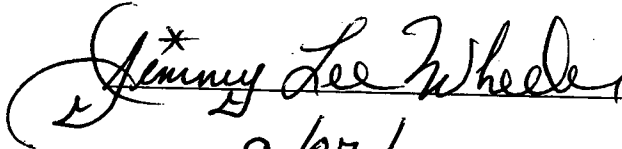
More Fundamentally, due to lack of any review on the entire Criminal record, this Court may Obligate itself a Suspense, to reverse the orders of the lower Courts to Consolidate the 4-Cases of Fraudulent Misconduct and Make a factual determination on the Merits; a judgment on the pleadings is pending in Case No: 2023CA1671; For a Compensatory hearing for the 48-years of Cumulative Fraud, deceit or Collusion.

Likewise, The Florida Supreme Court should have reversed and remanded the case back to the Sixth District Court of appeals who rendered the "Unelaborated-Table decision", because such an order deprives due process in the equal protection of law. The Court has held that a successor judge may revisit a final judgment entered by a predecessor judge when there is a Motion filed pursuant to Fla. R. Civ. P. 1.540; which has been presented in the record of this case, see Tingle v. Dade County Bd. of County Commrs, 245 So. 2d 76, 77-78 (Fla. 1971), (The same should be here).

CONCLUSION

The petition for a writ of habeas corpus should be granted.

Respectfully submitted,

Jimmy Lee Wheeler

Date:

9/27/2023