

No. 23-5867

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IN THE  
SUPREME COURT OF THE UNITED STATES

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Anita Bryant — PETITIONER

vs.

Delaware County, Indiana Auditor/Treasurer, et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI  
TO THE INDIANA COURT OF APPEALS

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PETITION FOR REHEARING

Anita Bryant, Pro Se

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## ADDITIONAL RELATED CASES

- *In Re the Verified Petition for Issuance of a Tax Deed to: M Jewell, LLC, M Jewell, LLC*, No. 18C05-2310-TP-000171, State of Indiana Delaware County Circuit Court #5. Judgment entered December 6, 2023.

## TABLE OF CONTENTS

TABLE OF AUTHORITIES .....	1
PETITION FOR REHEARING.....	1
REASONS FOR GRANTING REHEARING.....	2
CONCLUSION.....	4

## TABLE OF AUTHORITIES

CASES	PAGE NUMBER
<i>Jones v. Flowers</i> , No. 04-1477547 U.S. 220, Supreme Court of the United States (2006) .....	2
<i>Mullane v. Central Hanover Bank &amp; Trust Co</i> , No. 378339 U.S. 306, Supreme Court of the United States (1950) .....	2
STATUTES AND RULES	
Amdt 14. § 1.1 .....	2
Sup. Ct. R. 44.2 .....	2
U.S. Const. Amdt 5 .....	4

## PETITION FOR REHEARING

Petitioner Anita Bryant respectfully petitions for rehearing of this Court's

December 11, 2023, Order denying her Petition for A Writ of Certiorari.

### **REASONS FOR GRANTING REHEARING**

Rule 44.2 authorizes a petition for rehearing based on “intervening circumstances of a substantial . . . effect.” Ms. Bryant’s petition explained why this Court’s review was warranted in the first instance—the existence of a clear equal court splits on several important questions, namely, whether remedies under settled case law held in this court that “due process (Amdt 14. § 1.1) requires the government to provide “notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.”, *Jones v. Flowers*, 547 U.S. 220, 164 L. Ed. 2d 415, 126 S. Ct. 1708 (2006), quoted from *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950).

After Ms. Bryant’s Petition for A Writ of Certiorari was denied on December 11, 2023, Ms. Bryant received a Notice in the mail from Delaware County Circuit Court 5, through the Clerk of Court’s office that an Order for Issuance of Tax Deed was issued on December 6, 2023. The notice stated that the reason it was sent to Ms. Bryant by mail and not by email was because they did not have a valid email address for her. This is a false statement, as email correspondence was sent prior by Ms. Bryant to Purchaser’s Attorney when the first notice mentioned below was received, and her email address was also on record with the court. This action delayed Ms. Bryant from receiving said notice in a timelier manner.

Prior to this Notice being received, Ms. Bryant received a Notice of Filing Petition for Tax Deed, dated October 12, 2023, by certified mail, by the attorney representing the Purchaser of the property. The case number referenced in this letter was 18C05-2208-

TS-000232, as presented as a related case in the original petition. This Notice instructed Ms. Bryant as an interested party that she had 30 days to file her objection. Ms. Bryant filed her Objection electronically in this case on October 19, 2023. The Purchaser's attorney was a party to this case; therefore, this attorney was copied. Ms. Bryant did not receive a hearing after this objection was filed On October 19, 2023.

This action is contradictory to what occurred prior to the property being sold. In other words, this action suggests that Ms. Bryant only had a right to object after the property was sold, but not prior to the sale of the property. Additionally, this action was taken while the case was being contested. This information was included in the Objection that was filed by Ms. Bryant on October 19, 2023.

When Ms. Bryant received the said Notice, the case number referenced was 18C05-2310-TP-000171. This case was unknown to Ms. Bryant until receiving this Notice. Ms. Bryant reviewed Indiana's Chronological Case Summary (CCS) electronic e-filing portal and discovered this case was opened on October 11, 2023. A day prior to receiving the Notice of Filing Petition for Tax Deed. Also, an affidavit was filed by the Purchaser's attorney that included all Notices of Filing Petition for Tax to all interested parties, and all notices referenced case number -232. In case -171 there were no objections filed.

Upon receiving said notice, Ms. Bryant reached out to the Delaware County Clerk of Court's by email, and pointed out this discrepancy, and added that she did not believe the clerk, judge, nor the Purchaser's Attorney did not see the discrepancy, and a hearing should have been held to present her objections.

Ms. Bryant then reviewed case number -232 in CCS, to check the status of her

objection that was filed on October 19, 2023, and the judge had written an order for the same day striking her objection for reason being lack of standing. This order was never received by mail, nor did Ms. Bryant receive any electronic notification that the order was issued.

This action by Delaware County Circuit Court 5 undermines Ms. Bryant's Due Process rights under U.S. Const. Amdt 5. The same judge presided over both cases in the same court.

This action also undermines Ms. Bryant's right to appeal in case of an unfavorable ruling to her objection.

The Delaware County Auditor violated these same said rights, as cited in Ms. Bryant's original Petition, as well as the Purchaser's attorney by providing said interested parties with an incorrect case number.

A remedy from this honorable court is desperately needed to right this wrong.

This action constitutes an "intervening circumstance of a substantial . . . effect," because it provides an additional and independent justification for this Court's review.

### CONCLUSION

For the foregoing reasons, and those stated in the petition for a writ of certiorari, the Court should grant rehearing, and then grant the petition and review the judgment below.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Anita Bryant", is written over a horizontal line.

Date: December 26, 2023

**CERTIFICATE OF A PARTY UNREPRESENTED BY COUNSEL**

Pursuant to Rule 44.2, I, J. Anita Bryant, Pro Se, hereby certify that the petition for rehearing is restricted to the grounds specified in Rule 44.2. I further certify that the petition for rehearing is presented in good faith and not for delay.

December 26, 2023

  
Anita Bryant

IN THE  
SUPREME COURT OF THE UNITED STATES

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Anita Bryant — PETITIONER

VS.

Delaware County Auditor/Treasurer, et al — RESPONDENT(S)

**AMENDED PROOF OF SERVICE**

I, Anita Bryant, do swear or declare that on this date, December 26, 2023, as required by Supreme Court Rule 29 I have served the enclosed PETITION FOR REHEARING on each party to the above proceeding or that party's counsel, and on every other person required to be served, by electronic mail.

The names and addresses of those served are as follows:

Amanda N. Brown # 35456-30 (Email: abrown@bslawgroup.com)

Danyel N. Struble #30102-18 (Email: dstruble@bslawgroup.com)

John H. Brooke # 4234-18 ( Email: jbrooke@bslawgroup.com)  
Attorneys for Delaware County Auditor/Treasurer

Jon D. Madison #26466-33 (Email: jmadison@defur.com)  
Attorney for Purchaser M Jewell, LLC, M Jewell, LLC

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

Executed on December 26, 2023

  
(Signature)