

IN THE
SUPREME COURT OF THE UNITED STATES

CALVIN K. WILSON,
Petitioner.

VS.

STATE OF FLORIDA,
Respondent. /

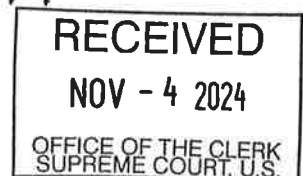
Case No.: 23-7713



PETITION FOR REHEARING

The Petitioner, Calvin K. Wilson Pro se, moves this court for an order granting rehearing Pursuant to Supreme Court Rule 44 and states the following in support:

1. The Honorable court has overlooked or misapprehended the fact that the Fourth Amendment exclusionary rule serves a vital function the imperative of judicial integrity. Franks v. Delaware, 438 U.S. at 186, 57 L.Ed.2d 667, 98 S.Ct. 2674 (1978) quoting United States v. Calandra, 414 U.S. at 347-348, 38 L.Ed.2d 561, 94 S.Ct.



613 (1974), and United States v. Peltier, 422 U.S. at 536-539, 45 L.Ed.2d 374, 95 S.Ct. 2313 (1975). "Law enforcement officials violated the Constitution if, in order to obtain a warrant, he perjures himself or testifies in reckless disregard of the truth," as the Franks court explained, when the Fourth Amendment demands a factual showing sufficient to compromise "probable cause"; the obvious assumption is that there will be a truthful showing. see, Kelly v. Curtis, 21 F.3d 1544, at 1555 (11th Cir. 1994) quoting Franks, 438 U.S. at 165-166, 98 S.Ct. 2674, 2681, 57 L.Ed.2d 667 (1978), U.S.C.A. 4, and 14. Id.

The important function of the Supreme Court is to resolve disagreements in the lower courts about specific legal questions. Here, the trial court Judge Michelle Cisco has made a contradictory ruling to the United States Supreme Court holding case, Franks, supra. (see order June

29, 2023, attached to the instant petition as (Appendix C). The court of Appeal affirmed the trial court decision and violated Franks court because, "the rule's Prime Purpose is to deter future unlawful Police conduct and thereby effectuate the guarantee of the Fourth Amendment against unreasonable search and seizures" see Franks, 438 U.S. at 186, quoting Calandra, 414 U.S. at 347-348.

2. The Honorable court has overlooked or misapprehended the fact that the law well established in Franks, supra, 438 U.S. at 186: holding that the rule is calculated to prevent, not to repair since once the warrant is issued and the search is made, the privacy interest protected by the Fourth and Fourteenth Amendment is wrongfully breached cannot possibly restore the privacy interests, since the evidence obtained

Pursuant to the warrant is by "hypothesis relevant" and admissible on the issue of guilt, the only purpose served by suppression of such evidence is deterrence of falsified testimony on the part of affiant in the "future". It is established law, see Franks v. Delaware, 438 U.S. at 186, 57 L.Ed. 2d 667, 98 S.Ct. 2674 (1978) quoting United States v. Calandra, 414 U.S. 338, 347-348, 38 L.Ed. 2d 561, 94 S.Ct. 613 (1974), The court of Appeal and the trial court decision is in conflict with the decision of the United States Supreme Court precedent controlling cases. Id. The rule's prime purpose is to deter future unlawful police conduct and thereby effectuate the guarantee of the Fourth Amendment... against unreasonable search and seizure.

Thus, unlawful police conduct on the court on the part of the affiant, Charles J. Massucci, can be raised at any time, the due process clause

U.S.C.A. Const. Amend. 4 and 14.,
afford the Petitioner an opportunity
to expose the fraud upon the judicial
Process at any time and obtain relief
from it. Because, Franks Standard
although developed in the criminal context
since the evidence, the U.S. Currency
obtained in violation of 4th and 14th Amendment
Pursuant to the Warrant at 1601 East Columbus
Drive address, and admissible on the issue
of petitioner Wilson guilt as evidence of
the racketeering enterprise, the only
purpose served by suppression of such
evidence is deterrence of falsified
testimony on the part of affiant at
any time, in the future. Under this rule,
evidence obtained in violation of the 4th
Amendment cannot be used. . . in a
criminal proceeding against the petitioner
Wilson of the illegal search and seizure.
This prohibition applies as well to the
fruits of the illegally seized evidence. Id.,
see Franks, supra, 438 U.S. at 186, Calandra,

Supra, 414 U.S. at 347-48., Peltier,
422 U.S. at 537-39.

Affidavit and Warrant and return
inventory and receipt for 1601 East
Columbus Drive address, attached as
(APPENDIX A).

WHEREFORE, Petitioner Pray that this
court grant him this rehearing and sets
aside its Prior decision denying his
petition for writ of certiorari. Because,
he is entitled to a Franks hearing due
to fraud upon the judicial process when
the evidence obtained in violation of the
4th and 14th Amendment pursuant to the
Warrant and admissible on the issue
of Petitioner guilt.

Respectfully submitted
Calvin K. Wilson
calvin K. Wilson pro se

Proof of Service

I, Calvin K. Wilson do swear that on this date 10-25-2024, 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 depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid.

The name and address of those served is as follows: Office of Attorney General, Concourse Center, 3507 E. Frontage Road, Suite 200, Tampa, Florida 33607 on this 25 day of October 2024.

Calvin K. Wilson

Calvin K. Wilson #524576

South Bay C.R.F.

600 US Highway 27 South

South Bay, FL 33493

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY pursuant to Supreme Court Rule 44.2 that this petition is restricted to the grounds specified in Rule 44.2, and is made in good faith, and not for delay.

Calvin K. Wilson

Calvin K. Wilson #524576

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