

No. 17-9085
IN THE
SUPREME COURT
OF THE
UNITED STATES

TERM
OCTOBER 2018

JOHN G. WESTINE JR. PRO-SE
PETITIONER.

VS.

UNITED STATES OF AMERICA,
RESPONDENT.

"AMENDED"

ON PETITION FOR A WRIT OF CERTIORARI
FROM THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
AS AMENDED

RULE 44 "PETITION FOR REHEARING" RULE 34.1(d)

SEE: LETTER TO THE CLERK RULE 30 (2)(3)(4)

ALL WERE TIMELY FILED RULE 29 (2)

PRISON MAIL BOX RULE AS PRESENTED -
DATED 12/26/2018

JOHN G. WESTINE JR. PRO-SE (RULE 40 (1) VETERAN)
93555-012 FMC. (HONORABLE DISCHARGE)
DD214

OLD NORTH CAROLINA HWY 75
BUTNER, N.C. 27509

RULE 44 PETITION FOR A REHEARING
LIMITED TO THE FOLLOWING INTERVENING
CIRCUMSTANCES (LETTER TO CLEAR RULE 30.4) &
THE CONTROLLING & SUBSTANTIAL EFFECT NOT PRESENTED
AS FOLLOWS:

QUESTION(S) PRESENTED

- 1) Did the Sixth Circuit err by declining to remand for resentencing to correct a number of incorrect U.S. Sentencing Guidelines enhancements, caused by a violation of Rule 32(i)(3)(B) that is mandatory? Cite: Rosales-Mireles v U.S., 201 L.Ed.2d 201

"EXAMPLES"

- a) Westine was sentenced to three (3) consecutive sentences 20 years for a mail fraud conviction, based on a \$3500.00 check 10 Years for a violation of 18 USC §1956(h) as Westine cannot conspire with himself "Actual Innocence", 10 years for a violation of 15 USC §77 Securities Fraud.
- b) Amendment #634 violation and Amendments #790, #791, #792 violations caused Westine to have an Offense Level of 43 and an illegal base offense level of 43 must be 8 under §2S1.1(a)(2).
- c) All sentences must run concurrent. §4A1.2(a)(2)
- d) Loss Calculations violated Amendments 790, 791, 792 as all of the evidence presented at trial showed no intent to purposely cause any loss. A offense level of 43 is incorrect.

- 2) Was it structural error to deny Westine an "EXPERT REBUTTAL WITNESS" in violation of Cite: Ayestas v Davis, 200 L.Ed.2d 376 18 USC §3599(A)(1)(f) to present a full and complete defense to present evidence that the assignment of a "Royalty Interest" or sale is not a security under Kentucky Law. As it is a title transfer in "Real Estate" as personal property, a NON-EXISTENT CRIME" under 15 USC §77?

Cite: Pollock v Mooney 2014 WL 4976073 a "Royalty Interest" is real property, Kentucky Bank v Ashland Oil, 310 S.W.2d 287, Williams Adm'R v Union Bank 143 S.W.297.

SEE EXHIBIT ONE

- a) A Real Estate License is required under Kentucky Law, KRS§324.020 to sell a "Royalty Interest Assignment"; not a securities license.
- 3) Does counsel of choice under U.S. v Gonzlaez-Lopez, 165 L.Ed.2d 409 and 28 USC §1654 guarantee the right of a federal appellant to proceed as pro-se or to file a supplemental brief for full De Novo Review for a Rule 32(i)(3)(B) violation and to present a misapplication of the U.S.S.G. to prevent a Miscarriage of Justice and "Actual Innocence"?

WHEREFORE; WILL THE COURT ALL A
REHEARING TO PREVENT A COMPLETE
MISCARRIAGE OF JUSTICE AS PRESENTED?

SIGNED DATED
& MADE 12/24/2018
PRISON MAIL BOX
RUE

RESPECTFULLY SUBMITTED,
J. M. Ward
JOHN G. WESTON
93555-012
BUTNER FNC
OLD AL. CROWNS Hwy 75
BUTNER, NC 27509

NO 17-9085
IN THE
SUPREME COURT
FOR THE
UNITED STATES

TERM
OCTOBER 2018

TOM G WESTING JR PRO-SE
PETITIONER

V.S

UNITED STATES OF AMERICA
RESPONDENT

MOTION UNDER RULE 44.2

"CERTIFICATION BY PRO-SE"

THAT THE CONSTITUTIONAL (DUE PROCESS) CLAIMS
AND TIMELY FILED "AMENDED" PETITIONS PER RULE
29.2 PRISON MAIL BOX RULE (SEE LETTER TO THE CLERK)
RULE 30.2. ARE BASED UPON THE INTERVIEWING
SUBSTANTIAL GROUNDS BY THE SUPREME COURT
NO PREVIOUSLY PRESENTED, PAGE 2.

THIS IS NOT FOR DELAY AND PRESENTED
IN GOOD FAITH.

Respectfully Submitted
Tom G Westing
Tom G Westing
93555-012
BUTNER FANC

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