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SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK

DEC 18 2025

INMATE'S INITIALS JMT
OFFICER'S INITIALS SK

Re: In Re Jody M. Johnson - Petitioner
VS.

Sec'y., FL D.O.C., et al - Respondent [s]

CASE NO: 25-5756

REHEARING / OBJECTION

COMES NOW, Jody M. Johnson, Petitioner, in Good Faith; pursuant Rule 44 and this Court's Order filed December 11, 2025, to correct and resubmit Rehearing in compliance with this Court.

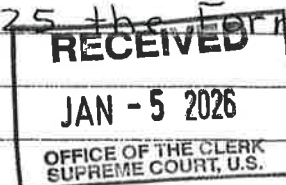
As Grounds for Rehearing/Objection see following:

GROUND ONE: According to Rule 20.5 and 20.3(b) a brief in opposition by opposing counsel should have been filed within 30 days. See Also Rule 18.6

Opposing counsel has "DEFAULTED" from due process proceedings; in that NO objection, Appeal, or Reply has been afforded by opposing counsel.

Petitioner has complied with this Court/Clerk's rules pursuant Rule 18.3 of this Court's Order filed September 29, 2025, of a form "Notifying Opposing Counsel" that case has been docketed.

Petitioner respectfully submitted to the Order, and filed October 13, 2025, the Form to opposing counsel.



As stated above No Objection, Appeal or Reply has been afforded within the 30 day time requirement. Opposing counsel has "DEFAULTED" from due process proceedings, thus Petitioner's petition should be granted or an opinion by the Justices as to why the petition is denied.

GROUND TWO: Petitioner avers his Constitutional Due Process Rights are being violated by this Court / Clerk in denying petition without any reasons or opinion from the Justices; for the denial filed October 20, 2025.

Petitioner's petition relied upon this Court's "RETROACTIVE" case law; Glossip v. Oklahoma, 145 S.Ct. 612, 221 L.Ed.2d 90 (2025) (2025 LEXIS 865); in that "PROSECUTORIAL MISCONDUCT" occurred of false testimony that was presented and prosecution failed to correct what it know or should have known was false. This constitutes a "NEW TRIAL" according to this Court's ruling in Glossip supra. Also "The Antiterrorism and Effective Death Penalty Act", (AEDPA), as codified at 28 U.S.C. § 2244(b), (2)(A)(ii); and this Court's Rule 29(b): "In any proceeding in this Court in which the constitutionality of an Act of Congress is drawn into question, and neither the United States nor any Federal department, office, agency, officer, or employee is a party, the initial document filed in this Court shall recite that 28 U.S.C. § 2403(a) may apply and shall be served on the Solicitor

General of the United States"

Under 28 U.S.C. § 2403, certification and intervention are permissible at any stage of proceeding. See Wallach v. Lieberman, 366 F.2d 254, 10 Fed. R. Serv. 2d (Callaghan) 747, 1966 U.S. App. LEXIS 4910. Why is this Court not following what Congress enacted?

The above constitutional violation's further resulted in an "Miscarriage of Justice" of one who is actually Innocent.

GROUND THREE: Petitioner avers pursuant to this Court's ruling of McQuiggin v. Perkins, 569 U.S. 383, 386, 133 S.Ct. 1924, 185 L.Ed. 2d 1019; (2013 U.S. LEXIS 4068) and "CONGRESS'S", §§ 2254(e)(2)(A)(ii), (B), in that Congress constrained application of the exception of a "Miscarriage of Injustice" of one who is actually innocent

This Court's rich jurisprudence should be applied in protecting Petitioner's wrongfully incarceration, and where this Court would indorse a fundamental miscarriage of justice because it would require that Petitioner who is actually innocent remain imprisoned. See Perkins v. McQuiggin, 670 F.3d 665 (2012 6th Cir.) (U.S. App. LEXIS 4160).

Indeed, Actual Innocence as a basis for equitable tolling of a statute of limitations was firmly part of the post-conviction relief jurisprudence when Congress enacted the Antiterrorism and Effective Death Penalty Act of 1996, (AEDPA), and there is a presumption that Congress legislates against background of existing jurisprudence unless it specifically negates that jurisprudence. See McQuiggin supra.

Where Actual Innocence, if proved, held to be gateway through which state prisoner's petitioning for federal habeas corpus relief might pass, regardless of whether impeded by procedural bar or expiration of 28 U.S.C. § 2244(d)(1)'s limitation period. See McQuiggin supra; also Rule 29 where in this Court or any statute of a state is drawn into question of the constitutionality of an Act of Congress, this Court shall recite ^{that} 28 U.S.C. § 2403(a) may apply and shall be served on the Solicitor General... Why is this Court not following what Congress has enacted?

CONCLUSION

Petitioner has demonstrated and shown in his petition with new material evidence of state official [S], deposition, and investigative reports, that was not presented at trial due to ineffective assistance of counsel for failure to develop facts in state court. See McQuiggin supra.

Where that of "PROSECUTORIAL MISCONDUCT" of false testimony of 3 state witnesses was presented and prosecution failed to correct the false testimony resulting in a "Miscarriage of Justice" of Petitioner's "Actual Innocence", where 4 defense witnesses sworn oath testimony at trial was that Petitioner is innocent due to an Extortion/Blackmail threat of paying \$5,000 and a four-wheeler and this all goes away, this was mentioned before Petitioner's arrest and bonding out of jail, contrary to the state witnesses false testimony that it was after Petitioner's bonding out of jail.

"Either Pay or Be Prosecuted". See Petition

filed August 28, 2025; <https://www.SupremeCourt.gov/filingandrules/electronicfiling.aspx>.

Petitioner's, 5th, 6th, 14th amend constitutional rights are being violated and denied. And what Congress has enacted

RELIEF SOUGHT

Petitioner Prays, this Court grant this Rehearing and Petition, and due to opposing counsel's "DEFAULT" of proceedings, Reverse and Remand case for New Trial within 120 days or Release Petitioner from the Department of Corrections

RESPECTFULLY SUBMITTED

/s/ Jody M Johnson

Jody M. Johnson DC # I 01246
Gulf Correctional Institution - Main
500 Ike Steele Road
Wewahatchka, FL 32465

CERTIFICATE OF COUNSEL / COMPLIANCE OF COURTS ORDER

COMES NOW, Jody M. Johnson, Petitioner in propria persona and pursuant to Supreme Court Rule 44 Hereby "CERTIFY" (1) Petitioner certifies that he is proceeding pro se and has no represented counsel (unrepresented by counsel) (2) Petitioner "CERTIFYS" that the grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented (3) Petitioner "CERTIFYS" that the petition for rehearing is presented in good faith and not for delay.

RESPECTFULLY SUBMITTED

15/ Jody M Johnson

Jody M. Johnson D.C. # I01246
Gulf Correctional Institution - Main
500 Ike Steele Road
Wewahatchka, FL 32465

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 18th day of December, 2025, I Jody M. Johnson placed a true and correct copy of the foregoing "Rehearing / Objection" in the hands of an institutional official at Gulf Correctional Institution for mailing via Post Office First Class Mail, postage prepaid to the following parties:

1) CLERK OF THE UNITED STATES SUPREME COURT
1 FIRST STREET N.E.
WASHINGTON, D.C. 20543-0001

2) OFFICE OF THE ATTORNEY GENERAL
PL-01 THE CAPITOL
TALLAHASSEE, FL 32399-1050

3) SOLICITOR GENERAL OF THE UNITED STATES,
ROOM 5616, DEPARTMENT OF JUSTICE, 950 PENNSYLVANIA
AVE., N.W., WASHINGTON, DC 20530-0001

RESPECTFULLY SUBMITTED
/s/ Jody M. Johnson

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