No. 08-6939

IN THE
SUPREME COURT OF THE UNITED STATES

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GORDON WAYNE WATTS – PETITIONER
vs.
Florida Unemployment Appeals Commission, Et al., – RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
The Florida First District Court of Appeal

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Petition for the rehearing of an order denying a Petition for a writ of certiorari

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FIVE PAGE DOCUMENT EXEMPT UNDER Rule 34.2:
"Every document exceeding five pages (other than a joint appendix), whether prepared under Rule 33.1 or Rule 33.2, shall contain a table of contents and a table of cited authorities…"

-COVER PAGE-

CASE & FACTS: On July 11, 2008, the Florida Supreme Court denied a timely rehearing, and, on the 90th and last day to file (Oct 09, 2008), petitioner sought Cert in the US Supreme Ct (APX:1-2); an "M.PARRIS" signed for and received said petition (APX:3). The US Supreme Ct returned the filings without opening them (APX:2-4), forcing petitioner to "file late." **Your court, however, admitted it was wrong, and petitioner was given a "2nd chance." (If you don't believe me here, I urge you to ask Jeffrey Atkins and/or Denise McNerney (202–479–3032), clerks in your court.)** This "lateness" issue here is not merely ironic, but is relevant, so hang with me here -and, please verify my story at your convenience. On Dec 11, 2008, this case was distributed for conference of Jan 09, 2009 and decided on Jan 12, 2009, denying the petition for Cert (APX:7). The rules allow for a timely petition for rehearing within 25 days, *but it is not so simple as that:*

'PETITIONER' *DICTIM:* The non-lawyer, pro se petitioner, Mr. Gordon Wayne Watts, may have given the appearance of being an uneducated country hayseed, not familiar with law, but, referring to **APX:5,** we see that he, *all by himself*, nearly won his petition to save Terri Schiavo before that state's high court, losing eventually, a close 4-3 decision at the rehearing stage. When compared with then Gov. John Ellis "Jeb" Bush's similar attempt **(APX:6a-6b)** before the same court -also in the rehearing stage, it is clear that Mr. Watts was deemed much more 'intelligent' than "all the kings lawyers and all the governor's men" -since the Governor lost by a 7-0 shutout. Therefore, I ask you to give special attention to Mr. Watts' original filings here. The instant Petition for Certiorari in the case at bar, *Watts v. UAC* (08-6939), was justiciable *(very much so: Since numerous State holdings violated Federal holdings)* -and yet, for reasons unknown -denied; therefore, it is "back to basics": ***Did the US Supreme Court even notice the major screw-ups of six (6) Florida holdings mentioned in Mr. Watts' brief?*** If This Court did not see that when Mr. Watts first presented it, then any dream of a rehearing now is unrealistic. The "safety nets" of the lower courts have continued to fail… thus causing This Court continued grief -as your court must continually go in and repair the damage each time.

PETITION PROPER: Rule 44.2 constrains *this* motion that: "its grounds shall be limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented." *That is quite a restriction, but I shall try to do so.* *** Intervening circumstances of a substantial or controlling effect:** Since Mr. Watts' petition was initially submitted, your court has been overwhelmed with cases, and, in fact, *Berg v. Obama* (08-570) (APX:8) was scheduled for conference on the same day as *Watts v. UAC* (08-6939) (APX:7). Since Mr. Obama's case -and many others -intervened, it is not untenable that your court was overwhelmed with a caseload and simply did not grasp the magnitude or scope of the major screw-ups outlined in Mr. Watts' original petition -but they were there. ***Indeed, to paraphrase Rule 10 (Considerations Governing Review on Certiorari), it is safe to say that it, effectively says this:*** *"The US Supreme Court can only hear a limited number of cases, so, in order to be heard, it must not just be a screw-up, it must be a 'major' screw-up -one that affects a large number of people."* -Florida courts fit the bill… *** Other substantial grounds not previously presented:** Since there were so many screw-ups by the lower courts, and, since I am mindful that I must make it "short and sweet," it was inevitable that some things were left out of the initial petition. Your court has made provisions to correct these oversights -*in the rehearing process, here.*

→ * → If you take a look at nothing else further, please see this point below: ← * ←

Taking a look at the Table of Contents of the "merits" brief filed before the Fla Supreme Ct (APX:9), we see Argument VII, regarding credibility. Take a closer look at the so-called "job offer" (APX:10) by the Security Firm to petitioner, Gordon Wayne Watts: Did you see that? Brian K. Fox, owner of Fox Protective Services, Inc. (the owner, no less) makes a job offer to Mr. Watts -but, get this, they did not notify Mr. Watts. Instead, he asks the Unemployment Comp agency to contact Mr. Watts. Of course, this is not their job, and Mr. Watts did not find out about the supposed job offer until discovery, almost two months later (APX:10-11). Now, I admit that this job offer is not the original job offer that was "reviewed" by the UAC, and so the employer may say that it is moot.

However, we see here not-so- subtle attempts to make a pretense at job offer -when, in fact, Fox Protective never had any intentions of a job offer. **Can you say "fraud"??** What other reason (besides fraud) exists here for the actions of Fox? If they were truly serious about a job offer, they would have notified Watts -and gotten a receipt by certified mail -and shown *that* to the UAC. **~ Since no other explanation for their actions exist, fraud it is.** Therefore, FOX was dishonest -and so were **all** the higher courts which supported them: ***This*** is a 'major' screw-up -especially counting the five (5) other similar screw-ups I documented in the initial petition for Cert in this case -bringing the total to no less than six (6) Fla Court screw-ups. *** More 'Intervening circumstances' of a substantial or controlling effect:** Since Mr. Watts' petition was initially submitted, the economy has a turn for the worse, with grim projections for the national debt becoming more and more prevalent among respected economists. This is controlling to the extent that it becomes even more critically important to require the varied unemployment comp agencies to stop their continual practice of routinely denying qualified applicants to save a buck. Everyone knows somebody that has, at one time or another, been short-shafted by an unemployment comp (or similar) agency -and everybody has a horror story of the courts' treatment of their case. -These growing injustices -this should not be so in America -the land of freedom and democracy -and the "world's best" judicial system. *If you don't believe my assertions here, then ask yourself why your case load is so high. (Perhaps, bad rulings causing so many appeals to your court?)* *** Yet other substantial grounds not previously presented:** Mr. Watts' father, Robert, had a stroke and a heart attack, and this combined with his demanding job, prevented him from testifying. *Nonetheless,…* referring to Argument II, "Newly Discovered Witness," (APX:9) the UAC's own rules (APX:12) make a provision for allowing witnesses who were unavailable at the time of the hearing. To that end, petitioner, Gordon Wayne Watts, obtained a sworn statement from his father (APX:13-14). In addition, Mr. Watts did not receive a receipt for his uniform (APX:15) until long after the hearing. ~ This was relevant evidence, since it was alleged that Mr. Watts was not trying to get his job back:

The uniform receipt (APX:15) showed he *did* keep his uniform and try to get his job back. Since both the witness and the evidence (it did not even exist at hearing time!) were both unavailable, the UAC's on rules allowed them to be submitted and considered. Since the UAC did not follow its own rules, this constitutes substantial grounds not previously presented to your court -and are justiciable. *** Still other substantial grounds not previously presented:** Referring to Argument IV of the initial merits brief (APX:9), we see the Due Process violation in which cross-examination was prevented (APX:16). *Do you think this is the only time this sort of thing has happened?* **** THE BASIS IN LAW:** Let's not forget that "U.S. Supreme Court precedents have consistently established that in order to withstand constitutional scrutiny, a statute must give a person of ordinary intelligence fair notice that certain conduct is forbidden." *Papachristou v. City of Jacksonville*, 405 U.S. 156, 162, 92 S.Ct. 839, 843, 31 L.Ed.2d 110; *United States v. Harriss*, 347 U.S. 612, 617, 74 S.Ct. 808, 811, 98 L.Ed. 989, and that "Vague laws offend several important values. First, because we assume that man is free to steer between lawful and unlawful conduct, we insist that laws give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly. Vague laws may trap the innocent by not providing fair warnings." *Musser v. Utah*, 333 U.S. 95, 97 (1948). Since we know that the above standard is not some mere "suggestion," then it logically follows that a "major screw-up" has occurred ***-once again*** -in Florida courts, where Mr. Watts, on pages 4 and 5 of his petition for Cert, documented that five (5) other State holdings violate the Federal standards concerning notice above (total: six (6), when counting Watts' case). *(There are certainly many more Federal Violations by these Florida Courts that this pro se litigant did not see, so this is merely the tip of the iceberg in regards dishonest courts and unjust judges.)* Ironically, it was "good" that Mr. Watts waited until the last minute to file his appeal in the Florida First District Court of Appeal: Since this court has proven itself dishonest, it would have no doubt denied his appeal on the merits. But, appealing a *per curium* affirmed is notoriously hard (next to impossible), and thus, had Mr. Watts filed his

notice immediately upon denial by the UAC, any appeal would have not been possible –no matter how right he was. By needing the "5 extra days" provided for by the rule in question, he inadvertently (like Forest Gump) caused the courts to slip up and show their hand: They are profoundly dishonest. This new finding, logically, helps his case -and makes it easier for you to effect justice -if you are so inclined. ** Remember when I asked you to ask Jeffery Atkins or Denise McNerney to verify that your court did not penalize me when I filed late for reasons that were not my fault? Effectively, your court has said that it *will* follow its own time rules -and thus count my petition for Cert as "timely" when it was submitted on time -and returned -and had to be submitted late. ***What are you saying here?*** That it is OK to make *your* court to follow the rules -but that it's OK for the Florida Court to violate both their time rules, Federal case-law standards -and a slew of other rules outlined in the Initial Brief on the Merits submitted before them? If you allow this inequity, then these lower courts will continue to screw-up and litter your docket with a heavy caseload -as litigants appeal to your court. Is this what you want? **(CONCLUSION)** I MAKE A FORMAL REQUEST OF THIS COURT TO: 1) Grant Cert; 2) Overturn judgment; 3) Enforce the black-and-white **Federal** case law *supra;* 4) Clarify the four gray-area case law "Questions Presented" on page (ii) of the Petition for Cert; and, 5) "Send a message" to Fla courts to stop making trouble for us all.

-Respectfully sought,

Gordon Wayne Watts

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Misc. Certifications:

*** Format & Word Count:** I, Gordon Wayne Watts, hereby certify that I complied with Rule 34.2, since the body of the petition (not counting cover page, appendix, or the misc. motions here) is not greater then five (5) pages. FURTHERMORE, I certify that I used the following format: Font Face = Century, size = 12; double-spaced, margins of 0.75" to comply with Rule 33.1(b). As required by Supreme Court Rule 33.1(h), I certify that, according to Microsoft Word, the cover page and rehearing motion documents, combined, contains 2,121 words, excluding the parts of the document that are exempted by Supreme Court Rule 33.1(d). I declare under penalty of perjury that the foregoing is true and correct.

*** 'Rehearing' Certification:** In order to comply with Rule 44.2 governing a Rehearing, I, Gordon Wayne Watts, hereby certify that my motion above is restricted to the grounds specified in Rule 44.2 of the Rules of the US Supreme Court namely the following: (1) The grounds are limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented; (2) This petition is presented in good faith and not for delay; and, (3) The "intervening circumstances" are described in the petition. The "substantial grounds not previously presented" are either new arguments not presented, or –if an argument looks familiar, then there is new documentation presented here that was not previously presented, thus it is new grounds. This petition is presented in good faith, since I really believe major injustices have occurred. This petition is not presented for delay –since I am not on death row, I have no reason for a delay. Indeed, I want to hurry up and get justice.

*** PROOF OF SERVICE:** I, Gordon Wayne Watts, do swear or declare that on this date, Tue, 03 February, 2008, as required by Supreme Court Rule 29 I have served the enclosed "**Petition for the rehearing of an order denying a Petition for a writ of certiorari,**" **APPENDIX,** and these certifications here, -on each party to the above proceeding or to 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, or by delivery to a third-party commercial carrier for delivery within 3 calendar days -and by email, as required by Supreme Court Rule 25.8: MeritsBriefs@SupremeCourt.gov, Geralyn.Atkinson-Hazelton@awi.state.fl.us, webmaster@awi.state.fl.us, Kelly.McDowell@awi.state.fl.us, ATTN Atty Geralyn Atkinson-Hazleton, Esq., webmaster@FoxProtectiveSvcs.com, ATTN Brian K Fox – BKFox@FoxProtectiveSvcs.com, webmaster@FoxProSvcs.com, ATTN Brian K Fox – BrianKFox@aol.com, JKNebel@FoxProtectiveSvcs.com, ATTN Brian K Fox, Owner Fox Protective Services, Inc. The names and addresses of those served are as follows: * Unemployment Appeals Commission (UAC), ATTN Atty Geralyn Atkinson-Hazleton, Esq ,2740; Centerview Drive, Ste. 101, Rhyne Building, Tallahassee, Florida 32399-4151; * Fox Protective Services, Inc. 4905 West Laurel Street, Suite 301 Tampa, FL 33607-3834**. I declare under penalty of perjury that the foregoing is true and correct. Executed on Tue, 03 February 2008.** _____ Gordon Wayne Watts