

SUPREME COURT OF FLORIDA

ANTHONY W. BROOM,
Petitioner,

vs.

CASE NO.: **SC11-2313**

KENNETH S. TUCKER, etc.,
Respondent.

MOTION FOR REHEARING

COMES NOW, Petitioner, **ANTHONY W. BROOM**, *pro se*, and moves this Court for a rehearing to correct a manifest injustice imposed by this Court for lack of giving a fair notice (an essential requirement of law) by issuing its PER CURIAM dated May 3, 2012. This rehearing is timely filed pursuant to Rule 9.330 Fla.R.App.P. (2012) and shows the following:

Preliminary Statement

This Court's Non Final Order, issued May 3, 2012, on page #3, states in pertinent part: "We issued an order directing Broom to show cause... However, Broom chose not to file a response to our order..." Broom v. Tucker, No. SC11-2313, May 3, 2012 cited in 37 Fla.L.Weekly S332a (May 3, 2012) referring to its order issued February 6, 2012 unpublished.

Facts and Matters Overlooked and/or Misapprehended

This Court has overlooked the fact, Broom did not and has not received an Order To Show Cause – dated February 6, 2012 from this Court. This is

established by the attached "INMATE REQUEST" with the "INCOMING LEGAL MAIL LOG" copies. The attached copies clearly show that Broom was not notified/furnished an Order to Show Cause – dated February 6, 2012, as alleged in the Court Order – dated May 3, 2012.

This Court has overlooked and/or misapprehended that an order rendered without notice is void. See Watson v. Watson, 583 So.2d 410 (Fla. 4th DCA 1991). Furthermore, when uncontroverted facts show that the notice/order was not received the court is obligated to grant relief from the judgment as a matter of law. See Falkner v. Amer. First Federal Sav. And Loan Ass'n, 489 So.2d 758 (Fla. 3rd DCA 1986).

Upon finding that Petitioner Broom never received the Court Order to Show Cause – dated February 6, 2012, the Court is required to conclude as a matter of law that said Order to Show Cause is void. See Sams Food Store Inc. v. Alvares, 443 So.2d 211 (Fla. 3rd DCA 1983).


Conclusion

Upon finding that Petitioner Broom was never furnished the Court Order to Show Cause – dated February 6, 2012, the court is required to conclude as a matter of law that said Order to Show Cause was entered without jurisdiction and void. See Sams Foods Store Inc., supra.

Relief Sought

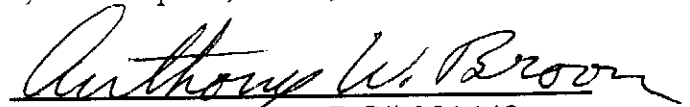
This Court departed from the essential requirement of law, denying Petitioner Broom due process of law by imposing sanctions, even though Broom never received the Order to Show Cause, which is referred to in the Court Order – dated May 3, 2012. Therefore, both the February 6, 2012 Unpublished Opinion and the May 3, 2012 Court Orders must be stricken as mandated by law for lack of notice. In the interest of justice and judicial fairness Broom should be furnished a copy of the Court’s Order to Show Cause with sufficient time to respond to any sanctions that this Court feels it should impose against Broom for his arguing fraud on the court. If this Court still feels Broom’s filing are unauthorized as this Court has previously alleged.

Respectfully Submitted,


Anthony W. Broom, *pro se*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a true copy of the foregoing document was placed in the hands of Mayo Correctional Institution Annex officials to forward by U.S. Mail to: Office of the Attorney General, The Capitol, PL01, Tallahassee, FL on this 14 day of May, 2012.


Anthony W. Broom, DC# 081443
Mayo Correctional Institution Annex
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Mayo, FL 32066