

IN THE SUPREME COURT OF THE UNITED STATES

PROVIDED TO TOMOKA CI
ON 10/24/18
FOR MAILING BY OK 145

KAI UWE THIER,
Petitioner,

v.

Case No.: 18-5163

THE STATE OF FLORIDA,
Respondent.

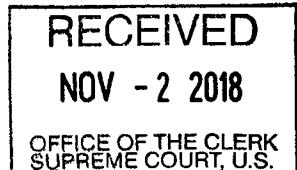
PETITION FOR REHEARING

COMES NOW the Petitioner Kai Uwe Thier, *pro se*, pursuant to Rule 44(2), of the Supreme Court Rules, and petitions this Honorable Court for rehearing on the decision of this court rendered October 1, 2018.

In support thereof the Petitioner would state as follows:

This court denied the Petitioner's certiorari petition on October 1, 2018, without addressing the merits of the claim.

The Petitioner argued in his petition for writ of certiorari that this court should exercise its jurisdiction regarding the Petitioner's claim, in that petitioner is entitled to discharge or a new trial based on a violation of international treaties as codified in the Vienna Convention on Consular on Consular relations (VCCR), which resulted in the petitioner giving an incriminating statement to police investigators, which subsequently had been used at trial and caused extreme



prejudice to the Petitioner. However, he would not have given this statement if he would have been advised by law enforcement officers of his right to talk to officials from his country.

The Petitioner understands that certiorari review rests entirely within the discretion of this court and there is absolute no entitlement to such review. However, the Petitioner submits that his claim is one of exceptional importance because it revolves around a direct violation of the Supremacy Clause of the United States Constitution, as set forth under U.S. Const. Article VI, cl. 2, which provides in pertinent part that: “All Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land: and the Judges in every State shall be bound thereby, anything in the Constitution or Laws of any State to the Contrary notwithstanding.”

The violation occurred because local law enforcement officers, the State Trial Court, and the State Appellate Court blatantly ignored the provision of the Vienna Convention, Apr. 24, 1963, Art. 36 ¶1 (b), which provides in pertinent part that: “The competent authorities of the receiving State shall, *without delay*, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or committed to prison or to custody pending trial or is detained in any other manner. Any communication addressed to the consular post by the person arrested, in prison, custody or detention shall also be forwarded by

the said authorities *without delay*. The said authorities shall inform the person concerned *without delay* of his rights under this sub-paragraph. (Emphasis added).

Nevertheless, the provision of the Vienna Convention are to be treated the same way as constitutional provisions of this country as guaranteed by the Supremacy Clause, which should justify a certiorari review by this court in the interest of justice and fundamental fairness, because the Supremacy Clause of the United States Constitution constitutes a paramount and supreme standard of law. In the event of this Honorable Court rejecting any further review of this claim the Petitioner would be compelled to present his claim via German Authorities to the jurisdiction of the I.C.J. – International Court of Justice, similar as it was done in *LaGrand, Germany v. United States*, I.C.J. 2001 and *Avena, Mexico v. United States*, I.C.J. 2014.

WHEREFORE, the Petitioner asks this Honorable Court to grant rehearing and/or certiorari review on the merits of Petitioner's claim and thereupon to grant relief as this court may deem appropriate and just.

Respectfully submitted,



Kai Uwe Thier, DC# L47927
Tomoka Correctional Institution
3950 Tiger Bay Road
Daytona Beach, Fl. 32124

IN THE SUPREME COURT OF THE UNITED STATES

KAI UWE THIER,
Petitioner,

v.

Case No.: 18-5163

THE STATE OF FLORIDA,
Respondent.

CERTIFICATE OF PARTY

I HEREBY CERTIFY that the instant petition for rehearing is limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented, and is presented in good faith and not as an abuse or to cause any unnecessary delays.

Date: October 25, 2018


Kai Uwe Thier, DC# L47927
Tomoka Correctional Institution
3950 Tiger Bay Road
Daytona Beach, Fl. 32124