

ORIGINAL

NO. 18-5259

IN THE
SUPREME OF THE UNITED STATES

Supreme Court, U.S.
FILED
OCT 15 2003
OFFICE OF THE CLERK

OLIN RAY NOWLIN -PETITIONER

V.S.

JOE SHANNON JR, ET AL -RESPONDENT(S)

A PETITION FOR A REHEARING
PURSUANT TO SUPREME COURT RULE 44

OLIN RAY NOWLIN §
PETITIONER/PRO SE §
VS. JOE SHANNON Jr, Et AL
DEFENDANT

TO THE; HONORABLE CHIEF JUSTICE
OF THE SUPREME COURT OF THE UNITED STATES

NOW COME THE PETITIONER OLIN RAY NOWLIN/PRO SE IN THE ABOVE
STYLED NO.18-5259 AND RESPECTFULLY SUBMITS A PETITION FOR A
REHEARING IN THIS SUPREME COURT OF THE UNITED STATES THE
PETITIONER FILES WITHOUT AN ATTORNEY ON RECORD THE PETITIO-
NER WILL RESPECTFULLY SHOW THIS COURT THE FOLLOWING REASON,
WHY THE ^{COURT} SHOULD GRANT PRTITION FOR A REHEARING.

THE PETITIONER CLAIMS THAT THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS CLAIMED THAT THE PETITIONER DID NOT MEET THE REQUIREMENTS AS IN HESLING V. CSX TR-ASP, INS, 3396 F.3d 639 AT 641 AT HEADNOTE [7,8] ARGUES THAT A PARTY MAKES A RULE 60 (B) MOTION MUST ESTABLISH, (1) THAT ADVERSE PARTY ENGAGED IN FRAUD OR OTHER MISCONDUCT AND (2) THAT MISCONDUCT PRESENTED THE MOVING PARTY FROM FULLY FAIRLY PRESENTING HIS CASE THE MOVING PARTY HAS THE BURDEN OF PROVING THE MISCONDUCT.

THE PETITIONER CLAIMS THAT THE MOTION THAT WAS FILED ON MARCH 24, 2015 NOWLIN V THALER, CASE NO. 4:14-cv-00212 - A AND THE EXHIBIT (B) ABSOLUTLY AFFIRMED AND DEMONSTRATED THE FACTS THAT THE STATE HANDWRITTEN DOCUMENT EXHIBIT (B) WAS HARMFULL TO HIS DEFENSE AND DEPRIVED HIM OF FULLY FAIRLY PRESENTING HIS CASE THAT THE ADVERSE PARTY DID ENGAGED IN MISCONDUCT OF EXTRINSIC FRAUD WHICH DEPRIVED HIM OF HIS CONSTITUTIONAL AMENDMENTS RIGHTS 6th/5th/14th.

IN NOWLIN, STATES THAT THE TEXAS RULES APPELLATE RULE 30 (B) (7) FORBIDS FOR WITNESS TESTIMONY TO BE HEARD IN THE JURY DELIBERATION THAT HAS NOT BEEN THROUGH A TRIBUNAL BEFORE A JURY TRIAL WHERE THE PETITIONERS RIGHTS ARE PROTECTED THROUGH DUE PROCESS AND DUE COURSE OF LAW OF THE TRIAL COURT AND BY COUNSEL AS GUARANTEED BY THE 6th/5th/14th. ALSO SEE CROWFORD V. WASHINGTON, 124 S.ST. 1354 (2004). A FUNDAMENTAL OF THE DUE PROCESS RUOIREZ THAT THE JURY'S VERDICT BE BASED ON EVIDENCE RECEIVED IN OPEN COUERT NOT FROM OUT ^{Side} SOURCES U.S. V. DAVIS, 583 F.ED 190 (1979)

IN NOWLIN V. SHANNON, CASE NO.4:15-cv-778-A STATED IN HIS RULE 60 (B) MOTION THE REASON FOR OPEN THE CASE. THE PETITIONER CLAIMS THAT UNDER RULE 60 (B) A PARTY TO SEEK RELIEF FROM A FINAL JUDGMENT AND REOUEST REOPENING OF A CASE UNDER LIMITED SET OF CIRCUMSTANCE [including fraud]. MISTAKE. AND NEWLY DISCOVERED EVIDENCE WHICH BY DUE DILITGENCE COULD NOT BEE BEEN DISCOVERED IN TIME FOR A NEW TRIAL RULE 60 (B) THE PETITIONER CLAIMS RULE 60 (B) (2)/(3) SEE GONZALEZ V. CROSBY, (2005).

BRIEFLY STATED GROUNDS
UNDER RULE 44

IN NOWLIN V. SHANNON, CASE NO. 4:15-cv-778-A STATED IN HIS RULE 60 (B) MOTION THAT THE COURT HOUSEHOUSE PUBLIC RECORD OF FORT WORTH TARRANT COUNTY TEXAS OF THE EXHTBIT (A) OF THE NEWLY DISCOVERED EVIDENCE IS SHOWING A COLLEABLE CLAIM OF NEW RELIABLE EVIDENCE WHETHER IT BE "EXCULPATORY" SCIENTIFIC EVIDENCE, TRUSTWORTHY, EYEWITNESSES ACCOUNT. OR CRITAL, PHYSICAL EVIDENCE "THAT NOT PRESENTED:AT TRIAL id AT 324, 115 S. CT. 1851 HOUSE V. BELL, 547 U.S. 518, 115 S.C.T. 2064 165 L ED.2D 1). ALSO SEE NOWLIN CASE NO. 4:15-cv-00212-A ADDRESSING THIS ISSUE THE EXHIBIT (A) SHOWED THAT THE PETITIONER IS ACTUAL INNOCENT OF THE FALSE AELEGATION OF THE EXHIBIT (B) IN INTERMAGNETICS V. AMERICA, (A.9) (CAL) 1991 F.2D 9120 states ON INTRINSIC AND EXTRINSIC FRAUD WHICH ALL JUDGMENT WILL BE SET ASIDE

CERTIFICATE STATING WHY GROUNDS
ARE LIMITED TO INTERVENING CIRCUMSTANCE

THE PETITIONER FILED HIS EXHIBIT (B) IN THE STATE AND FEDERAL COURT/FOR THE COURTS TO ~~WWW~~ PRODUCE A CERTIFIED COPY OF AN AFFIDAVIT THAT WILL PROVE THE EXISTENCE OF THE PERSON THAT IS STATED IN THE STATE HANDWRITTEN DOCUMENT OF EXHIBIT (B); ---THE COURT JUST PRESENTLY HAD RECGNIZED ONCE AGAIN THAT THE ESSENCE OF THE RIGHT PROTECTED. THE RIGHT TO SHOWN THAT THE ACCSER IS "REAL" AND THE RIGHT TO PROBE THE ACCSER AND ACCUSATION IS IN FRONT OF THE TRIER OF FACT KENTUCKY V. STINCER, 482 U.S. 730,736, 107 S.CT. 2658,2662-2663 L.ED.2D 631 (1987); QUOTING MATTOX V. UNITED STATES,156, ~~WWW~~ U.S. 237,242-243 15 s.ct 337,339 39 l.ED.2D 409, ~~WW~~ (1995); COY V. IOWA, 198 S.CT. 2798(1988); THE COURT ^{/S/} DID NOT PRODUCE A CERTIFICATE COPY OF AN AFFIDAVIT THAT WOULD BE MADE BY THE PERSON IN THE STATE HANDWRITTEN DOCUMENT EXHIBIT (B).

THE PETITIONER DID HIS INVESTIGATION OF THE EXHIBIT (B) AND FILED A LETTER ~~WHE~~ TO THE TARRANT COUNTY COURTHOUSE RECORD : THE PUBLIC RECOND OF EXHIBIT (A) SHOWED THAT THERE IS NO EXISTENCE OF SUCH A PERSON SEE THE EXHIBIT THAT WAS FILED IN HIS WRIT CERTIORARI OF THE EXHIBITS (A)/(B) THE GROUNDS ARE LIMITED BECAUSE THE COURTS COULD NOT MEET THE CONCLUSIVE PRESUMPTION AND THE COURTS HAS THE PRESUMPTION OF LAW THIS IS A VIOLATION OF THE DUE PROCESS AND DUE COURSE OF LAW OF THE 6th/5th/14th

CONCLUSION

THE PETITIONER CLAIMS THAT IN HIS CONCLUSTON THAT THIS SUPREME COURT OF THE UNITED STATES DENIED THE PETITIONERS WRIT OF CERTIORARI ON OCTOBER 1, 2018 WITHOUT GIVEN THE PETITIONER A DEFINITE STATEMENT TO WHY THE WRIT OF CERTIORARI WAS DENTED THIS IS A DENIAL OF THE DUE PROCESS AND DUE COURSE OF LAW OF THE 14 AMENDMENT

THE PETITIONER CLAIMS THAT HIS WRIT OF CERTIORARI IS THE CONCLUSIVE PRESUMPTION THAT CANNOT BE OVERCOME BY ANY ADDITIONAL EVIDENCE OR ARGUMENT THE COURT HAS THE PRESUMPTION OF LAW A LEGAL ASSUMPTION THAT A COURT IS REQUIRED TO MAKE IF CERTAIN FACTS ARE ESTABLISHED AND NO CONTRADICTORY EVIDENCE IS PRODUCED IF THE SUPREME COURT OF THE UNITED STATES CANNOT MEET THE REQUIREMENTS OF CONCLUSIVE PRESUMPTION AND THE PRESUMPTION OF LAW THEN THE SUPREME COURT OF THE UNITED STATES IS REQUIRED TO SET ASIDE HIS STATE COURT CONVICTION. SEE BLACK'S LAW DICTIONARY ON CONCLUSIVE PRESUMPTION AND PRESUMPTION OF LAW THE PETITIONER WRIT OF CERTIORARI IS BASED ON A PRIMA FACIE CASE THE SUPREME COURT OF THE UNITED STATES HAS JURISDICTION TO GRANT ^{THESE} PETITION FOR A REHEARING AND HIS WRIT OF CERTIORARI.

PRAYER

THE PETITIONER PRAY THAT THIS SUPREME COURT OF THE UNITED STATES WILL OPEN AND VIEW HIS WRIT OF CERTIORARI BY GRANTING THIS PETITION FOR A REHEARING AND TAKE JURISDICTION OF THIS CASE

RESPECTFULLY SUBMITTED
OLIN RAY NOWLIN
MARK STILES UNIT
BEAUMONT, TEXAS 77705
Olin Ray Nowlin
324386
PETITIONER/PRO SE