

DOCKET NO. 18-5442

IN THE
SUPREME COURT OF THE UNITED STATES

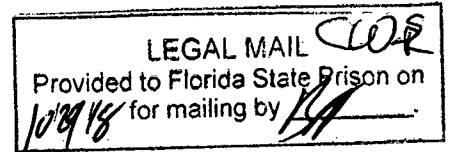
CRAIG ALAN WALL, SR.,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.



PETITION FOR REHEARING

CRAIG WALL, SR.,
pro se applicant

CRAIG WALL, SR., DC# 140726
FLORIDA STATE PRISON
P.O. Box 800
Raiford, FL 32083

Counsel for Petitioner

October 29th, 2018.

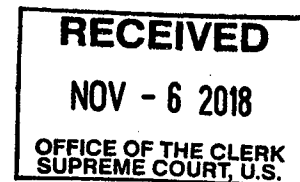


TABLE OF CONTENTS

	<u>PAGES</u>
TABLE OF CONTENTS.....	1
TABLE OF APPENDICES.....	2
TABLE OF AUTHORITIES.....	3
REASONS FOR GRANTING REHEARING.....	4
CONCLUSION.....	8
CERTIFICATE OF SERVICE.....	8
CERTIFICATION OF COUNSEL.....	9

TABLE OF APPENDICES

— APPENDIX A

“Motion To Withdraw As Counsel” due to conflict filed by Julis Aulisio, Esq., appellate counsel, on January 26, 2017 to the Florida Supreme Court.

— APPENDIX B

February 16, 2017 letter from Julius Aulisio, Esq. to Petitioner Craig Wall, Sr.

TABLE OF AUTHORITIES

PAGES

Crawford v. Washington

541 U.S. 36, 124 S. Ct. 1354, 158 L. Ed. 2d 177 (2004)..... 5

Strickland v. Washington

466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984)..... 6

In violation of STARE DECISIS this Court denied Petitioner's writ of certiorari, thereby violating this Court's own opinions and decisions.

This Motion For Rehearing is to beg this Court to realize that to deny Petitioner's writ of certiorari is to ignore stare decisis and to agree that the State of Florida has the right to remove a defendant's U.S. Constitutional Sixth Amendment Right without due process and that the Florida Supreme Court is permitted to actively interfere with an appellant's relationship with his/her counsel and court order that counsel to abandon his/her client in order to argue and present issues the Florida Supreme Court wants presented "in the court's interest."

To simplify the two main issues, Petitioner will only cite one decision by this Court per issue to show stare decisis is being violated by this Court's denial of Petitioner's writ:

ISSUE #1: The State of Florida removed the right of Florida citizens to the U.S. Constitution's Sixth Amendment to confront witnesses, by passing into law Florida Statute § 90.804(2)(f).

Stare Decisis case: Crawford v. Washington, 541 U.S. 36, 124 S. Ct. 1354, 158 L. Ed. 2d 177 (2004).

As cited in Petitioner's writ of certiorari, and attached to the writ as "Appendix D"; the Florida Supreme Court originally refused to adopt this unconstitutional statute citing Crawford. However, upon rehearing, the State court passed this unconstitutional procedure.

Crawford is PRECEDENT to Petitioner's issue, even the State court said so (before inexplicably reversing itself). For this Court to deny Petitioner's writ of certiorari without allowing oral argument, violates the stare decisis of Crawford and all its supporting case history. Fla. Stat. § 90.804(2)(f) is an "issue of great public importance."

ISSUE #2: The State directly interfered in the representation process; caused inherently prejudicial conflict of interest and outright denied counsel to Petitioner via court order.

Stare Decisis case: Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984) (at 682 citing Washington v. State, 693 F. 2d 1243, 1258-1259 (5th Cir. 1982)).

This Court determined that “only in cases of outright denial of counsel, of affirmative government interference in the representation process, or of inherently prejudicial conflicts of interest had this Court said that no special showing of prejudice need be made.”, id.

The “government” (Florida Supreme Court) affirmatively interfered in the representation process and created inherently prejudicial conflict of interest, as evidenced by the statements of counsel who was forced to present argument and opinions “for the benefit of the Court” against his client’s interest. **SEE** Attached:

Appendix A: Counsel’s “Motion to Withdraw As Counsel.”

Appendix B: February 16, 2017 letter from counsel to Petitioner.

The statement by counsel, in App. B, clearly states that counsel has been usurped by the “government” to argue issues against his client “for the benefit of the Court”, **NOT** for the benefit of his client. That court order is “affirmative government interference in the representation process,” and is also “inherently prejudicial conflicts of interest” as Petitioner’s (the client) “interests” are in conflict with the “interests” of the government (the State court), putting counsel in “conflict of interest.”

The most compelling example of these is the arguments in the “Motion To Withdraw,” App. A, by counsel who asserts there is a conflict of interest. Counsel also makes clear that if the State court ordered counsel to represent the court’s interest over Petitioner (his client): App. A,

pg. 5”...it is a legal fiction, at best, to say that the attorney is acting on the client’s behalf or providing advocacy of the client’s interest.”

The attached letter and Motion To Withdraw As Counsel were not included in Petitioner's writ of certiorari, or Petitioner's Reply to Respondent's Response Brief, because Petitioner believed that he already provided this Court with enough overwhelming evidence. However, to prove stare decisis via Strickland has been violated because this Court stated “no special showing of prejudice need be made” by Petitioner if just one of the three are present: (1) “outright denial of counsel”, OR (2) “affirmative government interference in the representation process”, OR (3) “inherently prejudicial conflicts of interest”, Petitioner is compelled to present these Appendices now. As evidence by those, (2) and (3) above have been proven on the face of the record based on counsel’s statements throughout App. A, Strickland makes clear that Petitioner has to show nothing more.

For this Court to deny Petitioner's certiorari, is to agree that a State court can deny an Appellant his counsel, and puts to a lie this Court’s statements in Strickland, et. al.


CONCLUSION

WHEREFORE, because Stare Decisis is "other substantial grounds not previously presented" under Rule 44.2 for rehearing before this Court, Petitioner begs this Court to Rehear Petitioner's Petition For A Writ of Certiorari based on Stare Decisis and the facts and evidence in this case as presented.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, in accordance with 28 U.S.C. § 1746, that under penalty of perjury that the foregoing and appendices are true and correct, and that a true copy of Petition For Rehearing has been furnished by United States Mail to: Marilyn Beccue, Assistant Attorney General, 3507 E. Frontage Road, Suite 200, Tampa, Florida 33607-7013.

On this 29th day of October, 2018.


/s/ 
CRAIG WALL, SR.
Pro Se Petitioner

FLORIDA STATE PRISON
Craig Wall, Sr. #140726
P.O. Box 800
Raiford, FL. 32083

CERTIFICATION OF COUNSEL

I HEREBY CERTIFY, as PRO SE COUNSEL for Petitioner Craig Alan Wall, Sr., that this Petition For Rehearing is restricted to the grounds specified in Rule 44.2, specifically "other substantial grounds not previously presented" those grounds being Stare Decisis violations; and that this Petition is presented in good faith and not for purposes of delay.

Certified on this 29th day of October, 2018.

/s/ 
CRAIG WALL, SR.
Counsel, Pro Se

FLORIDA STATE PRISON
Craig Wall, Sr. #140726
P.O. Box 800
Raiford, FL. 32083

**Additional material
from this filing is
available in the
Clerk's Office.**