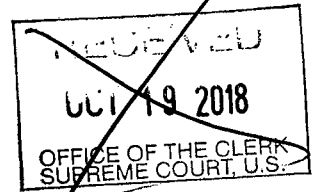
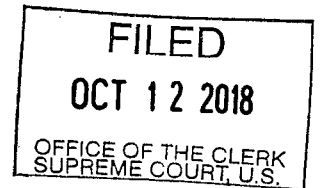


Case No. 18-5812

IN THE
Supreme Court of the United States



In Re Richard DeCaro, Petitioner



Petition for Rehearing

Richard DeCaro, In Pro se
Registration Number: 24317-044
Federal Correctional Institution
Post Office Box 6000
Florence, Colorado 81226

Petitioner, Richard DeCaro, respectfully requests a rehearing for the following reasons. (1) My petition for an Extraordinary Writ was misconstrued as a habeas corpus; and, (2) The circumstances of my case represents extraordinary and substantial grounds that are in aid of the Court's appellate jurisdiction where the exceptional circumstances warrant the exercise of the Court's discretionary powers, and adequate relief cannot be obtained in any other form or in any other court.

Since the discovery in 2014 that my conviction violates the Double Jeopardy Clause of the United States Constitution, I have asked to be heard. I have been denied this simple request by all levels of the courts. I am an innocent man seeking my freedom and I should be afforded the opportunity to present my claims.

For almost twenty-four years I have been fighting to clear my name once again. As I stated in my original petition, I was found innocent in State of Missouri v. DeCaro, No. 92-650 on all counts; four State statutes. I was then charged a second time by the Federal Government for the same alleged offense. They offered me a five year plea deal which I refused because I have never committed a crime in my life. I was tried, unconstitutionally convicted, and sentenced in violation of the Ex Post Facto Clause; which I have also been denied access to be heard.

I was found innocent in the State trial due to a lack of evidence. I was found guilty in the Federal trial on emotions, using the identical lack of evidence. Even the Eighth Circuit Court of Appeals says that there was only circumstantial evidence.

The other reason I filed the Extraordinary Writ is because my case will aid the Court in Gamble v. United States, No. 17-646. Gamble was found guilty in the State, and I was found innocent in the State. Gamble will be incarcerated for an extra two years, and I have been incarcerated for over 23 years; slated to die in prison.

Because of the separate-sovereigns exception, the federal jury was unconstitutionally instructed to re-adjudicate the very same Missouri first degree murder statute that I was found innocent of by the State death penalty qualified jury. This in and of itself violates the Double Jeopardy Clause because the federal statute cannot stand on its own without the usage of the State statute.

For the reasons stated above and the exceptional circumstances of my incarceration, I respectfully request a rehearing or for the Court to issue a stay on my petition until after the Gamble ruling.

Respectfully submitted, October 11, 2018.

A handwritten signature in cursive script that reads "Richard DeCaro". The signature is written in dark ink and is positioned above a horizontal line.

Richard DeCaro, In Pro se


Certification

I, Richard DeCaro, hereby certify that my Petition for Rehearing is in compliance with Supreme Court Rule 44 and that it is presented in good faith and not for delay.


Richard DeCaro, In Pro se

Proof of Service

I hereby certify that on October 11, 2018, I deposited a copy of my Petition for Rehearing with the U.S. Postal Service to be delivered to: Solicitor General of the United States, Room 5614, Department of Justice, 950 Pennsylvania Avenue, N.W. Washington, DC 20530-0001.


Richard DeCaro, In Pro se