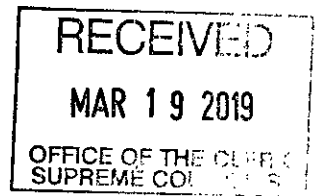


No. 18-7325



Supreme Court of The United States

John Joseph Zinkand #0986009

Petitioner

v.

Carlos Hernandez, Supt. A.M.C.I., et al.,

Respondents

On Petition for Rehearing to The
United States Supreme Court

Petition for Rehearing

My name John J. Zinkand
Pro se Petitioner
600 Amity Park Road
Spruce Pine, N.C.
28777

1. Declaration of Inmate Filing

Date Petition for Rehearing deposited in institution mail system 03/12/19

I am an inmate confined in an institution and deposited my Petition for Rehearing in the institutions mail system. First-class postage was prepaid by me or by the institution on my behalf.

I declare under the penalty of perjury that the foregoing is true and correct (see 28 U.S.C. § 1746; 18 U.S.C. § 1621).

John Joseph Zinkand #0986009 Date 03/12/19

2. Jurisdiction

Name of court for which I am filing: United States Supreme Court.

Date of order of denial of Certiorari: 19 February 2019.

3. Plea for Justice

I am a *pro se* petitioner making an honest and humble plea for justice. The issues in this present case can and will apply to countless Citizens, if this Honorable Court decides to hear and Rule on the merits of this case.

In support thereof Petitioner shows the following:

Issue #1. North Carolina used an unconstitutional statute to convict upon.

Supporting Facts and Argument: N.C. State has continuously used an overly vague and ambiguous unconstitutional statute, i.e., N.C.G.S. §14-27.7A. A statute that contained two (2) separate criminal offenses in its title. A statute that was abolished under the guise of renaming/renumbering/and recodifying - in fact and Law - according to Black's Law Dictionary - what actually happened is called an 'imply repeal.' Because to replace a single statute with two (2) newly created statutes, i.e., N.C.G.S. §14-27.25 and §14-27.30 - you must do away with the old one - hence implied repeal. This is the exact type of case the Framers kept the Supreme Court powers for - to rectify such abusive state actions which constitutes slavery by bad Law. Violation of 13th Amend.

Issue #2. Procedural Due Process Violated

Supporting Facts and Argument: Every attempt to obtain lawful relief has unjustly been denied. Petitioner filed numerous motions and petitions only to receive arbitrary denials. Not once has any lower court addressed and/or Ruled on the merits of this case! All of which amounts to a clear violation of legal and meaningful access to the courts. How can anyone receive access to the courts if none will Rule let alone address the merits of the case? This is clear violation of Procedural Due Process and Equal Protection.

Issue #3. Lack of Subject Matter Jurisdiction

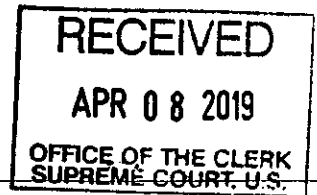
Supporting Facts and Argument: Macon County N.C. Superior court failed to acquire subject matter jurisdiction in that the prosecution never had a valid indictment. The indictments used were and still are vague and incomplete. See: Indictments compared to verdict sheets. Moreso, the trial judge (Preston Cornelius - semi retired) (trial in 2006 judge retired in 1994) stated in trial - to prosecutors - "Your indictments simply allege". See ttp. 351. Clearly violating established Law see U.S. v Nance, 553 F.2d 699 (1976); United States v. Cruishank, 92 U.S. 542, 558, 23 L.Ed 588; Russell v. United States, 369 U.S. 749, 764 (1962).

Issue #4. No Physical/Biological/material Evidence.

Supporting Facts and Argument: The evidence at trial did not comport to the allegations in the indictments. Therefore, there was no triable offense against the defendant. According to the attached Article from the U.S. Observer contained in Petitioner's Certiorari - The Macon County justice system didn't even have enough evidence to file a formal criminal complaint. This Article further stated that the unofficial number of false prosecution for this type of crime in Macon County was at least fourteen. I strenuously contend and know that I am one of those fourteen. The State has usurped the Grand Jury by allowing vague, ambiguous indictments allegations where the prosecution cite the cause after the evidence comes out at trial (testimonial evidence) violating Due Process 5Th, 14Th Grand Jury Right of Accusation.

4. Relief Requested: Enter an order Ruling N.C.G.S. §14-27.7A is unconstitutional and that all charges are null and void; Order for the immediate release of Petitioner from unlawful imprisonment.

John J. Zinkand



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CERTIFICATE OF PETITIONER

1. I, John Joseph Zinkand, *pro se*, Petitioner in the above captioned case do certify that the grounds in said present case are limited to intervening circumstances of substantial and/or controlling effect or to other substantial grounds which were not previously presented.

2. I further certify that the petition in the present case for Rehearing is presented in good faith and not for delay.

3. Submission Statement

Submitted as true and correct- No Court of jurisdiction has 'yet' to Rule on the merits of Petitioner's claims.

Petitioner and countless others have been subjected, and are suffering involuntary servitudes, false imprisonments by incarceration upon invalid laws which are prohibited by the 8th and 14th Amendments.

Petitioner lacking wealth, living in poverty conditions has been continuously denied access to the courts by summary denials of valid claims due to petitioner's inability to retain any counsels, and/or any competent means of representation. See *Bound v. Smith*.

Petitioner's motions and presentations clearly show a strong need for Judicial intervention to prevent and/or STOP the ongoing malicious disregard of Citizens Rights, currently being denied in North Carolina State by the courts improper unconstitutional use of unpublished opinions and secret dicta ordering the N.C. Legislature to change unconstitutional statute in a subversive manner to conspire to cover-up false imprisonments. See: totality of petitioner's presentations and arguments in petitioner's Habeas and Certiorari.

Conclusion of Certificate

I, John Joseph Zinkand do certify that the foregoing statements and grounds in present case for Rehearing are true and correct and presented in good faith and not for delay. Declared under the penalty of perjury See: (28 U.S.C. § 1746; 18 U.S.C. § 1621).

John Joseph Zinkand 3-27-19