

IN THE
SUPREME COURT OF THE UNITED STATES

MIZELL CAMPBELL JR.,

Petitioner,

v.

THE FLORIDA BAR,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE FLORIDA SUPREME COURT

PETITION FOR REHEARING

MIZELL CAMPBELL JR., J.D.
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June 5, 2019

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PETITION FOR REHEARING

This Petition For Rehearing is restricted to the grounds specified in Rule 44.2, namely intervening circumstances of substantial or controlling effect and substantial grounds not previously presented.

Pursuant to *Harrington v. Richter*, 131 S. Ct. 770 (2011), the lack of any legal or factual conclusion or citation to case law does not insulate the December 6, 2018 decision from the Florida Supreme Court from United States Supreme Court review.

Further, in the case of Demetrius Jackson v. Ohio, No. 18-1241, the same issues of a state agency attempting to circumvent the Fifth Amendment were presented. While the Petition For Certiorari was denied in that case, a close review of this case and the arguments in that case will show that the violations of the Fifth Amendment set forth were even more egregious than what Mr. Jackson set forth in his case, as Mr. Campbell faced trial with the prosecutor who was investigating him sitting at the trial.

The issues that Mr. Campbell faced with going to trial on the Florida Bar proceedings, while being under criminal investigation and having to choose between not testifying on his behalf or testifying in the ~~presence~~ of the state attorney who was ^{presence M.C.J.} investigating him and who ultimately filed charges¹ against him based on the same issues as the ongoing Florida Bar proceedings, despite that state attorney knowing that Mr. Campbell had retained criminal defense counsel, whom the state attorney had communicated with, are the same as Defendant Ringgold faced in a case from 2019.

¹ The criminal charges are currently pending and have not yet been resolved, but were filed based on the same issues that the Florida Bar proceedings were regarding.

Defendant Ringgold was facing non-criminal charges by the Securities and Exchange Commission (“SEC”) and sought a stay of those proceedings, since an attorney with the Department of Justice had indicated that a criminal indictment might be sought.

In the case of *Securities and Exchange Commission v. BLOCKVEST, LLC*, Case No. 18CV2287-GPM (BLM), (S.D. Cal. 2019) it was set forth that while stays of civil cases are rarely granted without there being a pending criminal case, none of the cases cited involved a prosecutor who was in actual attendance at a civil or quasi-judicial proceeding, placing the Defendant in the position that Mr. Campbell was placed in.

Further, it was set forth that in considering a Fifth Amendment argument in a situation where civil proceedings are pending, a court should consider: (1) the extent that defendant's fifth amendment rights are implicated; (2) the interest of the plaintiff in proceeding with the litigation and the potential prejudice to plaintiff of a delay (3) the burden on defendants; (4) the convenience of the court and the efficient use of judicial resources; (5) the interests of third parties; and (6) the public interest in the pending civil and criminal litigation.

In the case of *Consumer Financial Protection Bureau v. Global Financial Support, Inc.*, Case No. 3:15-cv-02440-GPC-WVG, (S.D. Cal. 2019), there was a stay issued of a civil matter based on an ongoing criminal investigation.

The Florida Bar trial against Mr. Campbell should have been stayed pending the ongoing criminal investigation and the additional presence of the prosecutor at Mr. Campbell's trial further adds to the Fifth Amendment violation that took place.

CONCLUSION

The Court should reconsider its denial of certiorari in this case.

DATED this 5th day of June, 2019

Respectfully submitted,



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