

In The
Supreme Court of the United States

CORNELL D. REYNOLDS
PETITIONER,

v.

RANDALL HEPP, Warden
Respondent.

PETITION FOR REHEARING

By: Cornell D. Reynolds, Pro se.

FOX LAKE CORRECTION INST.
P.O. BOX 200
FOX LAKE, WISC. 53933-0200

Now Comes the Petitioner, Cornell D. Reynolds who respectfully moves this Court for a rehearing of his Petition for Writ of Certiorari. As grounds Reynolds state the following:

ARGUMENT

This is a case governed the AEDPA. The AEDPA greatly restricts federal habeas review of state-court criminal convictions. To obtain relief under the AEDPA, a petitioner must show that he is "in custody in violation of the Constitution or laws or treaties of the United States. The petitioner must also satisfy 28 U.S.C. § 2254(d). That is, the petitioner must show that the state court's decision "was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States," or "was based on an unreasonable determination of the facts in light of the evidence presented in the State Court proceedings. 28 U.S.C. § 2254(d)(1) & (2).

In Mr. Reynolds' writ to this Court Reynolds presented 2 questions (1) Should the conflict of interest doctrine be extended to include financial conflicts between attorney and client; and/or (2) Whether a State creates a fatal conflict of interest when it cuts off payment to appointed counsel midway through an indigent defendant's first appeal as of right? On May 14, 2019 this Court requested that the State of Wisconsin file a response to Mr. Reynolds writ, Mr. Reynolds file a reply and on October 7, 2019 this Court issued an order denying Mr. Reynolds petition for writ of certiorari .

in the United States has required the appointment of counsel on a first appeal as of right. Now it seems that States such as Wisconsin are coming up with new and creative way to deny counsel to the poor during the direct appeal process. Here, the State chose to interfere with counsel representation of his client by abruptly cutting off his court-appointed appellate counsel from all payment, causing counsel to unilaterally stop work on the case because of the State's refusal to pay his fees and because Reynolds, an indigent defendant could not afford to pay him.

The question this Court needs to answer is a critical one. That is whether a State creates a fatal conflict of interest when it cuts off payment to appoint counsel midway through an indigent defendant's first appeal as of right? This question is so critical that the United States Court of Appeals for the Seventh Circuit found itself to be ill equipped and thus unable to render a adequate decision on the merits. It instead rested its decision on a lack of guidance from this very Court stating:

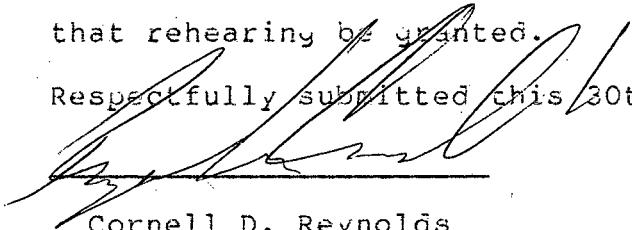
...."We reject his argument for two independent reasons. First, the Supreme Court has yet extended its multiple-representation decisions to financial conflicts of interest between attorney and client, let alone provided clear guidance as to whether or under what circumstances a financial conflict of interest between attorney and client violates a defendant's right to counsel. That silence presents a nearly insurmountable obstacle to this claim on a federal petition for writ of habeas corpus. Second, the Supreme Court has not given lower courts much guidance as to what

shocks the very foundation of the principles of law in this country. To deny a rehearing is to intentionally allow justice to miscarry. To say that such behavior is okay and is to draw a distinct line in the sand between the right and the poor; and by doing so this Court would be shirking it's own constitutional duties and responsibilities to protect and enforce all constitutional safeguards; and to give the lower Courts the necessary tools they need to confidently and adequately protect and enforce this country's constitution.

CONCLUSION

For all these reasons, Mr. Reynolds respectfully requests that rehearing be granted.

Respectfully submitted this 30th day of October, 2019



Cornell D. Reynolds