

Mr. Anthony K. Anderson
Prisoner ID # 1082999
Southern Desert C.T.N.
Indian Springs NEV.

AUGUST 6th 2019
8-6-2019

3:00 AM

RECEIVED

AUG 19 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

89070

SUPREME COURT OF THE
UNITED STATES

ANTHONY K. ANDERSON
Plaintiff

v.

CASE NO. # 18-9476

STATE OF NEVADA

E.T. al.
DEFENDANTS

PETITION FOR REHEARING
U.S.C. Rule # 44
PURPOSE "REHEARING EN BANC"

NOW COMES Plaintiff ANTHONY K. ANDERSON # 1082999
IN PRO-SE respectfully requesting the
United States Supreme Court for an Re-Hearing
of writ NO. 18-9476

I ANTHONY K. ANDERSON CERTIFY UNDER PENALTY OF PERJURY
THAT THIS petition for Rehearing is presented in
GOOD FAITH AND NOT ANY FORM OF DELAY. AND THIS
petition distinctly states its grounds. Stating
the grounds are limited to INTERVENING,
CIRCUMSTANCES OF SUBSTANTIAL OR CONTROLLING
EFFECTS OR OTHER SUBSTANTIAL GROUNDS NOT
"PREVIOUSLY PRESENTED" NO. # 18-9476

"PETITIONER" HERE PRESENTS Material AND Tangable Facts
Essential To Re-Hearing with Substantial Grounds
NOT PREVIOUSLY PRESENTED!

OPENING Application

BERRY V STATE 10 Ga 511 (1851)

The Doctrin That a DEFENDANT SEEKING a NEW
TRIAL ON GROUNDS OF NEWLY DISCOVERED EVIDENCE THAT
WAS NOT KNOWN TO DEFENDANT AT TIME OF TRIAL.

[AS HERE WITH ANDERSON] RE # 18-9476. ONLY
THROUGH DUE DILIGENCE, DID ANDERSON DISCOVER
THE UNCONSTITUTIONAL CREATION OF ... SB-182

THIS EVIDENCE IS [Material] RATHER THAN
MERELY CUMULATIVE OR IMPRACHING AND THIS
EVIDENCE WILL PROBABLY PRODUCE AN ACQUITTAL
WITH THE COURTS LEARNING, THE EVIDENCE DISCOVERY
WAS NOT DUE TO ANDERSONS LACK OF DUE DILIGENCE
BUT ANDERSONS CONTINUED RESEARCH FINDING OF
TANGABLE FACTS. Berry V. State 10 Ga 511 (1851)

THE SUPREME COURT ... SHALL ENTERTAIN
AN APPLICATION FOR WRIT OF HABEAS CORPUS
IN BE HALF OF THE PERSON IN CUSTODY
PURSUANT TO THE JUDGMENT OF STATE
COURT ONLY ON GROUNDS THAT HE IS
IN CUSTODY IN VIOLATION OF THE
U.S. CONSTITUTION OR LAWS OR TREATIES
OF THE UNITED STATES

(3)(i) THERE IS AN ABSENCE
OF AVAILABLE STATE COURT CORRECTIVE
PROCESS

2. an Application For writ of Habeas
Corpus must be DENIED on the
MERITS. NOT WITHSTANDING THE
FAILURE OF THE APPLICANT TO EXHAUST
THE REMEDIES AVAILABLE IN THE
COURTS OF THE STATE

ARGUMENTS

PETITIONER ANTHONY K. ANDERSON (PETITIONER), PETITIONED
TO THIS COURT FOR PETITION FOR AN EXTRA ORDINARY
Writ (WRIT) ISSUANCE OF THE WRIT WILL BE
IN AID OF THE COURTS APPELLATE JURISDICTION IN
UPHOLDING THIS COURTS STATUS AS THE "SUPREME COURT"
THE HIGHEST COURT IN THIS NATION IN SAFEGUARDING
THE CONSTITUTION OF THE "UNITED STATES OF AMERICA"
THUS, WARRANTING THE EXERCISE OF THE COURTS
DISCRETIONARY POWERS, IN THAT ADEQUATE RELIEF
CANNOT BE OBTAINED, IN ANY OTHER FORM
OR FROM ANY OTHER COURT (PETITIONER)
GROUNDS FOR RELIEF ARE BRIEFLY
AND DISTINCTLY STATED AS FOLLOWS:

GROUND # ONE

PETITIONER sought EXTRAORDINARY Relief in The State Courts, OF NEVADA, setting forth Jurisdiction Defects, The law might Have BEEN Thought To Establish That so long as The Conviction AND SENTENCE Were Imposed By a Court of "competent" Jurisdiction, (No Habeas Relief could Issue). Petitioner Attached The JUDGMENT ON The Grounds That He Had BEEN Convicted UNDER UNConstitutional Statutes. Which PETITIONER SET forth That The Foundation of The whole proceedings were Affected. Which Resulted IN a Decision That was Based ON an unreasonable DETERMINATION OF THE "FACTS" IN light OF THE EVIDENCE PRESENTED IN State Court PROCEEDINGS! DisREGARDING Facts That a Conviction UNDER any "unconstitutional laws" IS NOT MERELY ERRONEOUS But is ILLEGAL AND VOID" AND.. cannot Be a legal Cause OF Imprisonment

IN proceedings BEFORE The Courts OF NEVADA FOR Clark County. IN The State OF NEVADA decisions OF District Courts were made IN "EXCESS OF THEIR JURISDICTION"

SEE: ATTACHMENT # 1 Honorable Judge Delaney Rules IN ERROR WITH-OUT Jurisdiction

[claims ON (May 14th 2018) 9:30 AM PETITIONER'S]
 [3rd Appeal WERE unconstitutionally Heard IN 8th DIST COURT PETITIONER'S]
 CONCERNING #A-17-750603-2) Was Stamp

Filed Received By NEV Supreme Court at 9:00 AM ON (May 14th 2018) Accompanied By "NOTICE"! FROM [SC OF NEV. Stating There is NO NEED FOR a 3rd Appeal THIS MATTER Has BEEN UNDER Supreme Court Appeal # 75313 SINCE (May 5th 2018)

GROUND # ONE Continued

Judge Delaney Denied (Writ # A-17-750603-W) But ADDED
The Criminal Complaint (# C-268406) To The
Original Writ of Habeas Corpus # A-17-750603-W. THE RECORD
Also Reflects This Writ IS a "Writ of Habeas Corpus"
AND NOT a Post Conviction Writ of Habeas Corpus⁹⁹ as
The State Attempts To Address #A-17-750603-W. 8th District Courts
EVEN Including That THESE Issues Should Have BEEN RAISED
ON "Direct Appeal". When The Issues could NOT BE RAISED
BEFORE an "Incompetent" Court lacking Jurisdiction, Additionally
Due To The Nature of The Issues No Attorney of The
State of NEVADA Will Raise These Issues. The Application of The
Extraordinary Writ was To Challenge, be Available To Allow The
Presentation of Questions of law, which cannot otherwise be reviewed
OR that are so important as to render ordinary procedure inadequate
AND justify Extraordinary Remedy! Petitioner was Denied Due
Process of law / equal protection of law UNDER The laws of The State
of NEVADA AND The United States Constitution's Fourteenth (14th) Amend.
IN Bringing His Extraordinary Claim 8th Dist Courts sought to make
NRS. 34.726 (1) Applicable AND should not have. GROUND #1
SEE: Summary Judgment Finding of Facts (5-15-2019, 3:27 PM)
Attachment # 1 Page #4 Line #17 Through #28). SEE Page #5
Line #1 Through #12 All Findings IN ERROR
Page #4 Line #17 States Petitioner Filed a Fourth petition for Habeas
Corpus (UNDER Both numbers) A-17-750603-W, C-268406 The
Record Reflects ERROR! Petitioner was Issued #750603-W ON
(2-6-2017) without any Response from 8th Dist Courts
until April of 2018. Stating Petitioner Failed
To Follow Court order of Service on The (Attorney Gen) IN ERROR

GROUND # 1 Continued

The Record Also Reflected Error ON (JUNE 14TH 2018)

By 8th District Court Judge Delaney. FINDINGS OF FACT. The Factually Record Reflects The Supreme Court OF NEVADA #75313 CONCERNING SB-182 WAS NOT Stamped OR Filed (REVERSED OR REMANDED) UNTIL ... (SEPT 11TH 2018) Now The 8th Dist Courts are Claiming loud AND clear on Page #4 Line #18 in Their Surprising Judgement THAT PETITIONER Filed This petition UNDER BOTH NUMBERS C-268406 AND A-17-750603-W How Could "Judge Delaney" ISSUE AN ORDER OF FINDING OF FACTS CONCLUSION OF LAW AND ORDER ON (JUNE 14TH 2018) AND The Supreme Court REVERSE AND REMANDED WAS (SEPT 11TH 2018) ^{SC} #75313 Dist court # A-17-750603-W Plain and clear Judge Delaney's ERROR is HEAVY! TO ~~disturb~~ AND UNDER THE GLOR OF LAW IS NULL AND VOID WITH FACTS NOW PRESENTED Supreme Court OF NEVADA UNDER #75313 HAS legal Jurisdiction ON The Date of 8th Dist Courts Ruling 10-14-2018 The 8th Dist Court DO NOT Have legal Jurisdiction EVEN IF 8th Dist Court Attempt at Stating FINDING OF FACTS WHERE UNDER #C-268406 The Dist Court state's loud AND clear on Page #4 Line #18 THIS WRIT IS UNDER BOTH NUMBERS #750603-W C-268406 Thus Surrendering Full Jurisdiction OF The WRIT TO NEVADA Supreme Court ON (May 5TH 2018) Dist Court Ruling IS NULL AND VOID! The Dist Court Also Failed To Interpret correctly They Dismissed The Above MENTIONED WRIT TWICE FOR THE SAME ERROR ① year apart Failure To serve

GROUND # 1 Continued

TRIST ON (JUNE 8th 2017) with a REVERSAL By NEV [SC
Showing PROOF OF SERVICE BEING Timely SERVED upon
State OF NEV. Attorney General's OFFICE

SECOURN ON (JUNE 14th 2018) with a REVERSAL By NEV [SC
Showing FOR a SECOND Time The Same EFFECT PROOF OF Timely
SERVICE upon State OF NEV. Attorney GEN. OFFICE 8th Dist courts

Attempted USE OF Delay AND Denial WITH CONFUSING "Tactics"
SEE Page # 4 Line # 22 OF Dist Court Summary Judgment

Stating NOTICE OF Appeal WAS Filed (SEPT 20, 2017)

THIS IS IN ERROR IF SO PETITIONER WOULD HAVE BEEN
TIME BARR FROM Filing a Timely Appeal ALSO

SEE Page # 4 Line # 22 AND Line # 23 ALL IN ERROR

Stating ON (OCTOBER 16 2018) The NEVADA [SC

AND OR Court OF Appeals, REVERTS AND REMAND # 750603-W

Dist Denial OF The Petition. Facts Supported By The

RECORD The NEV [SC REVERSE AND REMAND OF

A-17-750603-W WAS (SEPT 11th 2018).

Made (OCT 16 2018) a complete ERROR!

SEE Line # 26 ON Page # 4 OF State Case Summary

Due PROCESS Violations By Honorable Judge Richard Scottie

Facts When The "Constitutionality" OF any State Statute

IS IN Question The Attorney General OF That

State IS The PROPER Party To Defend The State

and OR Address any ISSUES CONCERNING

a State Statute OR State laws CONCERNING legislative

ERRORS AND NOT The States District Attorneys

OFFICE AS IN # 750603-W Court OF State OF NEV.

ORDERS A/G NOT To Respond But Instead The D/A, IN

ERROR!

GROUND # TWO

The Constitution of The State of NEVADA (CONST. OF NEV.), IS THE SUPREME, PARAMOUNT LAW OF THE STATE. That its Fundamental To our Federal Constitutional System of Government That a State Legislature "has NOT the power To Enact any laws or law conflicting with The Federal Constitution, The laws of Congress, or The Constitution of its Particular state. HERE The state of NEVADA'S Tripartite government Has IN fact "Enacted a law", That's Contrary To The Federal Constitutional System of Government, conflicting with The Federal Constitution and The Constitution of The "State of NEV." Senate Bill # 182. Petitioner has no other FORUM or any other court That "ADEQUATE" Relief Can Be Obtained From a "court of competent jurisdiction" except This Court

GROUND # THREE

Petitioner sought Through The Federal Proceedings To Address SB-182 Raising BEFORE The 9th Circuit Court of Appeals (9th Cir), a Claim of "Newly Discovered EVIDENCE" Which The court SERVED Electronically on Counsel Jason CAIR. (SEE EXHIBIT # TWO"), The EVIDENCE BEING a copy of Petitioner's Filing in Case # A-17-750603-W. This matter was NEVER Addressed During oral Arguments NOR Included in any Petition requested By Mr. Cair. Before The 9th Circuit, Despite Counsel Having Stated To The 9th Circuit By AND Through Memorandum That He would Further Develop These Claims SEE APPENDIX IN EXHIBITS IN which This Court Has Already Ruled

Argument

GROUND # Three Continued

AND Employed with The writ of Extraordinary Relief # 18-9476 SEE Also (EXHIBIT Three) ORDER (DEC 3rd 2018)

Fact of Bias AND Prejudice To Petitioner Case AND Claims Appellate Counsel Jason F CART, was Ineffective From The word Go! SEE Page # 2 OF EXHIBIT # 3

SEE Highlighted whether we Affirmatively misled Anderson INTO believing That His Third Petition would Be Considered ON The Merits. But in His Reply Brief AND AT Oral Argument, ANDERSON Pursued a NEW Theory of Relief This is Due To Counsel's Ineffectiveness At No Fault OF "ANDERSON'S" ALSO SEE Bottom OF Page # 2 ORDER Dec 3rd 2018 9th Circuit EXHIBIT # 3

(ANDERSON) did not distinctively Raise This Argument IN His Opening Brief, so it is waived OR forfeited ALSO SEE Page # 4 9th Circuit ORDER EXHIBIT # 3

ANDERSON Doesnt point out any new evidence That "could not have been discovered previously NOR any new facts" "ANDERSON" Now Suffers Due To Counsel's Negligence

To satisfy Federal Constitutional Concerns AND make The Required Determination U.S.S.C Held That The Attorney Was Required To Submit, For The Courts Decision AND Consideration, References To Any-Thing IN The Record That might Arguable support TO 436 Citing United States v Edwards 777 F2d 364, 365

Ground # Three continued

We Have long Held That lawyers who Disregards Specific Instruction From The "Defendants" Acts In A Manner That's Professionally Unreasonable ID Flores - Ortega 528 US at 477. (2000)

Closing Argument Ground # Three

Most importantly However The U.S. Supreme Court Has Held That it is Solely The Defendants, who Has Authority In Deciding What To Pursue "IT is Also Recognized That The Accused Has The ultimate Authority To make certain decisions Regarding The Defendants Case SEE

Fay v. Noia The Role of The Attorney Giving Advice Was Limited. SEE The New Deliberate Bypass Standard Fay looked To The Courts Decision IN Johnson v. Zerbst 304, US 485.

Conclusion

Petitioner Has Set Forth Three (3) Grounds, wherein He Has Briefly And Distinctly Stated His Ground's Petitioner Prays That This Court Finds That The Granting of the writ, will Be in Aid of This Courts Appellate Jurisdiction, in That Exceptional Circumstances Warrant The EXERCISE of The Courts Discretionary Powers in That Adequate Relief Cannot Be obtained in any other Form or From any other Court

Yours' Anthony X. Anderson
#1082999

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