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IN THE SUPREME COURT OF THE UNITED STATES

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"IN RE BILLIE JEROME ALLEN",  
Petitioner

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STATEMENT FOR REHEARING

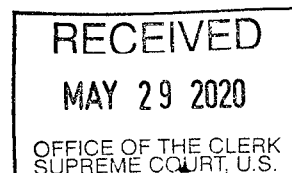
Allen submits that, to date, this Court has vacated judgments and then remanded (2) cases in light of McCoy v Louisiana, 138 S. Ct. 1500 (2018) (judgment vacated). See Hashimi v United States, 139 S. Ct. 377 (2018) (Judgment vacated and remanded in light of McCoy.); see also Clark v Louisiana, 138 S. Ct. 2671 (2018) (judgment vacated and remanded in light of McCoy.)

Vacating the judgments and remanding both Hashimi and Clark, in similar cases raising the same McCoy violation; where counsel would override both defendant's instructions and objective for counsel to maintain and prove their innocence at trial, by conceding guilt to the jury. Yet, this Court deny Allen's original writ on May 18th 2020; raising the exact issue and presenting the exact circumstances as McCoy, Hashimi, and Clark, constitutes "intervening circumstances of a substantial or controlling effect . . .", sufficient to warrant rehearing of an order denying Allen's original writ. (quoting S. Ct. R. 44.2). See Gonzalez-Longria, S. Ct. docket# 16-6259 (2018) (Court granted rehearing and found "intervening circumstances of a substantial or controlling effect", S. Ct. R. 44.2, because the Court remanded Sessions v Dimaya, 138 S. Ct. 1204 (2018), and denied Gonzalez-Longria. Where both raised the exact issue and presented the exact circumstances.)

Allen also submits that his petition; raising the McCoy violation, was filed one-year of McCoy being decided and that the Government would need (8) extensions to reply.

This (5) page petition for rehearing, with appendices in support of the Court granting rehearing are presented in good faith, and is restricted to the grounds specified in S. Ct. R. 44.2.

\*\*\* CAPITAL CASE \*\*\*



# **APPENDIX A**

# LABORATORY REPORT

RE: Richard HEFLIN, JR.  
204 Sandra Dr.

:VICTIM

COMPLAINT NO.: 97-3 4 2 8 4

Norris HOLDER  
5607 Curry

:SUSPECTS

REQUEST REC'D: 3-18-97

Billy ALLEN

REPORT DATE: 6-5-97

FATAL SHOOTING,  
3-17-97

LABORATORY NO.: 7 0 3 3 6 0

EXAMINER: DONNA BECHERER

EXAMINED FOR: Homicide Section  
Det. Toretta  
U.S. Attorney  
Joe Landolt

## REPORT

### SPECIMENS:

- Q-4. Blood from white strap
- K-1. Blood of Richard Heflin, Jr.
- K-2. Blood of Billie Allen

### RESULTS OF EXAMINATION:

Deoxyribonucleic acid (DNA) profiles from genetic loci D1S7, D2S44, D4S139, D5S110, D10S28 and D17S79 were developed from HaeIII-digested high molecular weight DNA extracted from the above-listed specimens. Based on these results, the DNA detected in the Q-4 white strap stain does not match the DNA of Richard Heflin or Billie Allen, and could not have been contributed by either of these individuals.

### CHAIN OF CUSTODY

<u>Priest</u>	to	<u>Vincent</u>	to	<u>Owens</u>	to	<u>Becherer</u>
Q-4		3-17-97		3-17-97		3-21-97
<u>Graham</u>	to	<u>Barry</u>	to	<u>Karr</u>	to	<u>Owens</u>
K-1		3-18-97		3-18-97		3-18-97
<u>Crow</u>	to	<u>Becherer</u>				<u>Becherer</u>
K-2		3-18-97				3-21-97

EXAMINER: Donna Becherer  
Donna Becherer  
Criminalist

EXAMINER: Kim Gorman  
Kim Gorman  
Criminalist

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## **APPENDIX B**

METROPOLITAN POLICE DEPARTMENT - CITY OF ST. LOUIS

LABORATORY REPORT

RE: Richard HEFLIN 6900 Clayton	:VICTIM	COMPLAINT NO.: 97-3 4 2 8 4
Norris HOLDER 5607 Curry	:SUSPECT	DATE RECEIVED: 3-17/3-18 & 3-19-97
Billy ALLEN 3164 Oregon	:SUSPECT	DATE EXAMINED: 4-3-97
HOMICIDE/BANK ROBBERY, 3-17-97		LABORATORY NO.: 7 0 3 3 6 0
		EXAMINER: JOSEPH STEVENS
		EXAMINED FOR: Homicide Section Det. Nickerson

REPORT

SPECIMENS:

- Q-1. Metal can containing one damp rag.
- Q-2. One metal can containing carpet and debris from behind passenger seat of van.
- (Q-3) Paper evidence bag containing clothing of suspect Allen consisting of: a) gray sweatpants, b) blue sweatpants, c) black, red and white pullover shirt.
- Q-4. Paper evidence bag containing clothing of suspect Norris consisting of: a) blue coveralls, b) blue and red "Nautica" shirt, c) blue jeans, d) white "bullet proof" vest.
- Q-5. Paper evidence bag containing one black leather jacket recovered from front seat of vehicle.
- Q-6. Paper evidence bag containing plastic bag containing one pair of very wet leather gloves.

RESULTS OF EXAMINATION:

- Q-1. Gas chromatographic analysis of the head space of Specimen Q-1 failed to disclose the presence of any petroleum distillates.
- Q-2. Gas chromatographic analysis of the head space of Specimen Q-2 disclosed the presence of gasoline.

Q-3 through Q-6. Specimens Q-3 through Q-6 were repackaged by heat sealing in Kapak bags.

Subsequent gas chromatographic analysis of the head spaces inside these Kapak bags disclosed the following:

(Q-3. No petroleum distillates were detected.)

Q-4. Gasoline detected

Q-5. Gasoline detected

Q-6. Gasoline detected

*J. need back*

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*HM*

LABORATORY NO.: 7 0 3 3 6 0

COMPLAINT NO.: 97-3 4 2 8 4

All specimens will be forwarded to the FBI for further examination.

CHAIN OF CUSTODY

Q-1 to Vincent 3201 to Stevens 6766 to  
P.O. Schulze 2395 3-17-97 3-18-97

S.A. Hartman  
4-4-97

Q-2 to Crow 0620 to Stevens 6766 to  
Det. Horn 3882 3-18-97 3-18-97

S.A. Hartman  
4-4-97

Q-3 & Q-4 to Stevens 6766 to S.A. Hartman  
Det. Carroll 3263 3-19-97 4-4-97

Q-5 to Turner 1098 to Stevens 6766 to  
P.O. Barton 3-18-97 3-18-97

S.A. Hartman  
4-4-97

Q-6 to Vincent 3201 to Stevens 6766 to  
P.O. Priest 3-17-97 3-18-97

S.A. Hartman  
4-4-97

EXAMINER: Joseph Stevens

Criminalist

/eas

q/m

## **APPENDIX C**

Alibi

91A-SL-181120

Continuation of FD-302 of P. Swenson/D. Rice/Christopher Shegog, On 02/02/1998, Page 19

Shegog: Uh...east St. Louis.

Swenson: East St. Louis?

Shegog: Yeah.

Swenson: You recall what time you left home that day?

Shegog: I leave...say about...about nine-thirty, something like that... yeah about nine-thirty.

Swenson: Did ya, did ya have any other stops before you went?

Shegog: Uhhhhh.....no. Nope.

Swenson: Had, had you been at the mall awhile before you saw him?

Shegog: I walked in, when I walked in he was with a group there, right there.

Swenson: Okay, but it doesn't take you that long if you left your, your house at nine-thirty, it doesn't take you that long to drive over to Northwest Plaza though does it?

Shegog: It takes me about thirty, forty, thirty, forty minutes, depends on, ya know, where you staying in St. Louis.

Swenson: Right. So you think it takes about forty

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91A-SL-181120

Continuation of FD-302 of P. Swenson/D. Rice/Christopher Shegog, On 02/02/1998, Page 20

minutes or so from your house, thirty to forty minutes? Okay. But you don't think there's anyway you saw him before eleven?

Shegog: Uh hmmm, uh hmmm.

Swenson: When you left you went to, you drove him to his girlfriend's house somewhere off of Bermuda.

Shegog: Uh hmmm.

Swenson: How close to the highway was that?

Shegog: Right off the highway.

Swenson: Right off the highway. You recall her name?

Shegog: He didn't never tell me her name.

Swenson: Never told ya? Okay, so you...

Shegog: He uh, I guess he had two girlfriends, I don't know, there was one at Bermuda ... (UI) ... and the one ... the house he was over with.

Swenson: Oh, okay.

Shegog: So, I know they weren't the same girl.

Swenson: Had, had you met these girls before. Did you know anything about them?

Shegog: I hadn't seen Billy in a long time.

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91A-SL-181120

Continuation of FD-302 of P. Swenson/D. Rice/Christopher Shegog, On 02/02/1998, Page 21

Swenson: You weren't really close enough to Billy that you know, to know that kind of stuff about him.

Shegog: The only dealings I had with him was with his sister that was it.

Swenson: Okay. When you uh, when you dropped him off at his sister's house or his girlfriend's house, you waited in the car. How, earlier you said about fifteen minutes? Is that?

Shegog: He went in about five, five.

Swenson: Five minutes, okay, I'm sorry you said about fifteen minutes about your, your check, okay. Uh, you say about five minutes, you think?

Shegog: Five to ten, yeah.

Swenson: Okay, did he take anything in? Did he bring anything out?

Shegog: He said he had to drop some money off to her.

Swenson: Said he had to drop some money off?

Shegog: Uh hmmm.

Swenson: Okay. Did he buy anything in Northwest Plaza that you saw. Did he have any bags or...?

Shegog: He had some bags, uh huh, not sure what kinda

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91A-SL-181120

Continuation of FD-302 of P.Swenson/D.Rice/Christopher Shegog, On 02/02/1998, Page 22

bags they was, uh, but he had like two or three. It was large bags.

Swenson: Okay.

Shegog: Uh...that's, I remembered it then, when I went to St. Clair Square he bought uh...two, some more clothes out of there.

Swenson: Okay.

Shegog: Ya know, 'cause I thought maybe he just, ya know, dirty money...(laughing)...it was dirty money, ya know, I was saying...

Swenson: Diff...different kind maybe?

Shegog: Yeah.

Swenson: So he had, he had two or three bags with him when he left, when you first saw him at the mall?

Shegog: Uh hmmm.

Swenson: At Northwest Plaza?

Shegog: Shoes...shoe bags.

Swenson: Shoe bags.

Shegog: Yeah, shoe bags, some kind of clothes bag.

Swenson: But he didn't really discuss with you what he bought?

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## **APPENDIX D**

91A-SL-181120

SDK/pmw

1

On Monday, March 17, 1997, an anonymous telephone call was received at the St. Louis office of the Federal Bureau of Investigation. The caller, a black male, advised that he had seen the television news concerning the arrest of Norris Holder in connection with a bank robbery at the Lindell Bank and Trust. The caller advised that he had seen Holder at the North Oaks Bowling Alley in Normandy. Approximately one week prior, the caller had seen Holder at the bowling alley and heard him talking to an individual known as [REDACTED] about robbing a bank. The caller advised that both Holder and [REDACTED] frequent the bowling alley.

D.M.

On March 17, 1997, Special Agents (SAs) Stephen D. Kettner and Michael A. Vick responded to North Oaks Bowl, 101 North Oaks Plaza, near the intersection of Lucas and Hunt and Natural Bridge Roads. Inquiry in the cocktail lounge and at the billiards center disclosed that [REDACTED] frequents the bowling alley and has been seen in the company of several black males.

The following individuals were particularly helpful and offered to assist in the investigation as necessary:

Security Guard [REDACTED] R.M. is a Police Officer at [REDACTED], working secondary employment in uniform at North Oaks Bowl. [REDACTED] can be contacted at the [REDACTED]

Police Officer [REDACTED] T.B. Department, was off-duty in the cocktail lounge. [REDACTED] advised that he frequents the cocktail lounge, had seen [REDACTED] there and would attempt to identify any associates seen with [REDACTED]. [REDACTED] can be contacted at the [REDACTED]

(w) 084pmw02.ins

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## **APPENDIX E**

91A-SL-181120  
JRH:aep

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The following is a transcript of radio traffic between St. Louis Police Department officers and dispatch re investigation and arrest of subjects on March 17, 1997.

U/M: Yeah, I have an emergency call  
(?), I'll go over to Euclid by  
the Metrolink, the subject might be heading  
over there. They talked to him; they said  
his van caught on fire, and he was heading  
for the Metrolink on Euclid Avenue. And  
advise the Metrolink officers check the  
Metrolink trains uh (UI).

Dispatcher: That's clear. 9912 be advised I don't have  
any cars in service in the 9th.

U/M: Go on 26, he's up here, and he's heading down  
to Metrolink. I'm heading down there now.

U/F: Clear 924.

Dispatcher: Clear 924.

U/F: Be advised that I'm 72 at the Metrolink right  
now, and uh I don't see any subject matching  
the description.

Dispatcher: 6248

U/M: We've got information from workers that they  
caught the guy he's said his van caught on  
fire and he's heading towards the Metrolink  
supposedly on Euclid Avenue. He could've  
went anywhere though.

U/F: Wearing gray sweatpants and possibly a multi-  
colored plaid shirt.

Dispatcher: Clear.

U/M: Dispatcher ask the woman....

U/F: Be advised the super.....

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91A-SL-181120  
JRH:aep

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U/M: 525

U/M: It's right across the street, the highway following the subject west of the yard here.

Dispatcher: That's clear, all.... Attention all cars.  
Second subject wanted for the robbery and assault  
1st from, 6900 Clayton, be advised the  
subject is a black male. Attention all cars  
be advised the subject wanted for the bank  
robbery. Supposedly, he's on North Euclid at  
this time going towards the Metrolink. His  
van caught on fire and is disabled. Time is  
11:04.

U/M: 6207

Dispatcher: 1911

U/M: 911

Dispatcher: Do you have description of him?

#911: The only thing I was told Dispatcher is a  
black male with a plaid or multi-colored  
shirt. And he was last seen up around the  
area directly across from the old uh....

U/M: 912

Dispatcher: Across from where?

#911: From the arena inside the fence area at the  
uh City uh Parks Division, on the uh north  
side of Highway 40 there.

Dispatcher: That's clear, go ahead 912.

#912: Clear, uh where you guys; I got Officer Zuick  
(phonetic) with me, he talked to one of the  
workers up there. This uh subject supposedly  
talked to the guards, and his van caught on  
fire, and he going to ask for the closest  
Metrolink station, and he headed that  
direction. Now, he is a black male with a uh  
gray sweatpants and a multi-colored plaid  
shirt; is all we have right now. And, that's

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91A-SL-181120  
JRH:aep

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where the information comes from Officer  
Zuick.

(Asks Officer Zuick) What car are you in?

Zuick: 226

#912: He's in car 226. I have him in my car now.

Dispatcher: That's clear. And 912 relative.

U/M: 912

Dispatcher: For the location that 911 is gonna be correct  
uh he's headed toward the Metrolink right there  
across uh from the old city arena.

U/M: I don't know Dispatcher, this (UI)..... we  
got. So why don't you advise second district  
where we got it from and Officer Zuick when  
we talked to see uh workers. He crawled  
underneath the fence, and his van caught on  
fire. And he started to ask for the closest  
Metrolink station; that's where he headed  
towards.

Dispatcher: That's whe...

U/M: Just advise the uh second (UI) that's where  
we got the information from. I got Officers  
Zuick and 226 is with me.

Dispatcher: That's clear. I'm aware of that. I'm just  
trying to find out where was he at exactly  
when he talked with the guards, the  
address...

U/M: He was in that yard at 6900 Clayton, and he  
talked to the not the he talked to one of the  
workers when he, he saw him crawling  
underneath the fence, and he asked which way  
was the closest Metrolink station. That's  
where we got the information from. And, we  
don't know if he went that way, but that what  
he asked and that's the way he headed.

Dispatcher: That's clear. I'll give this to the Second

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91A-SL-181120  
JRH:aep

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District, 6900 Clayton.

U/M: Yeah, workers at that compound there told Officer Zuick that so we're in the area and that's where the information came from.

Dispatcher: Right, that's clear, I'm aware of that. I'm just getting ready to put it out so the Detectives and all the cars will know the last information.

Attention all cars. Relative to the bank robbery subject, from 1226 received information from a guard in the 5900 block of Clayton that the subject was last seen crawling under a fence; he asked where's the nearest Metrolink. He's a black male, having on a gray sweatsuit, a multi-colored, gray pants, sweatpants and having on a multi-colored jacket. This is from 912, time is 1107.

U/M: 923

Dispatcher: 923

#923: You can make the last 95 and I'll be by...

Dispatcher: Cars 95 at 1108 in the area of the Metrolink.

U/M: Gonna be by the Metro..

U/F: Attention all cars. From 1500 this subject will also have a injured right hand and some hair that was singed. That black male wanted for the shooting at the bank, 1108.

U/M: 223 - I'm here by the Metrolink on Scott.

U/F: .....1500, he has information from a witness stating this black male in the gray sweatpants and multi-colored jacket will have an injured right hand and singed hair, at 1108.

Dispatcher: 923 I'm clear that you'll be by the Metrolink

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91A-SL-181120  
JRH:aep

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on Scott, at 1109. 926 go ahead.

U/M: 26 I'm gonna on be on foot in the planetarium.

U/M: 6227

Dispatcher: 926 I show you on foot in the planetarium area at uh...

Attention all cars. Additional information on the suspect still at large relative to the bank robbery and also a sub first. The black male subject wearing a multi-colored jacket, gray sweatpants, be advised from 6123 the subject was possibly wearing a full body armor suit. That's a full body armor suit, possibly has an injury on the right hand from the vehicle fire. 1109's the time.

Dispatcher: 6227 you were cut out, could you repeat your last

U/F: .....gray sweatpants, multi-colored jacket.....

#6227: We were advised by a jogger right by Steinberg lane that.....

U/F: .....a fence, uh witnesses say he was on fire at the time.

Dispatcher: Go ahead, you were just cut out, you were advised by a jogger by Steinberg's Skating Rink.

U/M: 724, what's his exact location?

U/F: That's uh Euclid Metrolink Station.

Dispatcher: 6227

U/M: 6348, there's plenty help.

Dispatcher: 6227

#6227: 27

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91A-SL-181120  
JRH:aep

6

Dispatcher:  
uh as

Be advised your transmission cut out as you, soon as started to speak about the jogger, by Steinberg informed you of what?

#6227:

Subject matching that description heading north and east like up towards Kingshighway from the bike path.

Dispatcher:  
informed by

Attention all cars. From 6227 he was a jogger inside of Forest Park by the Steinberg's Skating Rink that that subject fitting that description was last seen going north and east towards the bike path towards Kingshighway. Attention all cars from 6227 he was advised by a jogger by Steinberg's Skating Rink that that subject fitting the description was last seen going north and east towards Kingshighway towards the bikepath. Time is 1112.

And all cars and the clothing on that suspect is black male, blue correction gray sweatpants, a multi-colored jacket, he possibly has a right hand injury, singed hair.

(RECORDING - THIS CONCLUDES THE TAPE)

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