

NO:

18-9715

RECEIVED

NOV 26 2019

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

THE SUPREME COURT OF THE UNITED STATES

JOHNNY CURTIS BEDGOOD,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent.

PETITION FOR REHEARING TO PETITIONER'S

28 U.S.C. § 2255 PURSUANT TO RULE 44 OF THE SUPREME COURT

COMES NOW Petitioner Johnny Curtis Bedgood files this petition for rehearing according to Rule 44 of the Supreme Court pro-se. Petitioner is a layman of the law, unskilled in the law, and requests this petition for rehearing to be construed liberally. Haines vs. Kerner 404 U.S. 519 (1972).

TABLE OF CONTENTS

Jurisdiction .....	3
Statement of the Case .....	3
Table of Authorities .....	4
Ground One .....	5
Ground Two .....	7
Conclusion .....	9
Certificate of Service .....	11

## JURISDICTION

The Supreme Court has jurisdiction to hear this case pursuant to 18 U.S.C. § 1251.

## STATEMENT OF THE CASE

Petitioner filed a Writ of Certiorari in June of 2019 to the United States Supreme Court. Petitioner was denied and now files this rehearing pursuant to U.S. vs. Rehaif 139 S.Ct. 2191 (2019). Petitioner was unconstitutionally sentenced and is innocent of his 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

## TABLE OF AUTHORITIES

- U.S. vs. Rehaif 139 S.Ct. 2192 (2019)
- Williams vs. Griffin 952 F.2d 820, 823 (4th Cir. 1991)
- U.S. vs. Grist 1998 U.S. App.LEXIS 20199 (10th Cir. 1998)
- Machibroda vs. U.S. 368 U.S. 487, 484-95 (1962)
- Moore vs. U.S. 950 F.2d 656, 660-61 (10th Cir. 1991)
- U.S. vs. Jolly 2007 U.S. App.LEXIS 25334 (5th Cir. 2007)
- Guy vs. Cockrell 343 F.3d 348 2003 U.S. App.LEXIS 16632 (5th Cir. 2003)
- Strickland vs. Washington 466 U.S. 668 (1981)
- Lafleur vs. Cooper 132 S.Ct. 1376 (2012)
- Missouri vs. Frye 132 S.Ct. 1396 (2012)
- Padilla vs. Kentucky 130 S.Ct. 1476 (2012)
- Hill vs. Lockhart 474 U.S. 48-52 (1985)
- Cronic vs. U.S. 466 U.S. 648 (1984)
- Cuyler vs. Sullivan 446 U.S. 335 (1980)
- Florida vs. Nixon 543 U.S. 175

## STATUTES

18 U.S.C. § 922(g)(1)

18 U.S.C. § 924(a)(2)

This Petitioner briefly and distinctly states petition's grounds one and two for which are accompanied by this certificate of service stating grounds that are limited to intervening circumstances of substantial and controlling effects to petition's substantial one and two grounds that were not previously presented:

GROUND ONE

Petitioner is serving an unconstitutional and unknowing sentence in regards to U.S. v. Rehaif  
Supreme Court cite No. 17-9560 (2019).

According to 18 U.S.C. § 922(g)(1) it is unlawful for a convicted felon to possess a firearm or ammunition but that's only subsection 'g'. The 18 U.S.C. § 922(g) has no mens rea requirement but derives the mens rea requirement from 18 U.S.C. § 924(a)(2) which applies the term "knowingly". In 18 U.S.C. §§ 922(g) and 924(a)(2) there are four (4) prongs which are as follows:

- (1) status element,
- (2) possession element,
- (3) jurisdictional element (Interstate Commerce),
- (4) firearm element.

In the past, the Government in its jury instructions stated that they only had to meet the possession element to convict a

defendant of violating 18 U.S.C. §§ 922(g) and 924(a)(2). The Supreme Court held that to convict a defendant for violating 18 U.S.C. §§ 922(g) and 924(a)(2), the Government needs to prove all four (4) elements read in the statute. The term "knowingly" is read and must be applied to all subsequent listed elements of the crime. The Government as well as judges have been informing defendants at trial that the possession element was the only element that needed to be proven thereby making Petitioner's conviction unconstitutional and unknowingly violating defendant's Fifth, Sixth, and Eighth Amendment Rights.

In Petitioner's case in point, Petitioner is serving an unconstitutional sentence based on U.S. vs. Rehaif Supreme Court cite No. 17-9560 (2019). Petitioner is actually, factually, and legally innocent of his Title 18 U.S.C. § 922(g) offense. The Government violated Petitioner's due process by stating that they only had to meet one (1) prong of the subsequent elements of the crime. The Government during trial gave improper jury instructions where Petitioner was unknowingly and unconstitutionally sentenced. These proceedings affected Petitioner's Fifth and Sixth Amendment Rights to the proper jury instructions. Petitioner now pursues this U.S. v. Rehaif claim of his unknowingly and unconstitutional sentence in regards to the Government's structural error of jury instructions in violation of U.S. vs. Rehaif. Petitioner requests remand based on violations of his Fifth, Sixth, and Eighth Amendment Rights to due process, lack of elements and prongs that the

Government did not state at trial. Petitioner received an unconstitutional and unknowingly sentence which is an Eighth Amendment violation to cruel and unusual punishment.

Petitioner's indictment is defective based on violations of Rehaif v. U.S., 17-9560 (2019), which is violating Petitioner's Fifth and Sixth Amendment Rights to due process and to the elements to the jury, and beyond a reasonable doubt concerning "knowingly" as being mandatory along with all four (4) prongs of the Petitioner's four (4) required prongs.

This petitioner briefly and distinctly states petition's grounds one and two for which are accompanied by this certificate of service stating grounds that are limited to intervening circumstances of substantial and controlling effects to petitioner's substantial one and two grounds that were not previously presented:

#### GROUND TWO

Counsel was ineffective for not advising Petitioner of his right to plead guilty or advising Petitioner of his acceptance of responsibility.

Counsel was ineffective for not advising Petitioner of his right to plead guilty or advising Petitioner of his acceptance of responsibility. Counsel told Petitioner that he would have to

cooperate with the Government or had to proceed to trial, neither did Counsel advise Petitioner of any enhancement under 21 U.S.C. § 851. The Government filed a response after discussions with Counsel regarding such matters in which there was a dispute about the record of Petitioner's allegations therefore an evidentiary hearing is required to sort out these claims by Petitioner. The District Court abused its discretion by not conducting an evidentiary hearing when affidavits are conflicting as such in Petitioner's case. The Court can't make credibility determinations by simply choosing between affidavits without an evidentiary hearing conflict between several affidavits and lack of clear record as to performance of counsel requires an evidentiary hearing.

Williams vs. Griffin 852 F.2d 820, 823 (4th Cir. 1991); U.S. vs. Grist 1998 U.S. App.LEXIS 20199 (10th Cir. 1998); Machibroda vs. U.S. 368 U.S. 487, 494-95 (1962); Moore vs. U.S. 950 F.2d 656, 660-61 (10th Cir. 1991); U.S. vs. Jolly 2007 U.S. App.LEXIS 25334 (5th Cir. 2007); Guy vs. Cockrell 343 F.3d 348 2003 U.S. App. LEXIS 16632 (5th Cir. 2003).

Therefore Petitioner requests remand back to the District Court for Counsel's ineffectiveness and Counsel's performance falling below the objective standard guaranteed by the Fifth and Sixth Amendment of the United States Constitution. Strickland vs. Washington 466 U.S. 668 (1984); Lafleur vs. Cooper 132 S.Ct. 1376 (2012); Missouri vs. Frye 132 S.Ct. 1396 (2012); Padilla vs. Kentucky 130 S.Ct. 1476 (2010); Hill vs. Lockhart 474 U.S. 48-52

(1985); Cronic vs. U.S. 466 U.S. 648 (1984); Cuyler vs. Sullivan 446 U.S. 335 (1980); Florida vs. Nixon 543 U.S. 175 (2004).

This petition for rehearing was presented in good faith and not in delay for grounds one and two:

#### CONCLUSION

Therefore Petitioner is actually, factually, and legally innocent of his 18 U.S.C. §§ 922(g)(1) and 924(a)(2) and is serving an unconstitutional sentence, in addition Counsel was ineffective for not advising Petitioner of his acceptance of responsibility and advising Petitioner that unless he cooperated with the Government, that Petitioner would have to proceed to trial. Conflicting affidavits which are stated on the record, require an evidentiary hearing. Petitioner hopes and prays that the Honorable Court will grant this rehearing en banc and remand back to the lower courts for all of the above stated reasons.

Respectfully Submitted,

Date: 11/15/19

Johnny C. Bedgood

Johnny Curtis Bedgood  
Reg. No. 21971-017  
F.C.C. Coleman Medium (C-1)  
P.O. BOX 1032  
Coleman, FL 33521

PENALTY OF PERJURY

I Johnny Curtis Bedgood declare under 28 U.S.C. § 1746,  
penalty of perjury that the foregoing is true and correct.

Executed on: 11/15/19

Respectfully Submitted,

Johnny C. Bedgood  
Johnny Curtis Bedgood  
Reg. No. 21971-017  
F.C.C. Coleman Medium (C-1)  
P.O. BOX 1032  
Coleman, FL 33521