

**IN THE UNITED STATES SUPREME COURT**

**Gerald S. Lepre, Jr.**

**v.**

**Commonwealth of Pennsylvania, Et al.**

**Case No. 18-9730**

**TO THE HONORABLE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES:**

**AND NOW COMES**, the Petitioner, Gerald S. Lepre, Jr., who asserts the following forthwith:

**PETITION FOR REHEARING**

The petition for rehearing is to ascertain the effect of this Court's order of October 7, 2019; wherein, it opines that "the petition for *in forma pauperis* is denied" but further makes order and ruling as to the merits of the case deeming it "frivolous" and "malicious" under Rule 39.8. In light of the facts, even assuming *arguendo*, Petitioner's case is "frivolous" and "malicious", the case was not nearly as "frivolous" and "malicious" as the previous cases of **Janet Jackson's Boob on Television (NippleGate)** in **F.C.C. v. CBS**, 567 U.S. \_\_\_\_\_ (2012), **Gay Marriages Obergefell v. Hodges**, 576 U.S. \_\_\_\_\_ (2015)(Collecting Gay Marriage Cases) and/or a **Wedding Cakes Masterpiece Cake Shop v. Colorado Civil Rights Commission**, 584 U.S. \_\_\_\_\_ 2018 (collecting other such "frivolous" and "malicious" cases contrary to Rule 39.8); however, this Honorable Court spent precious time, effort and scarce judicial resources and entertained these issues despite their lack of significant importance. This petitioner languished in prison, unlawfully/unconstitutionally, for 90 days, without the benefit of counsel, the benefit of a trial and the benefit of a direct appeal, which is far more constitutionally flawed than the above cited cases. This Honorable Court has a history of granting certiorari in "frivolous" or "malicious" cases and, at least in part, entertaining them.

- I. Petitioner seeks rehearing, enlightenment and clarification on how this Honorable Court entered an order denying *certiorari* under Rule 39.8 without granting *in forma pauperis* status?
- II. Rule 39.8 is unconstitutional on its face because it prohibits the right of petition and access to the courts in the United States.
- III. This Honorable Court failed to provide petitioner any option to pay or to be heard-which is exactly the reason petitioner sought certiorari in the first place.

For this reason, rehearing and certiorari should be granted.

Respectfully submitted:  
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Date: October 9, 2019

