

No. 19-5413

IN THE

SUPREME COURT OF THE UNITED STATES

JOHN ROONEY,

Petitioner

v.

STATE OF GEORGIA,

Respondent

FROM Petition For writ of Certiorari
TO THE Court of Appeals of Georgia

PETITION FOR REHEARING

John Rooney, pro se

#31988

Dulge State Prison

POB 276

Chester, GA 31012

CITATIONS OF AUTHORITY

<u>Cite</u>	<u>Page(s)</u>
Boyle v. Alabama 89 S.Ct. 1709 (1964)	1, 2, 3, 4
Bray v. Alexandria Women's Health Clinic, Inc. 113 S.Ct. 750 (1993)	1
Garnier v. Wood 482 F.2d 137 (1973)	3
King v. State 160 S.E. 168 (1932)	3
Osbourne v. County of Adams, in the State of New York 2 S.Ct. 18 (1890)	1, 3
Satterfield v. State 546 S.W.2d 859 (2001)	3
US v. Bob Lawrence Realty, Inc. 474 F.2d 165 5th, & 94 S.Ct. 134 (1973)	1
US v. Rozanski 108 S.Ct. 2751 (1982)	1, 3

CONSTITUTIONAL / STATUTORY

5th Amendment

8th Amendment

9th Amendment

14th Amendment

GA Constitution

Art. 1, Sec. 1, Para 22

OCGA

16-6-1

17-9-4

16-6-2

17-10-0

16-6-22

15-1-2

REASONS FOR REHEARING

Petitioner avers that his 10 July 1995 Guilty Plea is unconstitutional per Boykin v. Alabama, 39 SCT 1709 (1969) due to the failure of the Trial Court to provide his 3rd Boykin Right: his privilege against compulsory self-incrimination. See Petition For Writ Of Certiorari [hereafter "GPC"], Appendix E, p. 5, hs 21-23.

Under the 13th Amendment of the Constitution, petitioner is being held in involuntary servitude for over 25 years in violation of the US Constitution [8th, 9th and 14th Amendments] but also his Reciprocal State Constitutional Rights. See Bray v. Alexander Women's Health Clinic, 113 SCT 750 (1995) & US v. Rozminski, 108 SCT 2751 (1982).

In US v. Bob Lawrence Realty, Inc it was held that the "US Constitution Amendment 13 is not a mere prohibition of state laws establishing or upholding slavery, but an absolute declaration that slavery or involuntary servitude shall not exist in any part of the United States." See 474 F2d 165 5th; cd. 94 SCT 131 (1973).

This Court in Osborne v. County of Adams, in the State of Nebraska held that there will be no involuntary servitude in the United States. See 3 SCT 18 (1883).

In Petitioner's Guilty Plea Transcript [See CPC, App-E, p. 5] there is no evidence that he was aware of his 5th Amendment privilege against compulsory self-incrimination.

Due Process, Equal Protection, and Substantive rights complete his 5th Amendment privilege.

Without compliance with Bowkin, the plea is Unconstitutional: therefore the Trial Court did not have Constitutional or Statutory subject-matter jurisdiction to impose sentences.

Under State law Petitioner's sentences are involuntary sentences due to the unconstitutional fact that his Guilty Plea is Unconstitutional.

The Trial Court's absence of subject-matter jurisdiction, fundamental fairness and due process of law mandates Petitioner's sentences be held void ab initio.

No OCGA 16 statute allows for involuntary sentence for any violation [See OCGA 16-6-1; 16-6-2; 16-6-22]. Also GA Const, Art I, Sec 1, Para 22: "There shall be no involuntary sentence within the State of Georgia except as a punishment for crime after legal conviction thereof by a court of law".

In King v. State, the Georgia Supreme Court explicitly held:
"The 14th Amendment of the US Constitution is applicable to criminal trials in state courts, and inhibits the violation of Due Process in cases where defendants are tried in state courts for violation of state penal statutes. Due Process of law means the administration of general laws according to established rules, not violation of the fundamental principles of private right, by a competent tribunal having jurisdiction of the subject-matter, and proceeding upon notice and hearing". 163 SE 168 (1932); also Gann v. Wood, 4 SE2d 137 (1956).

The OCGA 17-10-13, 15-1-2 and 17-5-4 expressly prescribe Petitioner's sentences under involuntary servitude. See Satterfield v. State, 546 SE2d 859 (2001).

Involuntary servitude shocks-the-conscience as for Petitioner his Guilty Plea was, is and remains Unconstitutional per Boykin.

No subject-matter jurisdiction in the Trial Court due to an Unconstitutional Guilty Plea means Petitioner is being held for over 25 years in involuntary servitude. See Amel. 13; GA Const. Art 1, Sec 1, Para 22; US v. Rozmumki, super; Osbourne, super.

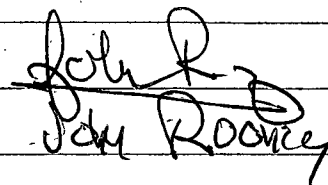
Petitioner's Unconstitutional Guilty Plea [due to his 3rd Boykin Rights Absence] means the State Trial Court never had the Constitutional or Statutory subject-matter jurisdiction to convict and impose a 64 year, serve 50 year sentence.

Under the 13th Amendment Petitioner has been held in involuntary servitude contrary to not only the US Constitution but his 5th and 14th Amendment Rights inherent in the Georgia Constitution.

The 13th Amendment prohibits involuntary servitude of this Petitioner; the 8th Amendment commands his sentences are cruel and unusual.

For the foregoing reasons, this Petition for Re-hearing should be granted.

Executed on this 26 October 2019.


John Rooney