

No. 19-5587

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SUPREME COURT U.S.

IN THE SUPREME COURT

OF THE UNITED STATES

IN RE: "LEVAR LEE SPENCE", & PETITIONER

ON PETITION FOR REHEARING TO  
THE SUPREME COURT OF THE UNITED STATES

PETITION FOR REHEARING UPON WRIT OF HABEAS CORPUS

"LEVAR LEE SPENCE"

PERSON CONFINED BY THE STATE

1 KELLEY DRIVE

COAL TOWNSHIP, PENNSYLVANIA [17866]

No. 19-5587

IN THE  
SUPREME COURT OF THE UNITED  
STATES

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IN RE: "LEVAR LEE SPENCE", & Petitioner.

ON PETITION FOR REHEARING TO  
THE SUPREME COURT OF THE UNITED STATES

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PETITION FOR REHEARING

The Petitioner respectfully demands the Court grant this petition for rehearing.

Pursuant to the Supreme Court, Rule 44.2, a petition for rehearing shall be limited to grounds of "intervening circumstances of a substantial or controlling effect, or to other substantial grounds not previously presented."

DEMAND FOR EVIDENTIARY HEARING

AND NOW COMES the Petitioner, without any assistance of an attorney, from the order of the United States Supreme Court which denied his writ of habeas corpus on October 7, 2019, without either comment or opinion.

In this instant case, in support of this petition, the

State court allowed the police officers the ministerial discretion to destroy exculpatory evidence, an item listed as search inventory #1, before judicial examination. Consequently, the exculpatory item of evidence would have provided a physical and material explanation as to the reasons why there is no eyewitness testimony that would corroborate with the offense the Petitioner was convicted and sentenced.

The state trial court and appellate courts have all, having knowledge of the Petitioner's claims, refused the Petitioner corrective processes notwithstanding. Because of the gross implications that underlie destruction of evidence, that is listed as inventory from a search, prior to judicial examination; and, because there is neither any answer nor adjudication on the merits by any court or judge. This claim is supported by the record, and constitutes the requisite "intervening circumstances" that should require the Court either grant the petition or an evidentiary hearing within 72 hours (3 days) from receipt of this petition for rehearing.

(The Supreme Court of the United States received notarized affidavits on or about January 8, 2019 asserting the same under penalty of perjury.)

## INTERVENING CIRCUMSTANCES

This petition for rehearing hails so as to ascertain whether, it is considered by the Court intervening circumstances of a substantial or controlling effect or some other substantial grounds not previously presented in the

foregoing.

Pursuant to Supreme Court Rule 44.1, any "petition for the rehearing of any judgment or decision of the Court on the merits shall be filed within 25 days after entry of the judgment [on the merits] or decision [on the merits], unless the Court or a Justice shortens or extends the time.... The petition shall state its grounds briefly and distinctly... A petition for rehearing is not subject to oral argument and will not be granted except by a majority of the Court, at the instance of a Justice who concurred in the judgment [on the merits] or decision [on the merits]. Supreme Court Rule 44.1.

Since there is no judgment or decision of any court, judge or Justice whatsoever, and this Court denied an extraordinary writ filed by the Petitioner and multiple members of society at liberty, this petition is filed pursuant to the Supreme Court Rule, 44.2.... "but its grounds shall be limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.

## ISSUES TO REMEDY

The issue requiring lawful judgment regard false imprisonment and torturous cruel and usual punishments inflicted upon the Petitioner on a daily basis.

The grounds incorporated within which the Petitioner asserts the absolute right to a lawful determination include structural (prejudicial per se) defects and, not limited to, jurisdictional defects. However, not one of the Petitioner's

grounds have either been responded to on the merits or adjudicated on the merits in any judicial proceeding.

## CONCLUSION

In conclusion, in support of this petition for rehearing, because of want of adjudication on the merits, absence of lawful determination, and legal turpitude, which divest the Court discretionary powers to refuse to give its opinion and order to this matter.

WHEREFORE, this Court should grant this petition for rehearing.

Respectfully,

LEVAR LEE SPENCE

BY: Levar Lee Spence

Date: October 27, 2019