

No. 19-5590

IN THE

SUPREME COURT OF THE UNITED STATES

"LEVAR LEE SPENCE" & Petitioner

vs.

SCI-COAL TOWNSHIP SUPERINTENDENT, ET AL.
— Defendant

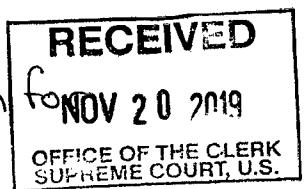
ON PETITION FOR REHEARING TO
THE SUPREME COURT OF THE UNITED STATES

PETITION FOR REHEARING

The Petitioner respectfully request that this Court, being the court of last resort, grant this petition for rehearing.

The Petitioner now comes, without attorney, from the order of the United States Supreme Court (Oct. 15, 2019) denying a writ of certiorari to the Third Circuit Court of Appeals.

"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".

QUESTIONS PRESENTED

The following are substantial questions presented to the Court that require lawful determination because adequate relief cannot be obtained in some other form or "from any other court".

1) "Was Petitioner... denied due process and equal protection of the law when the federal courts refused him (mandatory [pre-AEDPA]) de novo review"?

INTERVENING CIRCUMSTANCES

The State and Federal, and appellate, courts have allowed the York County Regional Area police officers to destroy exculpatory evidence (of their own accord) after it was already listed as the very first item on the search inventory sheet/form. The exculpatory evidence was destroyed before judicial examination.

The exculpatory item that was destroyed by the officers would have provided an unequivocal and feasible explanation as to the reasons there was no eyewitnesses or corroborating evidence, rendering any and all liability thereto an impossibility. The officers admitted to violating multiple Fourth Amendment protections on the trial court record, with impunity.

The Petitioner was convicted and sentenced; thereafter, the State and Federal courts refused the Petitioner lawful adjudication on the merit of the claims. Subsequent to the said conviction and sentence by the York County Court of Common Pleas (Pennsylvania), the Petitioner had not been afforded substantive and procedural Due Process by lawful corrective process.

Consequently, the Supreme Court of the United States, knowing the courts of the United States, and other parties, involved have set themselves (*mens rea*) to operate unconscionable and unfair tactics (*actus reus*), by willful and intentional failure and/or refusal in overt and covert conspiracy (42 U.S.C. 1985; 18 U.S.C. 241, etc.); trespass (tortious); breach; infringement; infraction; violation(s) of law, contract, duty, statute, and rights to liberty and justice, against the Petitioner, have also denied the Petitioner lawful determination on the record.

Additionally, because the courts each in their turn have intentionally refused the Petitioner lawful adjudication on the merits, if the Supreme Court of the United States do not grant this petition for rehearing as the Court of last resort, or deny this petition for rehearing without lawful determination on the merits, threatening further restraint upon the Petitioner's liberty, constitute manifest moral and legal torpitude.

Under these "intervening circumstances", this Court should

grant the petition for rehearing.

SUBSTANTIAL GROUNDS NOT PRESENTED PREVIOUSLY

Despite notifications made upon the courts of the United States, by and through proper legal actions and proceedings, of a multitude of causal and consequential gross miscarriages of justice perpetuated against the Petitioner, there is no adjudication on the merits of the Petitioner's habeas claims by any State or Federal court, judge or Justice. See Appendix and Supplemental Appendix at the Petition for a writ of certiorari.

Of all Divine gifts, including the faculties from which spring forth comprehensive rights to be defended with all ability and force, none shall be rejected but accept all with balance and gratitude; inquisition and discernment are the faculties utilized in order to balance the unjust weights; the following interrogatories seek to compel uprightness and circumspection to square that which is crooked, foible, and "clandestine" for building structure lasting beyond all of the seasons, vicissitudes, and inclemencies of abuses of power, oppression, and corruptions abounding, to wit:

- 1.) Whether the courts of the United States can refuse or feign review of a *prima facie* action asserting constitutional violations in any administrative or legal proceedings.

2.) Whether a petitioner can appeal to the Supreme Court of the United States as of right when there is no adjudication on the merits by any court or judge whatsoever - especially under the Antiterrorism and Effective Death Penalty Act of 1996 and the court(s) refuse a petitioner (pre-AEDPA) prescribed statutory review.

3.) Whether a petitioner without any assistance of an attorney, in the exercise of constitutional rights, whether at liberty or, especially, as a prisoner, within a State or a Federal institution, which files and proceeds in a suit, or any legal proceeding, for civil rights, etc., the courts must liberally construe such, so as to do substantial justice, applying the applicable law irrespective of whether it is mentioned by name, including being held to a less stringent standard of pleading and practice than formalities drafted and practiced by licensed attorneys or disregarded on/for technical niceties and over-burdensome formalities.

4.) Whether, under protections of the Constitution and laws of the United States, penal institutions have the latitude to deprive or deny prisoner(s) organic diet and hygiene, whether it is sought for religious purposes or personal health consciousness or both, and instead compelling prisoner(s) to consume genetically modified/engineered diets and hygiene against prisoner(s) will

CAUSE FOR REHEARING

In further support of this petition for rehearing, brought upon the Court in a petition for a writ of certiorari that was denied on October 15, 2019 without an opinion of record, despite the Bill of Complaint and several notarized affidavits, at Supplemental appendix (SA-10(A)), which affirm under penalty of perjury that the Supreme Court of the United States is the Court of last resort to make lawful judgment on matters the most conservative would frown upon.

Additionally, because the notarized affidavits, etc. implicate multiple public officials, this Court has neither the statutory authorization nor discretion to evade the Petitioner's assertions, but it is the Duty and Obligation of the Court of last resort, that have sworn by oath or affirmation to prevent or correct any act or omission that would work to withhold, deprive, interfere with, or deny the Petitioner's Protected Liberty Rights. The Petitioner's right to Due Process of Law REQUIRE that once a court lawfully retain jurisdiction to determine PRIMA FACIE matters, it is obliged to INQUIRE into the matter and enter lawful determination on the record so as to do substantial justice.

Currently, adequate relief cannot be obtained in any other form or from any other court. The integrity of the courts of the United States(are) in question may fail before the public eye - demanding to know why there is neither an answer responding on the merits nor adjudication on the merits by any court(s); yet, each court have arbitrarily denied Petitioner lawful determination when it is REQUIRED.

CONCLUSION

Therefore, the Petitioner prays the public demands
reach and achieve grant the petition for
rehearing.

Respectfully.
"LEVAR LEE SPENCE"

Date: 11-9-2019

BY: Levar Lee Spence