

RULE 44 PETITION FOR REHEARING

Petitioner sought a Writ of Certiorari asking the Court to address whether SIMULTANEOUS prosecutions in both state and federal court, by the same prosecution team, was constitutional. The Court upheld the constitutionality of successive prosecutions by federal or state sovereigns for the same charged conduct, but the Court has never addressed -- nor even cited a case -- concerning simultaneous prosecution in both federal and state court, with trials two months apart, by a federally funded Task Force, Gamble v. United States, 139 S. Ct. 1960 (2019).

The Petition also pointed out a circuit split affecting both state and federal prisoners concerning when a 28 U.S.C. § 2241 petition may be submitted, and what constitutes a "fundamental defect" that can be presented in a § 2241 petition.

Petitioner believes the petition was denied because the issues were not properly presented to the Court, not because the issues themselves lack merit. The record in the Viola criminal case, featuring a second trial ending in an acquittal, offers the Court an ideal opportunity to review issues concerning simultaneous prosecutions and a § 2241 petition. Therefore, Petitioner respectfully asks this Court to appoint counsel to properly brief these issues. Thank you very much for your consideration.

Respectfully Submitted,



Anthony L. Viola # 32238-160
McKean Federal Correctional
Institution - P.O. Box 8000
Bradford, PA 16701

October 18, 2019

CERTIFICATION OF GOOD FAITH

Pursuant to Supreme Court Rule 44, Petitioner respectfully states that this concise Petition for Rehearing is made in good faith and is not being submitted for purposes of delay.

Respectfully Submitted,



Anthony L. Viola

CERTIFICATE OF SERVICE

I, Anthony L. Viola, hereby swear and affirm that on this date, October 18, 2019, I have served the foregoing Petition for Rehearing upon the following office, by depositing an envelope containing the above documents in the United States mail properly addressed to the party with first class postage prepaid and mailed to:

Solicitor General of the United States
Room 5616
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Respectfully Submitted,



Anthony L. Viola