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WJT

No. 19-5981

IN THE

SUPREME COURT OF THE UNITED STATES

WILLIAM JAMES TRUESDALE,

Petitioner,

v.

STATE OF FLORIDA, TREASURER, STATE
ATTORNEYS, DEFENSE ATTORNEYS, COURT REPORTERS
FLORIDA DEPARTMENT OF CORRECTIONS, et al.,

Respondents).

PETITION FOR REHEARING
TO THE CHIEF JUSTICE

Pursuant to the Act(s) of Congress of 1791, 1789, 1866, 1868,
1873, and 1875, the United States Constitutional Amendment(s)
IV, V, VI, VII, X, XII, and XVI, the State of Florida Constitution
Article(s) I, Section(s) II, IX, XII, and XVI, with a Botson
Objection and Neil Objection in the Trial Transcript Proceedings,
in accordance with the United States Supreme Court Rule(s)
12, 14, 21, 22, 29, 32, 33, 39 and 44 et al., pursuant to 28 U.S.C. § 2403
60) (3) drawn into question and 28 U.S.C. § 451. -

PRO SE

PROCEED IN FORMA PAUPERIS

PETITIONER

WILLIAM JAMES TRUESDALE

Prisoner DE #: 0-129643

Okeechobee Correctional Institution

3420 N.E. 168th Street

Okeechobee, Florida 34972

RECEIVED

DEC 26 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTIONS PRESENTED

Whether Petitioner William James Truesdale been denied due process of equal protection of law, as well as due process clause of equal protection clause of laws. The United States Supreme Court guarantees individual civil rights and civil liberties, pursuant to the Acts of Congress of 1791, 1789, 1866, 1868, 1871, 1873 and 1875, in accordance with the United States Constitution Amendments IV, V, VI, VII, X, XII and XIV, as well as the State of Florida Constitution Article I, Section II, IX, X, and XVI, with a Batson-Neil Objection in the Trial Transcript Proceedings. A (Black-Mole) African American Born in 1957 Charleston, South Carolina From a (Black-And-Cherokee Woman) Born in 1920 Waterboro, South Carolina and (Black-Mole) Father Born in 1918 Macon, Georgia... Tried by an Jury selected and Impanel of Seven (7) (White-Female)... was the landmark under the Act of Congress of March 1, 1875 decision in *Strader v. West Virginia*, 100 U.S. 303 (1879) (quoting *Neel v. Delaware*, 103 U.S. 303; *Virginia v. Rives*, 100 U.S. 315 (1880); citing *Ex Parte Virginia*, 100 U.S. 339 (1880) §4 of the Civil Rights Act of 1875, 18 Stat. 336, was employed to authorize a criminal indictment against a judge for excluding person from jury service on account of race. *Strader* Court held, that a statute barring () from service on grand and petit juries denied the equal protection of law, to a Black man convicted of murder by an white jury, Fed. at 309.

QUESTIONS PRESENTED CONTINUE

Whether Truesdale been denied due process of equal protection of law, and due process clause of equal protection clause of law, Trial Court Judge Roy ("Racial Bias Remark") towards Jury No. 8 Ms. Jamal, the Assistant State Attorneys Arvan Slavin, Janet Hunter-Olney ("Racial Profile Strikes") against Ms. Jamal and Black African American Jurors, Trial Defense Attorney Garry L. Potts, ("Racial Profile Strikes") against Black Jurors. The third prosecuted for the Victim, "Alias Under Cover Prosecuted" appointed from the office of the State Attorney Bernie McCabe, former prosecutor for 15 years, same State Attorney Office, whom tried Truesdale case. Both Appellate Attorneys appointed for Truesdale (Appeal) Kimberly W. Hopkins, and James M. Moorman, refusing to challenge my Batson-Neil Objection at Trial, preserved. And Truesdale private hired Postconviction Relief Attorney David F. Runak and his (Title Company) The Miami Criminal Defense Firm, whom holded Truesdale Trial Transcript Proceedings from 2009 until Jan 27, 2011 to (Time-Barred) my Case No. 2005-25009 RFAHO for his ("Colleagues") former prosecutors from Miami-Dade County, Florida, whom return back to the prosecutor office's. That they set-me-up, at trial, then (altered, docketed or embezzled) my Trial Transcripts, to cover-up their set-up, where I'm being denied the "Court in person, in court, court reporter tapes," exculpatory evidence; otherwords, filing Fraudulent trial transcripts for on appeal.

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Appendix D Appellant Exhibit C REGISTER OF ACTIONS CASE
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Appendix E Forensic Technician Brent Goodman (SCALE)
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Appendix F Michael Hursey, P.A. Correspondance Date July 7, 2017
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Appendix G Michele Hursey, P.A. Correspondance Date September
20, 2019 11th Civ. App. No. 19-12180-H

Petitioner William James Tynesdale "PETITION FOR REHEARING" to review the judgment of certiorari (S) filed in The Supreme Court of the United States and United States Court of Appeals Eleventh Circuit, Petitioner asserts its filed in good faith, that briefly and distinctly states grounds, that are limited to intervening circumstances of substantial or controlling effects of the Act(s) of Congress, to correct a *** [manifest miscarriage of Justice] ***

JURISDICTION

The jurisdiction rests on this Court under 28 U.S.C. § 2254 (1), Supreme Court Rules, 12, 14, 29, 39, 44 and 42 U.S.C. § 1983.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Act(s) of Congress of 1791, 1789, 1866, 1868, 1875, 1875, United States Constitution Amendment(s) IV, V, VI, VII, X, XI, XII, XIII, pursuant to 28 U.S.C. (a)(6) and 28 U.S.C. 451 certified to the Attorney General the fact that the constitutionality of the Act of Congress is drawn into question and the statutes of the State of Florida.

The Act of Congress of March 1, 1875 was the landmark decision in *Strauder v. West Virginia*, 100 U.S. 303 (1879) (quoting *Neel v. Delaware*, 103 U.S. 370 (1880); *Virginia v. Rives*, 100 U.S. 313 (1880); citing *Ex parte Virginia*, 100 U.S. 307 (1880) § 4 of the Civil Rights Act of 1875, 18 Stat. 336, was empowered

to authorized a criminal indictment against a judge for excluding person from jury service on the account of their race.

[1] Pulliam v. Allen, 466 U.S. 522 (1984), Congress enacted § 1983 and its predecessor, § 2 of the Civil Rights Act of 1866, 4 Stat. 27 to provide an independent avenue for protection of Federal constitutional rights & every member of Congress who spoke to the issue assumed that judges would be liable under § 1983.

[2] Petitioner Truesdale Appellant Exhibit 2 REGISTER of ACTIONS Case No. 0525009 ZFAND State of Florida v. Truesdale, William James. Although, my name is Truesdale, William James shows numerous of state law suits filed in the Circuit Court (NOT DETAINED) that (TOLLED) my entire criminal conviction. See Page 4 of 15 August 28, 2009 Sweir waived, Logged on 08/31/2009 citing Wallace v. Kato, 549 U.S. 384 (2007) (quoting Allen v. McCurry, 449 U.S. 90 (1980) & Federal court gives preclusive effect to constitutional determinations as to issues already litigated in state court). Moreover, an appropriate equitable tolling principle would apply not only to criminal proceeding as here, but also to state appellate proceedings, state collateral attacks, and Federal habeas proceedings.

You apply, this issue, to Truesdale criminal case was (Tolled) August 28, 2009 when the Trial Court refuse to "Detained my Sweir waiver's" still pending not responded to, by the Circuit court.

[3] Peremptory Challenges on Racial, Ethnic, or Gender Grounds.

The right to exercise peremptory challenges in a completely unfettered manner is not completely unfettered. The law prohibits the use of peremptory challenges to exclude prospective jurors because of their membership in a distinct protected group. The issue of racially motivated peremptory challenges was first addressed by the United States Supreme Court in *Swain v. Alabama*, 380 U.S. 202 (1965).

The Court departed from the restrictive *Swain* in *Batson v. Kentucky*, 476 U.S. 79 (1986) and utilized the equal protection clause protection to uphold a defendant's right not to be tried by a jury that was selected through a procedure employing purposeful racial discrimination. In contrast to its decision in *Swain*, the Court held "that a defendant may establish a *prima facie* case of purposeful discrimination in selection of the petit jury solely on evidence concerning the prosecutor's exercise of peremptory challenges at the defendant's trial." In *Flowers v. Mississippi*, — U.S. —, 139 S. Ct. 2228 (2019) the Court emphasized that equal justice requires a jury selection process that is free of discrimination. The Court explained that defendant's use a variety of evidence to show racial including statistical evidence on prosecutor's challenges, evidence of disparate questioning, comparison of challenged juror and juror not challenged, misrepresentations on the record, and any other relevant evidence.

In its decision in *State v. Neil*, 457 So.2d 481 (Fla. 1984), which followed *Swain* but predated the decision in *Batson* the Florida Supreme Court adopted the principle that peremptory challenges may not be used to exclude prospective jury on basis of race.

The Supreme Court extended its *Batson* rationale to peremptory challenges made on the basis of a juror's gender. The Supreme Court stated that the "Equal Protection Clause prohibits discrimination in jury selection on the basis of gender, or on the assumption that an individual will be biased in a particular case for no reason other than the fact that the person happens to be a woman or happens to be a man. The Florida Supreme Court specifically followed this ruling and the *McBaurne v. State*, 679 So.2d 759, 765 (Fla. 1996) ("The right to an impartial jury guaranteed by Article I, section 16, is best safeguarded not by an arcane maze of reversible error traps, but by reason and common sense"), guidelines apply to claims of gender-based discrimination.

The Florida Supreme Court reasoned in *State v. Neil* that both state and the defendant are entitled to an impartial jury. In *Kibler v. State*, 546 So.2d 710, 712 (Fla. 1989), the Florida Supreme Court held that a white defendant had standing to object to a peremptory challenge of a black juror. The United States Supreme Court, in *Holland v. Illinois*, 493 U.S. 474 (1990), held that a prosecutor's challenge of a juror on racial grounds violated the equal protection interests of the juror and that a white defendant may protect those interests.

When a Neil objection is properly raised... the time for the hearing has come. The requirement established by *State v. Slappy*, 522 So.2d 1821 (Fla. 1988) cannot possibly be met unless the hearing is conducted during voir dire process. Only at this time does the court have the ability to observe and place on the record relevant matters about jurors' responses or behavior that may be pertinent to a Neil inquiry.

[4] The action that a trial court must take if it finds that a peremptory challenge is racially motivated was specifically addressed in *Neil*. There, the Florida Supreme Court stated that "the trial court should dismiss the jury pool and state voir dire with a new pool." The court in *Neil* predicated this remedy on the fact that a number of jurors have already been excluded from the jury pool for discriminatory reasons. The rationale behind the entire "jury panel" is to provide the complaining party with a proper venire and not one that has been partially or totally stripped of potential jurors through the use of discriminatory challenges.

REASON FOR GRANTING REHEARING

The Law Firm of R. Michael Hursey, P.A. *EDKLE LEGAL BRIEFS* No. 16-1187 Filed March 30, 2017 shows the Actions of Congress violated against this Petitioner's, by the trial Court Judge, Assistant State Attorneys, Defense Attorneys, Appellate Attorneys, Postconviction Attorney, etc, which a Batson-Neil objection in the Trial Transcripts. [i]gnore !!!

No. 19-5981
IN THE
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WILLIAM JAMES TRUESDALE,
Petitioner,

v.

STATE OF FLORIDA, TRAIL JUDGE, STATE
ATTORNEY, DEFENSE ATTORNEY, COURT REPORTER,
FLORIDA DEPARTMENT OF CORRECTIONS, et al.,
Respondent(s)

CERTIFICATE OF COMPLIANCE

As required by Supreme Court Rule 44.6 and Rule 39, 33.2 under Rule 12.2 by Rule 29. That the Five Page in the body of the PETITION FOR REHEARING TO THE CHIEF JUSTICE handwritten by petitioner contain 6008 words and the Title Page and Index Pages words are not included in the word count, the part that are exempted by Supreme Court Rule(s).

I declare under penalty of perjury this foregoing PETITION FOR REHEARING TO THE CHIEF JUSTICE as mention above is true and correct, served to those mention in the Proof of Service.

Executed on this date, 16th of December, 2019

Respectfully submitted,
William James Truesdale
Prisoner (Signature)

PROVIDED TO OKEECHOBEE
CORRECTIONAL INSTITUTION
ON 12/16/19 FOR MAILING
BY WJT

No. 19-5981

IN THE

SUPREME COURT OF THE UNITED STATES

WILLIAM JAMES TRUESDALE,

Petitioner,

v.

STATE OF FLORIDA, TRIAL JUDGE, STATE

ATTORNEYS, DEFENSE ATTORNEYS, COURT REPORTER,

FLORIDA DEPARTMENT OF CORRECTIONS, et al.,

Respondents,

PROOF OF SERVICE

I, William James Truesdale, do swear or declare that on this date, 16th of December, 2019 as required by Supreme Court Rule 29, I have served the enclosed PETITION FOR REHEARING TO THE CHIEF JUSTICE of the United States Supreme Court and each party in the PROOF OF SERVICE INDEX TO APPENDICES A and B Supreme Court Clerk, Index to Appendices C, D, E, F and G, to Proof of Service No. 5 and No. 6 with Index to Appendices No. C, B, F and G to Nos. 2, 3, 4, 5, 6, 7, 8, 9, and 10, through Prison Officials Legal Mailed System.

The names and addresses of those served are as follows:

- | | |
|---------------------------------------|---|
| 1) Supreme Court of the United States | 2) Solicitor General of the United States |
| Office of the Clerk | Room 5616 Department of Justice |
| One First Street, N.E. | 950 Pennsylvania Avenue, N.W. |
| Washington, D.C. 20543-0001 | Washington, D.C. 20530-0001 |

3) Supreme Court of Florida
Office of the Clerk
500 South Duval Street

Tallahassee, Florida 32399-1927

4) Ashley Moody, Attorney General
Office of the Attorney General
The Capitol PL-01

Tallahassee, Florida 32399-2500

TO:

Senate & Congress

5) Mike Pence, Vice President
President of the Senate
The White House

1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

6) Nancy Pelosi, U.S. Congress
Speaker of the House

1236 Longworth House Office Building
Washington, DC 20515

7) Mitch McConnell, U.S. Senator
Senate Majority Leader

317 Russell Senate Office Building
Washington, DC 20510-0001

8) Charles Schumer, U.S. Senator
Senate Minority Leader

322 Hunt Senate Office Building
Washington, DC 20510-0001

9) Lindsey Graham, U.S. Senator
Senate Intelligence Committee

290 Russell Senate Office Building
Washington, DC 20510-0001

10) Tim Scott, U.S. Senator

U.S. Senate Intelligence Committee

104 Hart Senate Office Building
Washington, DC 20510

I declare under penalty of perjury the foregoing PETITION FOR
REHEARING TO THE CHIEF JUSTICE is true and correct.

Executed on this date, 16th of December, 2019

WILLIAM JAMES TRUESDALE
Prisoner DE # 0-129643

Okeechobee Correctional Institution
3420 N.E. 168th Street

Okeechobee, Florida 34972-4824

Respectfully Submitted,

William James Truesdale

Prisoner (Signature)

**Additional material
from this filing is
available in the
Clerk's Office.**