

No. 19-6032

IN THE  
SUPREME COURT OF THE UNITED STATES

EARNEST LEE LANGSTON - PETITIONER

vs.

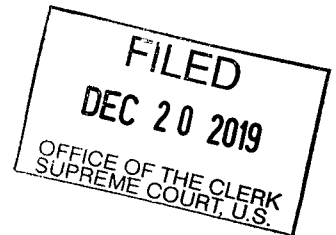
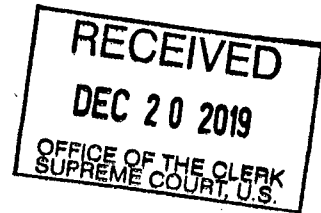
MISSOURI BOARD OF  
PROBATION AND PAOLE - RESPONDANT

ON PETITION FOR WRIT OF CERTIRARI TO  
THE MISSOURI COURT OF APPEALS, WESTERN DISTRICT

MOTION FOR REHEARING

EARNEST LEE LANGSTON #23783  
South Central Correctional Center  
255 W. Hwy 32  
Licking, MO 65542

Phone Number: N/A



### STATEMENT OF CASE

This is a Petition for Rehearing, pursuant to this Court's Rule 44. Petitioner is an inmate, proceeding in forma pauperis under Rules 12.2 and 29.

On **November 25, 2019** this court denied petitioner's request for Certorari.

1. Petitioner's claims are as follow:

a) Petitioner filed for Declaratory Judgment relief in the Cole County Circuit Court, in 2009, after the Missouri Board of Probation and Parole extended his parole consideration date from **2005 to 2080 (75-Year extention)** based on one of Missouri's new amendatory parole statutes (**Section 558.019.4(2)**)

b) After the case was heard by a Cole County Circuit Judge, the attorney for the parole board (**State Attorney General**) was allowed to draft a **PROPOSED MEMORANDUM, JUDGMENT, AND ORDER**, which the court adopted.

c) That Proposed Judgment is before this court, and in it the Board states that it extended petitioner's 2005 parole hearing date, based on **Section 558.019.4(2) 75-Year Rule**.

2. At the time of petitioner's appeal of this decision, petitioner did not realize that, under Missouri law, **Section 558.019.4(2)** can not be applied to calculate parole eligibility on cases occuring before August 28, 1994.

a) Petitioner crimes occured in **June, 1990**. Petitioner then filed for Administrative Judicial Review of the prior Cole County Judgment, and ~~alleged~~<sup>alleged</sup> that the Board and their attorney committed fraud, and the fraud carried over into ~~the~~<sup>the</sup> appeal.

REASON FOR GRANTING THE MOTION

1. Petitioner believes that this court should vacate it's judgment denying certiorari, then grant the motion for rehearing and petitioner's request for certiorari due to **intervening circumstances of a substantial or controlling effect.**

a) Attached is petitioner's exhibit, a letter from the parole board **stating that petitioner do not qualify to have his parole calculated under the 75-Year Rule (558.019.4(2),** but in the 2009 Declaratory Judgment action (and Appeal) the Board and it's attorney general maintained that they correctly calculated petitioner's parole eligibility under **558.019.4(2)**

b) Based on their admission, which confirms what petitioner has argued all alone, the Board now admits to **fraud and failed to comply with Missouri statute;** or we can say that the Board committed fraud in refusing to comply with Missouri statute, and as a result committed an **Ex Post Facto violation;** therefore, this court should grant certiorari to review the decision of the Missouri Court of Appeals.

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/ The letter from the Missouri Board of Probation and Parole is attached hereto as **Exhibit One.**

### CONCLUSION

Wherefore, petitioner prays that this court vacate it's November 25th 2019 decision denying Certiorari in this case, and grant the motion for rehearing so that certiorari in this case may be grant to review the judgment of the Missouri court.

Earnest Lee Langston  
Earnest Lee Langston #23783

Date: December 9, 2019

### PROOF OF SERVICE

I, Earnest Lee Langston, declare that on December 19, 2019, as required by Supreme Court Rule 29, I have served the enclosed MOTION FOR REHEARING on each party to the above proceeding, or that party's counsel, by depositing the above documents in an envelope in the United States Mail, postage prepaid, to:

ATTORNEY GENERAL OFFICE  
Stephen D. Hawke  
)P.O. Box 899  
Jefferson City, MO 65102

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on December 9, 2019.

Earnest Lee Langston  
Earnest Lee Langston

### CERTIFICATE OF COUNSEL

I, Earnest Lee Langston, proceeding pro se as my own attorney, certifies that the petition or motion is presented in good faith and not for delay.

Earnest Lee Langston