

No. #19-6160

Original

REGGIE D. CASWELL,

PETITIONER.

VS.

NEW YORK STATE

RESPONDEE.

PETITION FOR
REHEARING PURSUANT TO
SUPREME COURT RULE 44.

REHEARING

JURISDICTION:

THIS COURT HAS JURISDICTION OVER THIS PROCEEDING PURSUANT TO THE 28 USC § 1257 (a) AND SUPREME COURT Rule 44.

TIMELINESS:

THIS PETITION FOR A REHEARING IS TIMELY FILED WITHIN 15 DAYS OF THE DATE OF THIS COURT'S LETTER DATED DECEMBER 12, 2019 FROM MS. CLARA HOUGHTELING ATTACHED HERETO.

- J(a) -

POINT I

Does the State Appellate Court's recent decision to assign Appellate Counsel to appeal the Unlawful Life Sentences without a complete record violates Due Process, cf. Caswell v Green et al 424 Fed. Appx. 44 (2 Cir. 2011), MARTINEZ v COURT OF APPEALS 528 US 152, 163 (2000), U.S.C. 1st 54 Coth 14th?

ARGUMENT:

As reflected above, the "INTERVENING CIRCUMSTANCES

OF SUBSTANTIAL OR CONTROLLING
EFFECT OR TO OTHER SUBSTANTIAL
GROUNDS NOT PREVIOUSLY PRE-
SENTED" PURSUANT TO SUPREME
COURT RULE 44 ARE AS FOLLOWS:

1) BY ORDER DATED SEPT.
3, 2019, THE APPELLATE DIV.
FOURTH DEPT. ORDERED THAT
PETITIONER'S ASSIGNED
APPELLATE COUNSEL HAS
UNTIL JANUARY 2, 2020
TO PERFECT PETITIONER'S
C.P.L. § 440.20 ILLEGAL
SENTENCE APPEAL.

2) However, the Appellate Courts will not have the C.P.L. § 440.20 pleadings or copies of the Respondents' sentencing exhibits on that appeal based solely upon the Respondents' decision to cite People v Caswell 56 AD3d 1300 (4 DEPT 2008). In so doing, the Respondent completely disregarded Caswell v Green et al 424 Fed. Appx. 44 (2 Cir. 2011).

3) In other words, the
illegal and unlawful ~~the~~
sentences will remain
in tact because the
respondents have excluded
copies of all pleadings
and sentencing exhibits
from the appeal record.
Thus rendering the pending
appeal in violation of Due
Process.

WHEREFORE, PETITIONER PRAYS
THAT SAID MOTION TO REHEAR BE
GRANTED.

DATED: Dec. 17, 2019

Theresa Cull
28 USC § 1746

CERTIFICATION

CASWELL v New York
#19-6160

I REGGIE D. CASWELL HEREBY
DECLARES PURSUANT TO 28 USC
§ 1746 THAT:

1) THAT I SUBMIT THIS
CERTIFICATE PURSUANT TO THE
SUPREME COURT Rule 44 AND
THAT THE INSTANT PETITION
FOR REHEARING IS LIMITED TO
THE GROUNDS ASSERTED IN THE
REHEARING PETITION.

DATED: DECEMBER 17, 2019

Reggie D. Caswell
28 USC § 1746

Oregan
COVER
LETTER

REGGIE CASWELL #06B1117
SHAWAUKGUNK C.F.
P.O. Box 700
Walkill, NY 12589

Dec. 17, 2019

RE: CASWELL v NEW YORK
#19-6160 PETITION
FOR REHEARING

SUPREME COURT OF U.S.
COURT CLERK MR. HARRIS,

PURSUANT TO THIS Hon. Court's
LETTER DATED DEC, 12, 2019 BY
MS. CLARA HOUGHTON/ING ENCLOSED
PLEASE FIND THE ORIGINAL
PETITION FOR REHEARING

PURSUANT TO S.C. Rule 44 ALONG
WITH SAID CERTIFICATE AND SAID
AFFIRMATION OF SERVICE.

THE PETITION FOR REHEARING
HAS BEEN CORRECTED AND
DOES COMPLY WITH S.C.
Rule 44, AND IS TIMELY.

THE PETITION FOR REHEARING
IS IN REGARDS TO THIS HON.
COURT'S DECISION DENYING
CERTIORARI ON Nov. 18, 2019.

Regan Connel
28 USC § 1746

cc: Ms. Doorley D.A.
CASELL/FILE

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

December 12, 2019

Reggie D. Caswell
#06B1117
Shawangunk C.F.
P.O. Box 700
Wallkill, NY 12589

RESUBMITTED
"Timely"

RE: Caswell v. New York
No: 19-6160

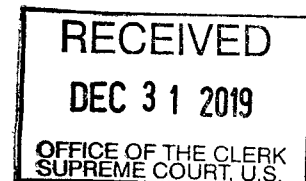
Dear Mr. Caswell:

The petition for rehearing in the above-entitled case was postmarked December 5, 2019 and received December 11, 2019 and is herewith returned for failure to comply with Rule 44 of the Rules of this Court. The petition must briefly and distinctly state its grounds and must be accompanied by a certificate stating that the grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

Please correct and resubmit as soon as possible. Unless the petition is submitted to this Office in corrected form within 15 days of the date of this letter, the petition will not be filed. Rule 44.6.

Sincerely,
Scott S. Harris, Clerk

By: *C. Houghteling*
Clara Houghteling
(202) 479-5955



Enclosures