

ORIGINAL

NO. 19-6273

Legal Mail
Received

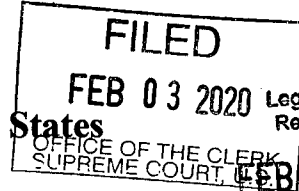
FEB 24 2020

Dade C.I.

H.L.

**IN THE
Supreme Court OF THE United States
October TERM, 2019**

**HENRY CYRUS LUCAS,
Petitioner,**



Legal Mail
Received

FEB 03 2020

Dade C.I.

H.L.

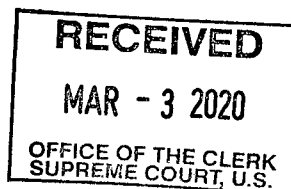
v.

**THE STATE OF FLORIDA,
Respondent.**

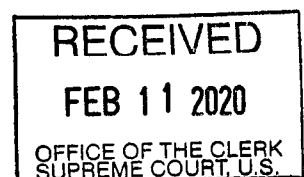
**On Petition for Writ of Certiorari to the
Third District Court of Appeal of Florida**

PETITION FOR REHEARING

Pursuant to Supreme Court Rule 44.2, the Petitioner, HENRY C. LUCAS, hereby files a Petition for Rehearing of the Court's decision entered in the above-referenced case together with the attached Certification of Counsel required by the above-referenced Rule.



1





TIME FOR FILING

This Petition for Rehearing is being timely filed with the Court pursuant to Supreme Court Rule 44.2, within 25 days after the date of the Court's order denying the Petition for Writ of Certiorari.

The order of this Court denying the Petition was entered on January 13, 2020. Therefore, this Court has authority to consider and adjudicate the merits of this Petition for Rehearing. *Simpson & Co. v. Commissioner of Internal Revenue*, 321 U.S. 225, 227 (1994).

GROUND FOR REHEARING

The following substantial grounds or matters are presented as support for granting a rehearing of the Court's decision.

1. The Court (panel of four) overlooked important principles of Federal law announced by this Court in considering whether or not to grant certiorari to review the decision of the Third District Court of Appeal of Florida.
2. One of the important Federal law principles overlooked by this Court in this case is that pleadings prepared by a pro se prisoner, who do not have access or assistance of an attorney, be liberally construed. *Haines v. Kerner*, 404 U.S. 519 (1972). Petitioner is acting in this case on his own behalf, without the aid or assistance of an attorney.

3. Another Federal law principle overlooked by this Court in this case is that an indigent criminal defendant, upon conviction, has constitutionally guaranteed rights to due process of law, equal protection of the law, and effective assistance of counsel during direct appeal proceedings from conviction and sentence. Amends. 6, 14, U.S. Const. Strickland v. Washington, 466 U.S. 668 (1984); Douglas v. California, 372 U.S. 353, 357-58 (1963).
4. In the present case, Petitioner's court-appointed counsel on direct appeal from conviction and sentence performed substandard to the Constitution of the United State of America because counsel failed to raise and argue on appeal that the trial Judge committed fundamental error at trial when he gave the jury a faulty standard jury instruction on manslaughter by culpable negligence instruction. See Haygood v. State, 109 So.3d 735, 743 (Fla. 2013) (held: where there is no evidence from which the jury could have concluded that the victim was killed due to the accused culpable negligence, a reading of the standard jury instruction for manslaughter by culpable negligence does not cure the fundamental error). See State v. Montgomery, 39 So.3d 252 (Fla. 2010).

WHEREFORE, the Petitioner prays the Court to grant this Petition for Rehearing.

Dated: Feb. 3, 2020

Respectfully submitted,

HENRY CYRUS LUCAS
Petitioner, Pro se

Henry C. Lucas
Henry C. Lucas
DC#M67260
Dade Correctional Institution
19000 S.W. 377th Street
Florida City, Florida 33034