

NO. 19-6767

IN THE SUPREME COURT OF THE UNITED STATES

Douglas D. True,

Petitioner

v.

Wendy Kelley,

Respondent

ON PETITION FOR WRIT OF CERTIORARI TO  
THE EIGHTH CIRCUIT COURT OF APPEALS

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PETITION FOR REHEARING

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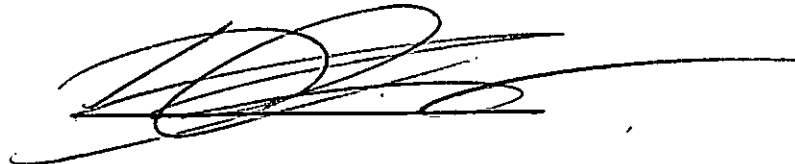
Douglas D. True, pro se

ADC #159617

Maximum Security unit

2501 State Farm Road

Tucker, AR 72168-8713



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## PETITION FOR REHEARING AND SUGGESTIONS IN SUPPORT

Both the State and Federal Courts found that Mr. True's plea was voluntary and intelligent despite the absence of a verbatim record of the proceedings required by State and federal law as well as the law of this Court.

Arkansas Rule of Criminal Procedure 24.7 states in pertinent part that "the Court shall cause a verbatim record of the proceedings at which a defendant enters a plea of guilty or nolo contendere to be made and preserved." The Federal courts have an analogous rule in Federal Rule of Criminal Procedure 11(g).

During Mr. True's post-conviction hearing conducted on August 22, 2016, it was discovered that there was not a transcript of the plea proceedings in this case. Both the prosecutor as well as the circuit judge were aware of the lack of the required record. Nevertheless, the state court denied Mr. True relief and insisted that his plea was voluntarily made upon the advice of competent counsel.

The Arkansas Supreme Court held in Reed v. State, 276 Ark 318, 635 S.W. 2d 472 (1982) that there was reversible error, where the State failed to meet its burden of proving that Reed's plea was voluntarily and intelligently entered, such burden having arisen

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CERTIFICATE OF COMPLIANCE: RULE 44

COMES NOW Petitioner, Douglas D. True, and hereby certifies that his Petition for Rehearing is in compliance with Rule 44 of the Supreme Court of the United States in that it is limited to the following:

- 1) intervening circumstances of a substantial or controlling effect, and;
- 2) substantial grounds not previously presented.

I hereby declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on: March 12, 2020.



Douglas D. True

ADC# 159617

2501 State Farm Road

Tucker, Arkansas 72168

RECEIVED

MAR 19 2020

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SUPREME COURT, U.S.