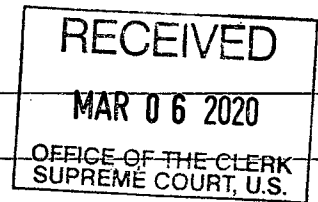


No. 19-6846



In The
Supreme Court Of The United States

James W. Riley - Petitioner

VS.

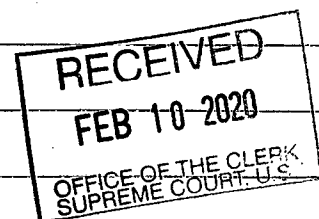
Dana Metzger, Warden, et al.
Respondents.

On Petition For A Writ Of Certiorari To
The Third Circuit Court Of Appeals

Petition For Rehearing

By: James W. Riley (Pro se)
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II. Rehearing Shall Be Granted On The
Basis Of CLARK V. LOUISIANA 138 S.Ct.
2671 (2018), A Case Circumstances
Materially Identical To Petitioner's
Case Involving This Court's McCoy
V. LOUISIANA 138 S.Ct. 1500 (2018)
Decision In The Context Of A
Faretta V. California 95 S.Ct. 2525
(1975) Waiver Of Right To Counsel

Argument

Since the petitioner raise the McCoy violation in a
Federal Rule 60(b) motion based upon the Fraud and Catch-all
exceptions of 60(b)(3) & (6) similar to the gross fraud addressed
in Hazel-Atlas Glass Co. v. Hartford-Empire Co., 64 S.Ct.
997 (1944) that this Court described as "...A deliberately
planned and carefully executed scheme to defraud... the
Court "[A decisions which prevented adjudication on the
merits]..." must be reversed with directions for [the Court] to
Recall the original mandate it had issued years before"...
At 64 S.Ct. 1001. The retroactivity rule do not apply
here.

In light of CLARK V. LOUISIANA, 138 S.Ct. 2671 (2018)
(Remand to apply McCoy to a Faretta Waiver hearing) AND

Also See State v. Clark, 2019 LA. LEXIS 1932 (LA. Sept. 6, 2019 decision applying McCoy on remand). This Court must also vacate the judgment of the Third Circuit Court of Appeals and Remand petitioner's case back for further proceedings consistent with applications of McCoy to the unadjudicated issues and evidence at the Faratta hearing to determine whether or not the waiver of right to counsel was tainted by a 6th Amendment autonomy right violation where this petitioner make valid claims that his trial counsel failed to honor his autonomy right not to plea guilty to capital murder and where counsel falsified documents (not in evidence) that petitioner confessed to committing capital murder in an attempt to force petitioner to plea guilty or forgo other 6th Amendment autonomy right guarantees to a fair trial as argued in petitioner's cert petition.

II. This Court's Decisions In Buck v. Davis 137 S.Ct. 759 (2017) Mandate
That This Court Apply An Equal
Application Of The Law To Similarly
Situating Defendants

Argument

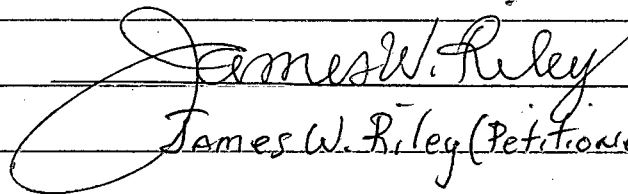
In Buck v. Davis, 137 S.Ct. 759 (2017) this Court ruled that the State of Texas could not treat Buck's case different from five (5) other cases that were tainted by race-based factor evidence in judgment of sentencing in capital murder trials.

Inconsistent with Buck's equal application of the law, inexplicably this same Court has cited several cases in McCoy and has remanded several other cases in light of McCoy where both Amendment autonomy right violations were implicated and where this petitioner has shown by years of recorded proof and litigation that identical autonomy right violations were committed in his case and where the specific autonomy right violations were the result of gross fraud, yet this Court has done what it criticizes the State of Texas for doing in Buck by denying petitioner relief on a similar application of the law of McCoy.

Also, like this Court held in Buck, the petitioner claims satisfies the extraordinary-case exception of Rule 60(b)(6) against finality of the judgment because the gross misconduct or fraud by the Delaware Court officials prevented any adjudication on the evidence of the fraud they perpetrated against petitioner in an attempt to procure an illegal death sentence far more out weigh the magnitude of the McCoy violation in the other similar cases cited by this Court.

Conclusion

Wherefore a rehearing request for Remand should be granted for the good cause reargued above.


James W. Riley (Petitioner)

Dated: Feb. 2, 2020