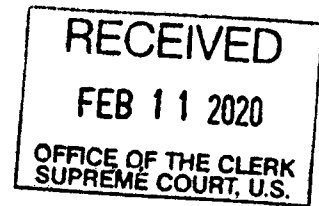


No. 19-6856



In The
Supreme Court Of The United States

James W. Riley - Petitioner
vs.

State Of Delaware - Respondent.

On Petition For A Writ Of Certiorari To
The Supreme Court Of The State Of Delaware

Petition For Rehearing

James W. Riley
James T. Vaughn Correctional Ctr.
1181 Paddock Road
Smyrna, Delaware 19977

Dated Feb. 3, 2020

I. 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 Where in The
Petitioner's Case The Hurst v. Florida 136
S.Ct. 616 (2016) Violations Involving The Trial
Judge Prevented An Adequate Faretta
Hearing To Determine Whether or not Trial
Counsel's Misconduct Violated Petitioner's
6th Amendment Autonomy Right Not To
Plea Guilty Which Led To Involuntary
Waiver Of Right To Counsel

Argument

One month after this Court issued Its decision in
McCoy v. Louisiana, 138 S.Ct. 1500 (2018) May of 2018, the
Court also issued a decisions in Clark v. Louisiana, 138 S.Ct.
2671 (2018) June of 2018. In Clark this Court remanded that
case back to the Louisiana Supreme Court to determine whether
or not there was a McCoy violation at Clark's Faretta Hearing.

The petitioner herein argue this same point in his Cert Petition. But since the trial judge cited his unconstitutional sentencing authority under death penalty statute 11 Del.C. § 4209, a violation of Hurst, for failure to review evidence of trial counsel's misconduct in violating petitioner's 6th Amendment autonomy right not to plea guilty to capital murder at the Faretta Hearing also led to petitioner's involuntary waiver of right to counsel; The petitioner rightly brought his McCoy claim under Hurst because this Court has already ruled that Its Hurst ruling is Retroactive.

Thus, this unique Hurst violations is also a McCoy violation committed at the Faretta Hearing. See CLARK supra Applying McCoy to a Faretta proceeding.

The only differences between CLARK's AND Petitioner's cases is that CLARK involved autonomy against concession of guilt and petitioner's involve autonomy to not plea guilty. Also CLARK received an adequate Faretta Hearing where the trial judge reviewed all the evidence to determine whether or not CLARK's trial counsel violated his 6th Amendment autonomy right. see State v. CLARK, 2019 LA. LEXIS 1618 (LA. Sept. 6, 2019 decision applying McCoy on remand); Compare with Riley v. State, 867 A.2d 902 (Del. 2004), where petitioner did not receive an adequate Faretta Hearing because of, both, the the trial counsel's and trial judge's misconduct resulting in a deliberate violation of petitioner's 6th Amendment autonomy rights as explained in petitioner's Cert Petition.

Wherefore the Equal Protection Clause dictate that this Court grant petitioner's petition for rehearing of the Court's January 13, 2020 Order denying a writ of certiorari and for the reasons stated above - Remand this case back to the Delaware Supreme Court in light of this Court's decision in Clark.

Conclusion

This Court must not deny petitioner equal application of the law !!

James W. Riley
James W. Riley (Petitioner)
James T. Vaughn Correctional Center
1181 Paddock Road
Smyrna, Delaware 19977

Dated: February 3, 2020