

No. 19-7725

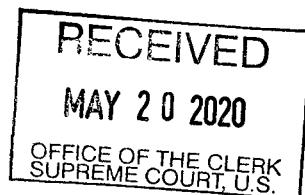
IN THE SUPREME COURT OF THE UNITED STATES

WILLIAM DESMOND CONRAD
Petitioner

VS.

UNITED STATES OF AMERICA
Respondent

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



PETITION FOR REHEARING

WILLIAM DESMOND CONRAD

Pro se Petitioner

L.S.C.I. BUTNER

P.O. Box 999

Butner, N.C. 27509

PETITION FOR REHEARING

Submitted to Justice Kavanaugh

Sup. Ct. R. 22.

Sup. Ct. R. 44.2

Petitioner presents his petition for a rehearing and in support of it, respectfully shows:

Grounds for Rehearing;

A rehearing of the decision in this matter is in the interests of law because --

SYNOPSIS OF THE PETITION

In keeping with the rules of the Supreme Court this Petitioner will give a brief and distinct synopsis as to the reasons for granting his petition.

This Petitioner filed a motion for excusable neglect pursuant to Rule 45 of the Federal Rule of Criminal Procedure. The district court purposely misconstrued the motion as a second or successive 2255 in order to avoid reaching the merits of said motion.

The basis of my excusable neglect motion was the FACT that my appointed Attorney Scott F. Tilsen, neglected to make argument for the application of Alleyne and DESCAMPS, both cases applied to this Petitioner at the time of his sentencing.

After being denied by the district court this Petitioner took the proper steps to reach the Supreme Court. This Court denied my Writ of Certiorari and returned my habeas corpus Petition suspended.

In the interim this Court decided Avery v. United States, No. 19 - 633. This Pro se Petitioner now believes that the United States agrees with him and disagrees with the Eighth Circuit and its practices concerning second or successive 2255's.

This Petitioner now believes to avoid a circuit split or to give clarity to the use of 2244(b)(1) a rehearing in this cause would benefit all because.....

The "Ends of Justice" doctrine permits a rehearing to determine the constitutional questions presented in the petition for a writ of certiorari, as-well-as resolve the circuit split over the application of a second-or-successive section 2255 motions.

1. On April 20th, 2020, this Court denied the petition for writ of certiorari.

2. There were no grounds cited, nor were the merits reached in the Court's order.

3. The ruling in CONRAD v. UNITED STATES, No. 19-7725 came as a surprise to this Petitioner.

4. Petitioner filed for a writ of certiorari along with a conjoined and supporting habeas corpus, pursuant to Supreme Court Rules, 12, 13, 20.4, et al., on February 10th, 2020.

5. Petitioner's writ of habeas corpus was returned, suspended by this Court on February 24, 2020.

6. Petitioner attempted to resolve this issue by phone; but was told that he could not file his habeas corpus at this time, however, I could file my habeas corpus at any time... later, this was in effect a suspension of my habeas corpus and a denial of Petitioner's constitutional rights.

7. In the interval between the filing of Petitioner's certiorari, the suspension of my habeas corpus and the decision in:

CONRAD v. UNITED STATES, No. 19-7725,

this court rendered it's opinion in:

AVERY v. UNITED STATES, No. 19-633.

8. This Petitioner's certiorari and his supporting habeas corpus was geared towards the issue of the Eighth Circuit mis-construing his Motion for Excusable Neglect as a second-or-successive 2255.

9. It is the Petitioner's belief that it was stated in AVERY, that "the United States now agrees with the Sixth Circuit that Section 2244 (b)(1) does not apply to section 2255 motions and that the contrary view is inconsistent with the text of Section 2244". In other words, the Government now disagrees with the rulings of six (6) Courts of Appeals that had previously decided the issue in the Government's favor.

10. This Petitioner believes that the Eighth Circuit is one (1) of the six (6) Courts of Appeals that the Government disagrees with.

11. Petitioner was not granted any opportunity to distinguish his case.

12. Petitioner has reason to believe that the other party (the United States) in disagreeing with the Eighth Circuits practices

now agrees with this Petitioner.

13. A rehearing that is narrowed and limited to the questions would satisfy the Ends of Justice doctrine and the requirements of the Sixth Amendment's guarantee of effective assistance as-well-as providing guidance and clarity in the use of Excusable Neglect.

14. Petitioner believes that in this case Justice Kavanaugh would grant a rehearing to resolve the circuit split concerning second-or-successive 2255 motions such as the Petitioner's, misconstrued or otherwise.

15. A rehearing focused on the similarities between this Petitioner's case and other second-or-successive 2255 motions would merit rehearing or at the very least alter the rules of law and provide a fundamental fairness to this Petitioner.

For the reasons stated above, WILLIAM DESMOND CONRAD urges that this petition for rehearing be granted, and that, on further consideration, the Petition for Certiorari be granted.

Date May 11th 2020,

Counsel of Record
Pro Se Petitioner
L.S.C.I. Butner
P.O. Box 999
Butner, N.C. 27509

Respectfully Submitted,

/s/ William D. Conrad
William Desmond Conrad

CERTIFICATE OF GROUNDS

I, WILLIAM DESMOND CONRAD, do hereby certify that the grounds contained herein are limited to intervening circumstances of substantial or controlling effect and that other substantial grounds may or may not have been previously presented.

(See Petition for Writ of Certiorari No. 16 - 8253 and its Petition for Rehearing as well as Petition for Writ of Certiorari No. 19 - 7725).

Dated June 3rd 2020

/s./ William D Conrad
William Desmond Conrad

Counsel of Record for Pro se Petitioner

Certificate of Good Faith by Counsel

I, WILLIAM DESMOND CONRAD, counsel for Pro se Petitioner, certify that this Petition for Rehearing is presented in good faith and not for delay, and that it is restricted to the grounds specified in Supreme Court Rule 44 of the Rules of the Supreme Court.

/s./ William D. Conrad

Dated: 6/3/2020.

Counsel for Pro se Petitioner

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 3rd, 2020, by

/s./ William D. Conrad
William Desmond Conrad
Inmate # 39948 - 044

To: Clerk of the
United States Supreme Court
1 First St. NE.
Wash. D.C. 20543

06/03/2020

From: William Desmond Conrad
Inmate # 39948 - 044
LSCI BUTNER
Butner NC. 27509

Re: Deficiencies

Greetings;

Dear Sir/Madam,

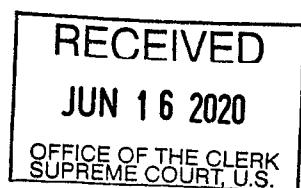
Pursuant to your letter dated May 22nd, 2020, I have corrected the deficiencies that you indicated, by including in my Petition for Rehearing the following: 1, a brief and distinct synopsis; 2, a Certificate of Grounds and 3, a Certificate of Good Faith.

Please be advised the the Complex here is under a COVID - 19 quarantine lockdown as-well-as an Emergency lockdown due to the civil unrest caused by the George Flyod incident.

The Complex here is comprised of 5 institutions and this one the LSCI is hit the hardest by the above, so please have mercy on this poor Prisoner by allowing some leeway in his filings

Thank You


WILLIAM DESMOND CONRAD



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

May 22, 2020

William Desmond Conrad
#39948-044
Correctional Institution, Low Security
P.O. Box 999
Butner, NC 27509

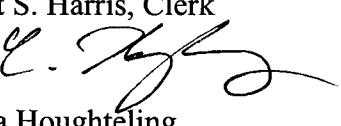
RE: Conrad v. United States
No: 19-7725

Dear Mr. Conrad:

The petition for rehearing in the above-entitled case was postmarked May 11, 2020 and received May 20, 2020 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.

You must also certify that the petition for rehearing is presented in good faith and not for delay.

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: 
Clara Houghteling
(202) 479-5955

Enclosures