

No. 19-7749.

IN THE
SUPREME COURT OF THE UNITED STATES

ANDREY L. BRIDGES
Petitioner-Appellant,

v.

DAVID GRAY, WARDEN,
Respondent-Appellee,

ON Motion/Petition to Rehear Writ of Certiorari

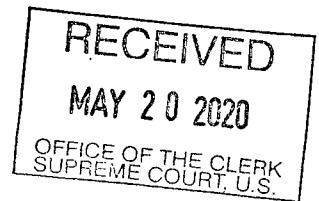
to the United States Court of Appeals for the Sixth Circuit

MOTION TO REHEAR WRIT OF CERTIORARI

This request to rehear, is presented in good faith and not for delay.

Respectfully submitted,

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CERTIFIED CERTIFICATE OF GROUNDS THAT ARE LIMITED TO
INTERVENING CIRCUMSTANCES OF SUBSTANTIAL OR CONTROLLING EFFECT OR
TO OTHER SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED.

1. Petitioner petition does not lack merit and is stated and presented in good faith, and not for delay.
2. By demonstrating the following Memorandum in support, it is a reasonable likelihood of this court reversing it's previous decision and grant certiorari, (quoting) Richmond v. Arizona, 443 U.S. 1323 98 S.Ct. 8, 54 L.ED.2d 34 (1977).
3. Petitioner Certify the above to be true under the penalty of perjury, as well what is stated below, all based on information and belief, and to those beliefs, petitioner believes to be true.

4. Petitioner contends that this Court has not entertained a claim of a freestanding claim under actual innocence.

However, this court have determined that a actual innocence claim could be present in cases concerning procedural defaults. "See"
Shulp v. Dello, 513 U.S. 298 316-317, 115 S.Ct 851, 130 L.Ed.2d 808, (1995).

5. By not entertaining if or when a freestanding claim is constitutional sound or not, is very dangerous to the United States Constitution, of Equal protection of the Law, as set in the Constitution of the 14th Amendment of the United States Constitution.

6. Petitioner's case is a prime example, because as the lower courts have used continually in denying Bridges Constitutional violations; (citing); Cleveland v. Bradshaw; 65 F. Supp.3d 499, 514-15 (N.D. Ohio 2014) the United States has not yet determined if a Freestanding actual innocence claim is cognizable in habeas corpus.

7. This Court is so moved,,as this court has stated: There is no "Higher Duty" of a court, under our Constitutional system, than the careful processing and adjudication of petitions for writs of Habeas Corpus, because if his sentence is unlawful, it deprives him "See"
Harris v. Nelson, 394 U.S. 286, 292 89 S.Ct. 1082, 22 L. Ed. (1969).

8. By hearing petitioner's case, as to the grounds for rehearing, "shall" be limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented..These grounds are brief and concise,

9. Petitioner, certify rehearing is restricted to above quoted and cited, and is only presented in good faith and not for delay.

10. The issues and claims has not been presented to this court before in such styled aspect. Example:

MEMORANDUM IN SUPPORT

Jurisdiction

- ¶ On January 22, 2020; petitioner filed for writ of certiorari challenging his constitution violations, and On March 23, 2020, this Supreme Court of the United States denied the jurisdictional certiorari in ***Bridges v. Gray***, 2020 U.S. LEXIS 1713, Case No. No. 19-7749.
- ¶ Petitioner/Appellant comes timely within the 25 days to request rehearing of the certiorari, pursuant to the United States Supreme Court Rule 44.

This request to rehear, is presented in good faith and not for delay.

Discussion and Applicable holdings:

- ¶ This court has held and ruled consistently that the interest in finality of litigation must yield where the interests of justice would make unfair the strict application of our rules.
- ¶ This policy finds expression in the manner in which the court has exercised its power over the court's own judgments, both in civil and criminal cases. "See" ***Clark v. Manufacturers Trust Co.***, 337 U.S. 953, ***Goldbaum v. United States***, 347 U.S. 1007; ***Banks v. United States***, 347 U.S. 1007; ***McFee v. United States***, 347 U.S. 1007; ***Remmer v. United States***, 348 U.S. 904; ***Florida ex rel. Hawkins v. Board of Control***, 350 U.S. 413; ***Boudoin v. Lykes Bros. S. S. Co.***, 350 U.S. 811; ***Cahill v. New York***, N. H. & H. R. Co., 351 U.S. 183, ***Achilli v. United States***, 352 U.S. 1023.

^{15.} A Petition for rehearing of denial of petition for certiorari was part of appellate procedure authorized by Rules of Supreme Court, subject to requirements of predecessor to Rule 44 on rehearing's; right to such consideration was not to be deemed an empty formality as though such petitions would as matter of course be denied; denial of petition for certiorari should not be treated as definitive determination in Supreme Court, subject to all consequences of such an interpretation. *Flynn v. United States*, 75 S. Ct. 285, 99 L. Ed. 1298 (1955).

^{16.} In other words, the avenue petitioner comes now, is of such course that can request this "Honorable" Court and "Respective" Justice's to rule on the merits.

^{17.} Because there is a good chance this court, while reviewing the case will find his conviction and denial of COA is:

^{18.} 1. **Wrongful**, as it so, all rulings of the lower courts have implied infringement of Amendment 5, 6, 8, and 14; of the United States Constitution, and may result from disobedience to unlawful authority, "Quoting"; *Bushler v. Marrujo*, 86 N.M. 399, 524 P.2d 1015, 1019;

2. **False Imprisonment**, where Bridges is unlawfully under detention, whereby he is denied his personal liberty, "Quoting"; *Dupler v. Seubert*, 69 WIS. 2d 626, 230 N.W. 2d 626, 631.

3. **Impression, Case First**, this case is a precedent one, presenting a wholly new state of facts, one involving a question never before determined.
4. **Improper to the United States Constitution**, Not suitable, unfit, not suited to the character, time, or place. "Quoting"; **Godbey v. Godbey**, 70-Ohio-App. 455, 44 N.E. 2d 810, 813. And not in accordance with facts, truth, or right procedure and not in accord with propriety, modesty, good taste, or good manners, "Quoting"; **Landry v. Daley**, D.C. I11 280 F. Supp, 968, 970.
5. **Failure of Justice**, the defeat of a particular right, or failure of reparation for the wrongs Bridges faced in the lower court[s], from lack and inadequacy of a legal remedy enforcement of Bridges to redress the court of law, also known as miscarriage of justice.
6. **Miscarriage of Justice**, All the lower court[s] decision and outcome of legal proceeding that is prejudicial, and is inconsistence with substantial rights, used in constitutional standards to deny Bridges, are in reversible error. It makes a reasonable probability of more favorable outcome for Bridges, **People v. Lopez**, 251 CAL. App. 2d, 918, 60 Cal. Rptr, 72, 76. Warranting reversal should be declared, when this court, after examination of entire cause, including the evidence, is of opinion that it is reasonably probable that a result more favorable to Bridges appealing would have been reached in

absence of error, "Quoting"; *People v. Bernhardt*, 222 CA 2d 567, 35 Cal. Rptr. 401, 409.

7. *Manifest*, "Quoting"; *Houston v. Leyden Motor Coach Co.*, 102 Ill. App. 2d 348, 243 N.E. 2d 293, 296 "See" also, *Graf v. Ford Motor Co.*, 102 Ill. App. 2d 390, 243 N.E. 2d 337, 341. Where this court will find abusive and prejudicial denials.
8. *Error*, "Quoting"; *State ex rel. Smith v. Smith*, 197 OR. 96, 252 P. 2d 550 555. Where, all rulings in Bridges case at the lower level are in conflict with each other and when shown still denied.
9. *Fundamental unfair*, "Quoting"; *Roberts v. State IND.*, 492 N.E. 2d 310, 313; Where this court will see that Bridges CÓA was denied as not raising a constitutional claim, yet the record and arguments demonstrates otherwise.
10. *Denial of error of Coram Nobis*, the issue here was appropriately raised by Bridges in his *habeas corpus* petition. The facts relied on are dehors the record and the effect on the judgment was not open to consideration and review on appeal. The lower courts refused to review, "But" In such circumstances the use of the writ in the federal courts to test the constitutional validity of a conviction for crime is not restricted to those cases where the judgment of conviction is void for want of jurisdiction of the trial court to render it. It

extends also to those exceptional cases where the conviction has been in disregard of the constitutional rights of the accused, and where the writ is the only effective means of preserving his rights. Quoting"; *Moore v. Dempsey*, 261 U.S. 86; *Mooney v. Holohan*, 294 U.S. 103; *Bowen v. Johnston*, 306 U.S. 19, 24.

11. *Actual Innocence*, real existing presenting in fact; the absence of guilt; free from guilt, Quoting"; *U.S. v. Friday, D.C. Mich.*, 404 F.supp. 1343, 1346.

12. *Actual Total Loss of Freedom*, Constitution, Constitution Law, Constitutional Protections, Constitutional right[s], Constitutional Questions, by not reviewing or fairly De Novo, Bridges claims, or reviewing the record and misapplying denial[s] for COA, in the Lower courts.

13. *Burden of Proof*, quoting"; *In re Winship*, 397 U.S. 358, 90 S.Ct. 1068, 25 L.Ed. 2d 368; The lower court[s] failed to fairly apply this standard, and unconstitutionally; opinioned, ruled, and restricted Bridges 14 Amendment to the United States Constitution.

14. *Corpus Delicti*, the body of the crime was unconstitutionally determined to the elements of the crime and facts and evidence was erred when connected to federal standards of law. Quoting"; State v. Edwards 49-Ohio-St. 2d 31, 358 N.E. 1051, 1055.

Example:

19. Pro se petitioner Andrey Bridges has a strong argument that his trial and resulting life sentence were fundamentally unfair because the State withheld material exculpatory evidence. See ***Brady v. Maryland***, 373 U. S. 83, 87, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963). The state courts offered flawed rationales for rejecting all his claim's. **[Ineffective assistance of counsel's; Actual/Factual Innocence; Due Process violations of Equal Protection of the Law; his conviction is constitutionally prejudicial against the United States Constitution of Amendment 5, 6, 8, and 14; and that he is denied to redress the court of law -fairly].**

20. Nevertheless, the District Court denied Bridges federal habeas relief, and both the District Court and the U. S. Court of Appeals for the Sixth Circuit summarily declined to grant Bridges a "certificate of appealability" (COA), 28 U. S. C. §2253(c), concluding that his claim was not even debatable.

21. Without a COA, Bridges cannot obtain appellate review on the merits of his claim. Because the COA procedure should facilitate, not frustrate, fulsome review of potentially meritorious claims like Bridges, this court is "Respectfully" moved to grant the petition for writ of certiorari and reverse the denial of a COA, and Certiorari that was denied in this court.

22. Since the lower court's denial held, Bridges does not have a constitutional right, and Bridges did not present a constitutional issue to be heard;

23.

"But" it is apparent and can be seen on the face of the record, his issues are of constitutional magnitude of violations.

24.

Bridges is serving a life sentence with possibility of parole with 20 years and 6 months in an Ohio state prison, having been convicted in 2013 of murder, tampering with evidence, and gross abuse of corpse.

25.

The State's case at his trial featured only testimony from the real killers as police reports directly implicated them. The experts did not or could tie the scientific evidence to the murder.

26.

However, the detective told the true killers to get an alibi after questioning. In which their alibi in trial was separate and different from police reports, evidence and testimony that was used to convict Bridges. There is also new information that was not investigated, that the date of the murder the state assert, the victim was alive. This could change the outcome of the proceeding, because Bridges were not living at the resident then.

27.

Also to the fact that the evidence that was shown and used to convict Bridges, was not tested. "See" (T.1-1514) The detective requested it to be tested, but never were.

To this date; Bridges continually argue his innocence.

28.

"[N]ormally, you will not see a guilty person stand and fight for his innocence and freedom as Bridges. **This what's make this case exceptional to hear.**

29.

Upon being convicted, Bridges discovered new evidence that his counsel had and reports that the detectives had, and evidence off of the internet demonstrating his innocence. **That was not fully investigated nor presented to the jury.**

30.

As it turns out, the lower court, upon Bridges fight to prove his innocence places his claims off the record in post-conviction pleadings, then when Bridges file the claims in that proceeding, the lower court then places the claims back on the record, stating the claims should have been raised on appeal.

31.

Shortly after the trial ended, Bridges requested any information on his case from the Ohio state prosecutor, trial attorneys, and arresting officer. All sent some of the record and that is when Bridges reviewed the record and discovered evidence was left out that demonstrated his innocence. "See" in the Northern District of the Eastern Division, Case; Bridges v. Sloan, 1:15-cv-02556; Doc#33 and also Footnote of the Report and Recommendation Doc#47 PageId#5663; Bridges properly filed the record that respondent left out, however, it was not filed for docketing. This shown the lower court the innocence of Bridges, and what makes him innocent of the crime. And wrongfully convicted, and held unconstitutionally.

The evidence was never reviewed in the lower court[s]; Ever.

32. The District Court denied Bridges pro se petition for federal habeas corpus relief under 28 U. S. C. §2254 and declined to issue a COA. The Court of Appeals likewise denied a COA. Bridges, still pro se, Bridges, petitioned for a writ of certiorari to review that denial.

33. Although the motion is a discretionary one, requesting jurisdiction, his petition was denied as a normal practice of this court.

34. Bridges prays for this court to take jurisdiction because there is server manifest[s] injustice and miscarriages of justice that needs to be heard, and addressed constitutionally.

35. Bridges also move this court "Respectfully" to issue rehearing and issue merit review. Because the denial of his petition is not of the standards of equal protection under the United States Constitution, and against the rights that are protected by the United States Constitution.

36. The act of the lower court[s] has so infringed upon the right that damages the integrity of justice and the right to be protected by the Constitution. This is stated because the lower court[s] in Bridges case has denied him:

Amendment 6 Rights of the accused.

In relevant part; have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

Amendment 8 against cruel and unusual punishment.

The Supreme Court has held that the Eighth Amendment prohibition against the infliction of cruel and unusual punishments not only is applicable to the Federal Government, but also is applicable to the states on the basis of the due process clause of the Fourteenth Amendment. (§ 3, infra.) 33 L. Ed. 2d 932

Amendment 14 Equal protection of the law.

Sec. 1. [Citizens of the United States.] All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Example:

37. The federal courts handle thousands of noncapital habeas petitions each year, only a tiny fraction of which ultimately yield relief. See N. King, Non-Capital Habeas Cases After Appellate Review: An Empirical Analysis, 24 Fed. Sentencing Reporter 308, 309 (2012) (Table 2) (less than 1% of randomly selected cases in an empirical study).

38. While the volume is high, the stakes are as well. Federal judges grow accustomed to reviewing convictions with sentences measured in lifetimes, or in hundreds of months.

39. Such spans of time are difficult to comprehend, much less to imagine spending behind bars. And any given filing—though it may feel routine to the judge who plucks it from the top of a large stack—could be the petitioner’s last, best shot at relief from an unconstitutionally imposed sentence. Sifting through the haystack of often uncounseled filings is an unglamorous but vitally important task.

COA inquiries play an important role in the winnowing process.

40. The percentage of COA requests granted is not high, “See” (study finding that “more than 92 percent of all COA rulings were denials”), but once that hurdle is cleared, a nontrivial fraction of COAs lead to relief on the merits, see *id.*, at 309 (Table 2) (approximately 6%). At its best, this triage process focuses judicial resources on processing the claims most likely to be meritorious. *Cf. Miller-El*, 537 U. S., at 337, 123 S. Ct. 1029, 154 L. Ed. 2d 931 (AEDPA’s COA requirement “confirmed the necessity and the requirement of differential treatment for those appeals deserving of attention from those that plainly do not”).

41. Unless judges take care to carry out the limited COA review with the requisite open mind, the process breaks down. A court of appeals might inappropriately decide the merits of an appeal, and in doing so overstep the bounds of its jurisdiction. See *Buck*, 580 U. S., at ___, 137 S. Ct. 759, 197 L. Ed. 2d 1 (slip op., at

13); *Miller-El*, 537 U. S., at 336-337, 123 S. Ct. 1029, 154 L. [**1164] Ed. 2d 931.

⁴² A district court might fail to recognize that reasonable minds could differ. Or, worse, the large volume of COA requests, the small chance that any particular petition will lead to further review, and the press of competing priorities may turn the circumscribed COA standard of review into a rubber stamp, especially for pro se litigants.

⁴³ This court has periodically had to remind lower courts not to unduly restrict this pathway to appellate review. See, e.g., *Tharpe v. Sellers*, 583 U. S. ___, 138 S. Ct. 545, 199 L. Ed. 2d 424 (2018) (per curiam); *Buck*, 580 U. S. ___, 137 S. Ct. 759, 197 L. Ed. 2d 1; *Tennard v. Dretke*, 542 U. S. 274, 124 S. Ct. 2562, 159 L. Ed. 2d 384 (2004).

⁴⁴ This case provides an illustration of what can be lost when COA review becomes hasty. It is not without complications: There is good arguments, yet unexplored, why Bridges claim fell short of seeing he did raise constitutional claims, yet still was denied COA.

And of course, this court will see and finding that Bridges constitutional rights clearly were violated would necessarily imply that he is innocent of the serious crimes of which he was convicted; Bridges could not be reconvicted after a fairer proceeding. See *Kyles*, 514 U. S., at 434-435, 115 S. Ct. 1555, 131 L. Ed. 2d 490. But the weighty question whether Bridges is “in custody in violation of the Constitution,” §2254(a), appears to have gotten short shrift here. With a lifetime of

lost liberty hanging in the balance, this claim was ill suited to snap judgment.

45. This case is similar and maybe identical to White v. Warden, Ross 2019 U.S. App Lexis 35494 6th Cir. Nov, 25 2019, White v. Warden Ross, 940 F.3d 270 Lexis 34633; where this case is still under review, because the court have determined that Ohio court[s] are abusively applying standards to deny constitutional violations.

Conclusion:

46. *Wherefore*, Bridges argues that for all these reasons, the District Court's decision was certainly "debatable, and "The Court of Appeals' resolution of the case has denied his COA as a compounded error of a constitutional magnitude of violations against the United States Constitution.

47. This case instead should have gone to a merits panel of the Sixth Circuit for closer review, and Bridges comes before this "Honorable Court" and it's "Respective Justice[s]" to hear and take jurisdiction of the case and merit, and allow Bridges to fully brief his case.

EXECUTED ON May 7th, 2020

Respectfully submitted,

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