

No. 19-7944

IN THE
SUPREME COURT OF THE UNITED STATES

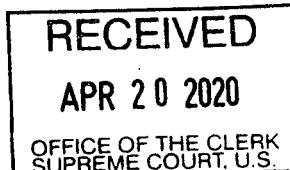
In re STEVEN BEEBE, Petitioner.

On Petition for a Writ of Habeas Corpus to the Sixth Judicial Circuit Court
in and for Pinellas County, Florida.

MOTION FOR REHEARING ON
PETITION FOR A WRIT OF HABEAS CORPUS

Steven Beebe - pro se
Fla. Dept. Corr. I.D. #: R79546
Bay Correctional Facility
5400 Bay Line Drive
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MOTION FOR REHEARING

Petitioner Steven Beebe respectfully moves this Court for rehearing, or in the alternative, for transfer to the United States District Court for the Middle District of Florida. The merits of the petition denied March 30, 2020, are of critical importance and should be heard by a Federal Court.

GROUND FOR REHEARING

1. INTERVENING CIRCUMSTANCES OF SUBSTANTIAL OR CONTROLLING

EFFECT ARE PRESENT

The Petition sought for rehearing was docketed on March 11, 2020. Since that time, Covid-19 has spread incessantly. On March 26, 2020, Attorney General William Barr issued a memorandum with a directive to alleviate prison population due to the virus.

Although the Petitioner is not exactly a candidate for release under the memorandum, this case is one in which release would take place on its own terms if this Court was to issue a writ. Therefore, with the intervening circumstance of the Attorney General ordering for a reduction in prison population, this Court should provide the Petitioner relief.

The Attorney General's memorandum should be considered because it is a controlling and intervening circumstance based on the substantial effect of the Corona Virus. These facts constitute an exceptional circumstance warranting the exercise of this Court's habeas jurisdiction.

2. THERE EXIST OTHER SUBSTANTIAL GROUNDS NOT PREVIOUSLY

PRESENTED

The "equal protection of the laws" provision of the Fourteenth Amendment to the United States Constitution has been violated as well. Specifically, the Petitioner has been convicted of

multiple substantive offenses for a mere probation order technical violation when no other probationer is subjected to such injustice.

Florida Statute § 948.06 (Appendix Exhibit J of Original Petition) provides extensive guidelines for prosecuting substantive violations and technical violations. A substantive violation is one that is based on a new substantive criminal offense. A technical violation is a mere breach of a condition of probation.

Section 948.06(9)(d), Florida Statutes, provides a reference for determining the difference between these two types of violations. Under Section 948.06(9)(d), Florida Statutes, substantive violations and technical violations are enumerated in separate subcategories as exempt from alternative sanctions.

Section (9)(d)(2) addresses substantive violations in their entirety by specifying ineligibility when the "violation is a felony, misdemeanor, or criminal traffic offense." Section (9)(d)(3) lists "absconding" which is a technical violation. Section (9)(d)(4) lists "no-contact order violation" which is a technical violation. The emphasis is that any violation listed outside of Section (9)(d)(2) is a technical violation.

If a "no-contact order violation" is a substantive offense, it would not be defined separately under Section (9)(d)(4), but instead subsumed under Section (9)(d)(2). Absconding, as the Petitioner was also convicted of at the violation of probation hearing, is specified separately as well and there is no dispute from the Circuit Court that it is a technical violation.

The fact that "no-contact order violation" and "absconding" are both equally independent of the substantive violation provision means that they are both required to be prosecuted in equal respect. To have arbitrarily prosecuted one technical violation in disparity to the other is a violation of the Petitioner's right to the "equal protection of the laws." U.S. Const. 14th Amd.

The Petitioner reminds this Court that fifteen years prison was imposed when only five years is legal. This is of alarming concern because if this Court does not intervene, the error is certain to become repetitive in consideration of the Sixth Judicial Circuit Court in and for Pinellas County, Florida, having a renowned reputation of being perhaps the most objectionable State Court in this Nation.

CONCLUSION

WHEREFORE, Petitioner Steven Beebe prays that this Honorable Court grant this rehearing based on the facts and reasons stated above.

OATH

Under penalties of perjury, I declare that I have read the foregoing motion and that the facts stated in it are true and correct.

CERTIFICATE

I hereby certify that the foregoing motion is restricted to the grounds specified in Rule 44.2 and that it is presented in good faith and not for delay.

Respectfully submitted,

Provided To:
Bay Correctional Facility

APR 8 2021

For Mailing

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