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No. 14-8086

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U.S. SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

RANDY DALE JACKSON (Petitioner)

v.

(MDOC)
TOMMY TAYLOR, Interim Commissioner (Respondent)

PETITION FOR REHEARING

on Petition For Writ of Certiorari, pursuant to Rule 44.2

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IN THE
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Randy Dale Jackson

(Petitioner)

v.

Tommy Taylor, Interim Commissioner (Respondent)

PETITION FOR REHEARING

COMES NOW, Randy D. Jackson, prose, petitioner and files his petition for rehearing under Rule 44.2, 45.2 and would show this Honorable Court the following, to-wit:

I.

That on or about the 26 day of May 2020, this Court entered an order denied petition for a writ of certiorari.

II.

Petitioner believes that he is entitled to redress on the following grounds:

1. The Intervening Circumstances is to accomplish Justice under prior U.S. Supreme Court decisions, in the Controlling Effect Under Constitution Amendments First, Fifth, Sixth, Eighth, Fourteenth or Laws of The United States. (review petition for writ of certiorari, statement of the case, and supplemental Brief in support).

2. Petitioner Shows he is being denied Courts access by monetary sanctions and threat of restrictions to Challenge His Unlawful Jury Trial Conviction and Judge impose sentence of life imprisonment. (See U.S. Court of Appeals (5th Cir.) No. 19-90037, 12/03/19 denied order "Motion to Proceed as a Sanctioned litigant" from related case No. 18-60587 11/05/19 monetary sanction.

Under Court Order the petitioner right to Petition the Government for a redress of grievances is prohibit That inflict harsh excessive fines and punishment due to lack of funds. In Violation of petitioner's First and Eighth Amendment's Rights Under the United States Constitution.

Since 1892 Congress recognized that no Citizen should be denied an opportunity to file or defend or commence a criminal or civil lawsuit due to lack of funds. (Reviewing PLRA/Supreme Court Decisions: 1996-2015, 53 No. 4 Crim. Law Bulletin ART 7 Summer 2017).

In, U.S. v. Kras, 409 U.S. 434 (1973) (noting that where fundamental right were at stake, access could not be barred by financial barriers).

In, Romer v. Evans, 116 S. Ct. 1620, 1628 (1996) holding that law making it more difficult for one group of citizens to seek aid from government than all other citizens is clear denial of equal protection. see Renov. Flores, 507 U.S. 292, 301-02 (1991).

The purpose of the writ is to enable those unlawfully incarcerated to obtain their freedom, it is fundamental that prisoner's access to the courts for the purpose of presenting their complaints is not denied or obstructed. (quoting Bowen v. Johnston, 306 U.S. 19, 26 (1939)).

Petitioner argues that the imposing of monetary sanctions with caution restriction on future filing is retaliate as a source of revenue for exercising his litigation in all constitution rights challenging his unlawful conviction and length of sentence.

The prohibition on excessive fines to be a fundamental right of American citizenship. With deep roots in our history and tradition. (Cong. Globe, 39th Cong., 1st Sess., 474 (1866)).

For good reason, the protection against excessive fines has been a constant shield throughout Anglo-American history: Exorbitant tolls undermine other constitutional liberties, excessive fines can be used, for example, to retaliate against or chill the speech of political enemies, as the Stuart's critics learned several centuries ago. See, Browning-Ferris Ind. of Va. Inc. v. Kelco, 492 U.S. 267, 109 S.Ct. 2909 (1989) Even absent a political motive, fines may be employed "in a measure out of accord with the penal goals of retribution and deterrence, for fines are a source of revenue, while other forms of punishment cost a state money.

The protection against excessive fines guards against abuses of government's punitive or criminal-law enforcement authority. This safeguard, we hold, is fundamental to our scheme of ordered liberty, with deep roots in our history and tradition. (See, Timbs v. Indiana, 139 S.Ct. 682 (2019) (quoting McDonald v. Chicago, 561 U.S. 742, 767, 130 S.Ct. 3020 (2010).

In, McCarthy v. Madigan, 503 U.S. 140, 153 (1992) (noting that right to file suit may be prisoner's most fundamental political right given legitimate government infringements on prisoners' other rights).

petitioner demonstrates his litigation is not abusive, but only to seek fair and equal justice under rule of law.

3. Other Substantial Grounds Not Previously Presented.

Structural plain error Fed. R. Crim. P. 52(b). Petitioner submits The Jury convicted Him on an inadequate Jury Instruction 5-1 for murder, that failed to list the statute essential element of "unlawfully" or without the authority of law. Confusing and misdirecting Jury according to law as charged in True Bill Indictment. (See Joint Appendix-1) This plain structural error deprived Petitioner A fair Jury trial guilty Verdict under law, that requires reversal and preclude harmless error analysis. Because The Jury must find beyond a reasonable doubt Randy committed this crime without the authority of law.

In, Cage v. Louisiana, 498 U.S. 39 (1990) It held that Jury instructions are unconstitutional if there is a reasonable likelihood that they allow conviction without, proof beyond a reasonable doubt.

In Yates v. Evans, 500 U.S. 391 (1991) using evidentiary Presumption in a jury charge have the effect of relieving the State of its burden of persuasion beyond a reasonable doubt of every essential element of a crime. In, Sullivan v. Louisiana, 508 U.S. 275 (1993) (Fifth Amendment requires juries to find elements beyond a reasonable doubt.

In Neder v. U.S., 527 U.S. 1, 712 (1999) a claim that the jury was improperly instructed in violation of the Sixth Amendment because the court misinterpreted a statute not contain a particular element.

In Apprendi v. New Jersey, 530 U.S. 466, 475-77 (2000) Sixth Amendment requires juries to find all elements of the offense. See Tyler v. Cain, 533 U.S. 656 (2001)

The Court held we may punish a person under a criminal statute only if he satisfies the statute's elements. Instructing the jury on every element of the charged crime is fundamental to our system of justice.

4. Other Substantial grounds not previously presented.

The present case at hand address issues of racial injustice broadly impacting societal civil rights, and other forms of discrimination still remain a fact of life, in the administration of justice as in our society as a whole. Perhaps today that discrimination takes a form more subtle than before. (See Joint Appendix-a "Affidavit of..." For good reason on racial discrimination

In light of Ex parte Yarbrough (The Ku-Klux cases) 110 U.S. 651, 654 (1894)

We cannot ignore racial history in Mississippi's criminal justice system.

42 U.S.C. A. 1981(a) Petitioner shall have the same rights to the full and equal benefit of all laws as is enjoyed by white citizens, and shall be subject to like punishment.

Federal laws outlaw such practices regarding unfair discrimination against Black citizens. 42 U.S.C. A. 1985 (2) (3).

5. The Extraordinary Circumstances is necessary to accomplish justice.

Petitioner's Juror's make-up was 10 white people and Two Black women, without any Black African-American Males sitting as Juror. Even thus Randy, Counsel and Victim were cognizable group members of African-American males that excluded from Jury.

In light of Batson v. Kentucky, 106 S.Ct. 1712 (1986) and Flowers v. Mississippi, 139 S.Ct. 2228 (2019) In the eyes of the Constitution's Equal Protection Clause, one racially discriminatory peremptory strike of a prospective juror is one too many. U.S. Const. Amend. 14.

Petitioner's assert the presence of racism as an extraordinary circumstance by relying on the Court's earlier decision in Buck v. Davis, 137 S.Ct. 759 (2017) which allowed consideration of the petitioner's claim of ineffective assistance of counsel following his attorney's assertion prospective jurors as snakes, during Voir Dire Process. (Strickland v. Washington 104 S.Ct. 2052 (1984)).

Trial Counsel's prejudiced the integrity of Randy's trial. A client is bound to all the actions of his attorney (Gideon v. Wainwright, 372 U.S. 83 (1963)).

In Lee v. Washington, 390 U.S. 333, 334 (1968) (affirming that prisoners have right to be protected against invidious racial discrimination).

Petitioner's diligence in pursuing relief underscores the extraordinary circumstances at play in his case.

Petitioner has continued to challenge the constitutionality of his conviction even though relief has been denied.

Petitioner's case may seem unfair but it is reasoned that the need for balance between finality and justice necessarily creates situations in which an alleged injustice can no longer be remedied.

A Failure by this Court to grant relief would thus result in a miscarriage of justice in that petitioner would be serving a life sentence based on the incomplete verdict of a racially tainted jury.

This Court held that extraordinary circumstances, includes, incarceration, illness, an inability to afford counsel and preoccupation with serious criminal charges warranted Rule 60(b)(6) relief from a default denaturalization judgment. (quoting Klapprott v. U.S., 335 U.S. 601, 614-15 (1949) see Gonzalez v. Crosby, 545 U.S. at 535, 125 S. Ct. 2641 (2005))

When a legal issue appears to warrant review we grant certiorari in the expectation of being able to decide that issue. Id. at 229, 114 S. Ct. 783 Schiro v. Farley (1994)

Cases involving acute national issues regarding the civil rights of minorities, like the present case, also have been recognized as particularly fitting for exercise of the Court's authority to grant certiorari (see Brown v. Bd. of Education, 344 U.S. 1, 3 (1952))

Petitioner being denied Equal Justice under Rule of Law.

Judicial departmentalism is the view that the Constitution means in the judicial department what the **Supreme** Court says it means in deciding a case. It is a legally superior alternative to judicial supremacy, which is the idea that the Constitution means for everybody what the Supreme Court says it means in deciding a case.

CONCLUSION

The Petition for Rehearing on A
Petition for writ of certiorari should
be granted.

Respectfully Submitted,

Randy L. Jackson

Date: 6/8/20