

No. 19-8485

IN THE SUPREME COURT FOR THE UNITED STATES

MELVIN T. BELL, PETITIONER

V.S.

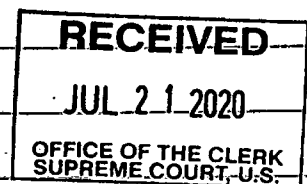
UNITED STATES, RESPONDENT

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

PETITION FOR REHEARING

PRO SE COUNSEL OF RECORD
MR. MELVIN T. BELL # 22485075
METROPOLITAN CORRECTIONAL CENTER
c/o 71 WEST VAN BUREN STREET
CHICAGO, ILLINOIS 60605

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PETITION FOR REHEARING
(Sup. Ct. R. 44)

APPELLANT PRESENTS ITS PETITION FOR REHEARING OF THE ABOVE-ENTITLED CAUSE, AND, IN SUPPORT OF IT, RESPECTFULLY SHOWS:

GROUND FOR REHEARING

A REHEARING OF THE DECISION IN THE MATTER IS IN THE INTERESTS OF JUSTICE BECAUSE: ALLOWING UNJUSTLY, THE DENIAL TO STAND, AND PETITIONER TO RETURN UNFAIRLY TO THE LOWER COURT FOR SOME SORT OF FURTHER PROCEEDINGS, WOULD KNOWINGLY VIOLATE THIS COURT'S AND YOUR PREDECESSOR'S SUPREME LAW OF THE LAND, NAMELY, THE "COFFEY RULE."

1.) ON JUNE 15, 2020, THIS COURT DENIED THE PETITION FOR WRIT OF CERTIORARI.

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2.) THE DENIAL IN 19-8485 CAME AS A TOTAL SURPRISE TO PETITIONER.

PETITIONER HAS BRIEFED HONESTLY THE CRUCIAL ISSUE IN THIS CASE CAREFULLY, BUT THE PARTIES DID NOT EXTENSIVELY BRIEF THE ISSUE THAT WAS SO CRUCIAL TO THIS COURT'S AND YOUR MINDS' DECISION IN THIS CASE.

3.) PETITIONER WAS NOT GRANTED ANY OPPORTUNITY BY THE COURT TO DISTINGUISH PROPERLY, THIS CASE FROM THE "ABNEY RULE" OR TO SUGGEST ADVERSELY WHY THIS CASE SHOULD NOT BE DETERMINED BY THE SAME RULE.

4.) THIS CASE CONTAINS SEVERAL CRUCIAL FACTUAL AND PROCEDURAL DISTINCTION FROM THE CASE OF ABNEY V. U.S., 431 U.S. 651 (1977), THAT WARRANT ITS DETERMINATION BY A DIFFERENT OR AT LEAST ALTERED RULE.

a.) THE "ABNEY RULE" APPLIES TO DENIALS OF PRE-TRIAL MOTIONS TO DISMISS ON DOUBLE JEOPARDY GROUNDS, THEREBY AUTHORIZING IMMEDIATELY THE APPEALABILITY OF SUCH DENIAL.

b.) THE NEW "BELL RULE" NOW JUSTLY APPLIES TO DENIALS OF POST-TRIAL, UNSENTENCED, MOTIONS TO DISMISS, OR PLEA AT BAR OF FORMER JEOPARDY

ON DOUBLE JEOPARDY GROUNDS, WHICH AUTHORIZES FULLY AND IMMEDIATELY THAT UNJUST DENIAL TO BE APPEALED APPROPRIATELY.

5.) THE REASONING BEHIND BOTH 4(a) AND (b), RESTS ON, IN PART, THE "COFFEY RULE." THE "COFFEY RULE," (COFFEY V. U.S., 116 US 436, 444-45 (1886)), RESTS ON THE REASON, WHICH IS YOUR PREDECESSOR'S JUDGMENT, THAT ONCE A JUDGMENT OF ACQUITTAL HAS BEEN RENDERED IN FAVOR OF A PERSON IN A CRIMINAL PROCEEDING, THOSE FACTS CANNOT BE THE BASIS FOR A FUTURE SUIT OR PROCEEDING, NOR CAN THOSE SAME FACTS, THAT WERE THE BASIS FOR THE ACQUITTAL, BE FACTS USED AS THE BASIS FOR ANY STATUTORY PUNISHMENT.

6.) IN EARLIER DECISIONS, COFFEY V. U.S.; 116 US 432, 444-45 (1886) AND HELVERING V. MITCHELL, 303 U.S. 391, 398 (1938), THIS COURT HAS RECOGNIZED AFFIRMATIVELY, THAT AN ACQUITTAL, EVEN ONE OCCURRING MIDTRIAL, DETERMINED BY THE LOWER COURT, BARS AN IMPOSITION OF A PUNISHMENT FOR THE CRIME FROM WHICH THE PETITIONER WAS ACQUITTED BY THAT FORMER JUDGMENT, AND IS CONCLUSIVE UPON THE SAME SUBJECT MATTER AND CHARGES, OFFENSES AND ALLEGATIONS OF FRAUD, DERIVED FROM THE SAME TRANSACTION AS THE ACQUITTAL.

7.) AND TO NOW ALLOW YOUR CURRENT RULING/DENIAL TO STAND, WOULD AUTOMATICALLY KEEP VIOLATING, UNJUSTLY, YOUR PREDECESSOR'S "COFFEY RULE."

8.) OR, IN THE ALTERNATIVE, WOULD YOU SAY IT IS RIGHTEDOUS TO ALLOW PETITIONER, MR. BELL, TO BE SENTENCED ON THE SAME FACTS WHICH WERE THE BASIS OF PETITIONER'S MIDTRIAL ACQUITTAL?

9.) TO DO SO WOULD CONTRADICT ABSOLUTELY YOUR PREDECESSOR'S "COFFEY RULE,"

10.) THERE CAN BE NOTHING IMPOSED FROM THE 18 U.S.C. § 1341 STATUTE, UPON NON-GUILTY AND FACTUALLY INNOCENT PETITIONER, MR. BELL.

11.) TO DO OTHERWISE, THAT IS, IMPOSE A NON-EXISTENT STATUTORY PUNISHMENT AS A STATUTORY PUNISHMENT, WOULD BE YOUR MIND PUSHING AWKWARDLY THE REALM OF LEGAL FICTION BEYOND ITS POWERS.

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12.) TO ARTIFICIALLY CONJURE UP STATUTORY PUNISHMENT, FROM A SET OF FACTS DECIDED AGAINST THE UNITED STATES IS OBJECTIONABLY UNFAIR AND A LEGAL WRONG.

13.) AND NOW THAT THIS COURT AND YOUR MIND HAVE BEEN MADE CLEARLY AWARE OF THIS LEGAL WRONG AGAINST PETITIONER, THIS COURT, THROUGH YOUR CONSCIOUS MIND IS OBLIGATORILY BOUND, BY OATH, TO CORRECT, FIX, MODIFY, OR OTHERWISE, ABSOLUTELY, THIS LEGAL WRONG LODGED AGAINST PETITIONER'S LIBERTY UNMERCIFULLY.

14.) A REHEARING TIGHTLY AND SQUARELY FOCUSED ON THE DISTINCTIONS BETWEEN THE "BELL RULE" AND THE "ABNEY RULE," AND, IN HOW THEY BOTH IN A WAY, REST ON THE "COFFEY RULE" REASONING FOR PROPERLY JUSTIFYING THE TERMINATION OF ANY SORT OF FURTHER PROCEEDINGS FOR PUNISHMENT BASED ON DOUBLE JEOPARDY GROUNDS, IS A MATTER OF FUNDAMENTAL FAIRNESS TO PETITIONER AND WOULD NOT UNDULY BURDEN THIS COURT, NOR YOUR MIND.

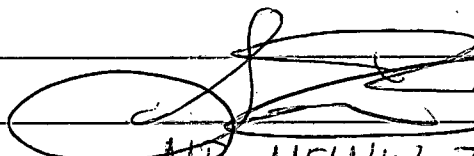
CONCLUSION

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FOR THE REASONS JUST STATED HUMBLY, MR. MELVIN T. BELL, PETITIONER, URGES THAT THIS PETITION FOR A REHEARING BE GRANTED, AND THAT, ON FURTHER CONSIDERATION, A NUNC PRO TUNC ORDER BE GRANTED INSTRUCTING THE LOWER COURT TO

MODIFY OR CHANGE THE INACCURATE TERM FOR
THAT MIDTRIAL DISMISSAL; TO AN ACQUITTAL, THE
JUDGMENT OF THE **LOWER** COURT BE REVERSED AND
ISSUE AN ORDER TO ENFORCE MIDTRIAL ACQUITTAL'S
ISSUE PRECLUSIVE EFFECTS, OR WHATEVER OTHER
RELIEF THIS COURT AND **your** MIND DEEM JUST AND PROPER
FOR PETITIONER TO RECEIVE.

DATED: July 9, 2020

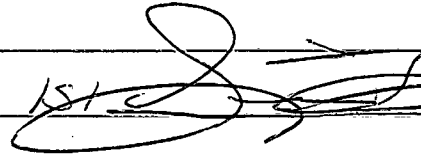
 ALL RIGHTS
RESERVED
MR. MELVIN T. BELL

METROPOLITAN CORRECTIONAL CENTER
71 WEST VAN BUREN STREET
CHICAGO, ILLINOIS 60605

PRO SE COUNSEL OF RECORD

CERTIFICATE OF GOOD FAITH
By COUNSEL

I, MR. MELVIN T. BELL, PRO SE COUNSEL, A NON-ATTORNEY, 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 THIS COURT.

151.2  ALL RIGHTS RESERVED

CERTIFICATION OF COMPLIANCE WITH WORD LIMITS

AS REQUIRED BY SUPREME COURT RULE 33.1(h), I CERTIFY THAT THE DOCUMENT CONTAINS 869 WORDS, **EXCLUDING** THE PARTS OF THE DOCUMENTS THAT ARE EXEMPTED BY SUPREME COURT RULE 33.1(d).

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. 28 U.S.C. § 1746.

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EXECUTED ON JULY 9, 2020, 2020.