

CAPITAL CASE

No. 20- 5025

IN THE  
SUPREME COURT OF THE UNITED STATES OF AMERICA

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EDDIE MATTHEW AMOS,  
Petitioner,

V.

TOMMY BOWEN, Warden,  
Respondent.

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On Petition for a Writ of Certiorari to the United States Court of Appeals  
for the Eleventh Circuit

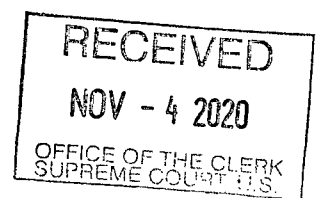
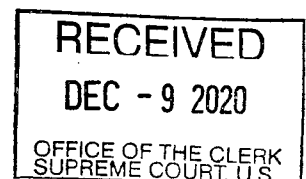
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PETITION FOR REHEARING

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DATE: October 19, 2020



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## **PETITION FOR REHEARING AND SUSPENSION**

Pursuant to Rule 44.2 of the Rules of the United States Supreme Court, Eddie Matthew Amos respectfully petitions for rehearing of this Court's October 5, 2020, Order (a copy of which is attached hereto) denying his petition for writ of certiorari and, also, respectfully petitions for suspension of the Court's decision on rehearing.

### **REASONS FOR GRANTING THE PETITION FOR REHEARING OR SUSPENSION**

#### **I. Intervening circumstances warrant rehearing of the denial of Amos' petition for a writ of certiorari and suspension of the Court's decision on rehearing.**

Rule 44.2 of the Rules of the Supreme Court of the United States allows petitioners to file petitions for rehearing of the denial of a petition for writ of certiorari and, also, permits rehearing on the basis of intervening circumstances of a substantial or controlling effect. Rule 16.3 permits the suspension of a denial of a writ of certiorari on the order of the Court or of a Justice if there is any reasonable likelihood of the Court's changing its legal position and granting certiorari. Richmond v. Arizona, 434 U.S. 1323, 1326 (1977).

The intervening circumstances in this case are the two (2) recent rulings by the Georgia Supreme Court on the same identical issue raised by the petitioner in the federal courts below and herein in this instant petition for writ of certiorari. In Johnson v. State of Georgia, no. S19A1404 (Feb. 28, 2020), the Georgia Supreme Court ruled that Frederick Johnson, Jr., a convicted felon charged with murder and possession of a firearm by a convicted felon, can be immune from prosecution for those offenses or raise an O.C.G.A.~16-3-21(a) justification defense thereto despite the State's O.C.G.A.~16-11-138 prohibition against convicted felons being in possession of a firearm. The Georgia Supreme Court's ruling was based upon the clear language of the "Safe Carry Protection Act of 2014, Ga. L. 2014, p. 599" and the fact that Johnson only retrieved the firearm by virtue

of a sudden emergency in order to defend himself against imminent serious bodily injury and death. Such are the facts of Petitioner's instant case.

Likewise, in State of Georgia v. Remy, no. S19A1410 (March 13, 2020), the Georgia Supreme Court ruled that Paul Junior Remy, a convicted felon charged with murder and possession of a firearm by a convicted felon, can be immune from prosecution for those offenses despite the State's O.C.G.A. ~16-11-138 prohibition against convicted felons being in possession of a firearm. The Georgia Supreme Court's ruling was based upon the clear language of the "Safe Carry Protection Act of 2014, Ga. L. 2014, p. 599" and the fact that Remy only retrieved the firearm by virtue of a sudden emergency in order to defend himself against imminent serious bodily injury and death. Such are, also, the facts of Petitioner's instant case.

### CONCLUSION

Rehearing or suspension is appropriate here because Amos has met this Court's requirements for both rehearing under Rule 44.2 and suspension under Rule 16.3. Rehearing is justified because of the two recent Georgia Supreme Court rulings, Johnson v. State, Id., and State v. Remy, Id. More important, suspension is justified because there is a reasonable likelihood that the Court will change its position and GRANT certiorari. Given this and the foregoing evidence and facts, the Court should suspend the rejection of Amos' petition for writ of certiorari and grant rehearing of Amos' writ.

I declare under penalty of perjury that the within and foregoing Petition for Rehearing is true and correct. Executed this 19 day of October, 2020.

Respectfully submitted,

Eddie Amos

PETITIONER, pro se