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SUPREME COURT OF
THE UNITED STATES

IRIS LAMARR ANDERSON

PETITIONER,

V.

NO: 20-5232

MARK S. INCH, SECRETARY

FLA. D. O. C., ET AL.,

RESPONDENT.

MOTION FOR REHEARING

COMES NOW, IRIS LAMARR ANDERSON #222991,
THE PETITIONER IN THE ABOVE NUMBERED CAUSE. AND, IN
SO DOING FILES THIS MOTION FOR REHEARING, PURSUANT
TO, RULES OF THE UNITED STATES SUPREME COURT, RULE
44.2, CONCERNING THIS COURT'S ORDER ENTERED ON OCT.
5, 2020 DENYING PETITIONER'S WRIT OF CERTIORARI. AND

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN SUPPORT OF THIS MOTION FOR REHEARING STATES

THE FOLLOWING:

THIS COURT HAS OVERLOOKED MANY UNCONSTITUTIONAL INTERVENING CIRCUMSTANCES OF A SUBSTANTIAL AND CONTROLLING EFFECT. ESTABLISHING A SUBSTANTIAL GROUND FOR REHEARING, AS TO THE "CONSTITUTIONALITY OF FLORIDA STATUTE 775.082 (9)" KNOWN AS THE "PRISON RELEASEE ACT" (PRR). DEMANDING MANDATORY SENTENCES FOR RE-OFFENDERS, BEING THE CAUSE OF PETITIONER'S IMPRISONMENT OF (30) THIRTY-YEARS MANDATORY.

(NOTE: 28 U.S.C. § 2403?)
MAY APPLY

ARGUMENT OF CONSIDERATION

PURSUANT TO THE EXTRA-ORDINARY CIRCUMSTANCES SURROUNDING PETITIONER'S IMPRISONMENT, THRU THE STATE OF FLORIDA USING A "GENERAL VERDICT FORM" TO CONVICT PETITIONER OF SEXUAL BATTERY BY PERSON IN FAMILIAL OR CUSTODIAL AUTHORITY ON VICTIM OLDER THAN 12 BUT LESS THAN 18 YEARS OF AGE. WITHOUT THE UTILIZATION OF A SPECIFIC FINDINGS FORM / SPECIAL INTERROGATORY FORM. WHILE KNOWING CHARGING PETITIONER BY INFORMATION WITH;

PETITIONER BEING IN FAMILIAL OR CUSTODIAL AUTHORITY?
OR PETITIONER PENETRATED OR UNION WITH VICTIM'S VAGINA?

△ FLORIDA STATUTE 794.011(8)(b)

AND, IN SO DOING ONLY INTRODUCED EVIDENCE, ARGUMENTS AND DEFENDANT CONTESTED TOO SEXUAL INTERCOURSE, MEANING PENETRATION, USING THE INFANT CHILD AS EVIDENCE ^{THERE OF} TO THE JURY (SEE DENIED CERTIORARI), (^{SEE} ATTCH. EXHIBIT A).

THEREAFTER PETITIONER WAS FOUND GUILTY BY JURY USING THIS "GENERAL VERDICT FORM". THE JURY WAS THEN DISMISSED. AT THE BEGINNING OF PETITIONERS' SENTENCING PHASE AND ^{*} PRR HEARING (NOTE: A PRR HEARING² IS SO THE STATE CAN PROVE THAT THE GUILTY PARTY COMMITTED THE CURRENT OFFENSE PRIOR TO THREE (3) YEARS OF BEING OUT OF PRISON - THE JUDGE CAN ONLY FIND THIS FACT BY EXAMINING PRIOR CONVICTIONS INTRODUCED BY THE STATE). THE STATE ORALLY PRONOUNCED AT THE BEGINNING OF THE PRR HEARING, "THERE WAS NO SPECIFIC FINDINGS BY THE JURY IN THIS CASE THAT THERE WAS PENETRATION" (EXHIBIT B).

CLEARLY ESTABLISHING FUNDAMENTAL ERROR OR A DENIAL OF PETITIONERS DUE PROCESS RIGHT, ² GUARANTEED BY THE U.S.C.A. AMEND 5 AND U.S.C.A. AMEND. 14.

AT THE END OF PETITIONER'S PRR (ACT) HEARING, THE TRIAL COURT JUDGE STATED: I ALSO FIND THAT THE STATE HAS PROVED BY A ["]PREPONDERANCE OF THE EVIDENCE" THE DEFENDANT COMMITTED THIS PRESENT OFFENSE IN JULY OF 2008, FOR

^{*}

FLA. STATUTE 775.082(9)

² AEDPA - ENSURES THAT FEDERAL HABEAS CORPUS WORKS TO "GUARD AGAINST EXTREME MALFUNCTIONS IN THE STATES CRIMINAL JUSTICE SYSTEM. GREENE V. FISHER, 181 L. ED 336 (2004). WHITE V. WOODALL, 134 S. CT. 1109-7 (2014).

WHICH HE IS NOW BEING SENTENCED." (EXHBT. L)

THIS COURT ON CERTIORARI HAS OVERLOOKED THE
"MANIFEST CONSTITUTIONAL ERROR(S)", TAKEN BY THE STATE
OF FLORIDA IN PETITIONERS BIFURCATED TRIAL, HAS DRAWN
INTO QUESTION THE CONSTITUTIONALITY OF FLA. STATS. 775.082
(4), KNOWN AS THE "PRISON RELEASEE REDEFENDER ACT" (PRR).
AND, IN SUCH 28 U.S.C. § 2403(b) MAY APPLY. BECAUSE,
UNDER APPRENDI V. NEW JERSEY, 530 U.S. 466 (2000).
AND ALLEYNE V. UNITED STATES, 133 S. CT. 2151 (2013),
THE PRR ACTS HEARING UNCONSTITUTIONALLY ALLOWED THE
TRIAL JUDGE, RATHER THAN THE JURY, TO FIND THAT, THE STATE
PROVED THEIR CASE BY A PREPONDERANCE OF THE EVIDENCE."
BECAUSE, THE "ESSENTIAL ELEMENT" BEING PENETRATION, (EX. B)
WASN'T FOUND TO HAVE OCCURED BY THE JURY IN THIS CASE.
BUT, BY THE TRIAL JUDGE AT THE CONCLUSION OF THE "PRR"
HEARING, (EXHIBIT L).

THEREFORE IT'S CLEAR AND OBVIOUS THAT THE STATE DIDN'T
PROVE THEIR CASE "BEYOND A REASONABLE DOUBT TO THE JURY."
AND, THE TRIAL JUDGES FINDINGS DURING PRR HEARINGS PROCEEDINGS
ARE GROUNDS FOR REHEARING AND FURTHER REVIEW THRU 28 U.S.C.
§ 2403(b)'S APPLICABILITY, PERTAINING TO THE CONSTITUTIONALITY
OF FLORIDA STATUTE 775.082, SECTION (4)

BECAUSE, IT WAS A MANDATORY PRE-REQUISITE
REQUIREMENT OF THE JURY TO FIND PENETRATION

OCCURRED IN THIS CASE, IN ORDER FOR THE
STATE TO MEET THE CRITERIA FOR THE RE-
CLASSIFICATION OF F.S. 794.011(8)(b), FROM
A SECOND (2ND) TO A FIRST (1ST) DEGREE FELONY
AND THE "ESSENTIAL CRITERIA'S ELEMENT" FOR
CONVICTION AND SENTENCING ENHANCEMENT
UNDER FLA.'S PRR ACTS, FLA. STATS. 775.082(9)
OF 30 YEARS MANDATORY.

PETITIONER WAS CLEARLY DENIED A TRIAL BY JURY,
IN VIOLATION OF U.S.C.A. AMENDMENT VI. AND, FLA. STAT. 775-
082(9), THE PRR ACT CLEARLY ALLOWED THE TRIAL JUDGE, TOO
CONDUCT TRIAL DE NOVO AND FIND A FACT OCCURRED OTHER
THAN THAT OF A PRIOR CONVICTION [APPRENDI (SUPRA)]. IN ORDER
TO IMPRISON PETITIONER UNDER THE PRR ACT TO 30 YRS. MAN.

A REHEARING IS PARAMOUNT TO CORRECT A MISARRANGE
OF JUSTICE NOT ONLY AGAINST PETITIONER, BUT A LARGE
PERCENTAGE OF FLORIDA'S DEPARTMENT OF CORRECTIONS INMATES
BEING HELD UNDER MANDATORY SENTENCES PURSUANT TO;
FLA. STAT. 775.082(9) "PRISON RELEASEE REOFFENDER" ACTS UNCON-
STITUTIONALITY, DURING PRR HEARINGS - ALLOWING TRIAL JUDGES
TO FIND "ESSENTIAL ELEMENTS" OF CHARGED OFFENSES OCCURRED
WHERE IT'S PRONOUNCED THE JURY HAD NO SUCH FINDINGS.

WHERE QUESTIONS OF A STATES STATUTE CONSTITUTIONALITY

*A CONSTITUTIONAL VIOLATION THAT PROBABLY CAUSE THE CONVICTION OF ONE INNOCENT OF
THE CRIME, MCLESKEY V. ZANT, 499 U.S. 467 (1991).

IS DRAWN INTO QUESTION AS IN THE FOREGOING ARGUMENT,
IT SHOULD BE SETTLED BY THIS COURT. THE STATE COURTS,
U.S. DISTRICT COURT AND U.S. COURT OF APPEALS ELEVENTH
CIRCUIT, HAVE ALL PASSED ON AN IMPORTANT FEDERAL QUE-
STION OF LAW, BY MERELY UPHOLDING THE STATE OF
FLORIDA PROCEDURAL BAR RULE, THAT WAS CLEARLY
MANIFESTLY UNFAIR, WHEN APPLIED IN AN ARBITRARY
AND UNPRECEDENTED FASHION, IN ITS TREATMENT OF
PETITIONER'S STATE AND FEDERAL CONSTITUTIONAL
CLAIMS. AS SHOWN IN THE FOREGOING ARGUMENT, AND
IN SO DOING VIOLATED THE "FUNDAMENTAL FAIRNESS DOCTRINE"
AGAINST PETITIONER. REHEARING IS WARRANTED

THEREFORE, BASED ON THE FOREGOING INTERVENING
CIRCUMSTANCES, OUTLINING THE CONTROLLING SENTENCING
STRUCTURES UNCONSTITUTIONAL STATUTORY EFFECT IN A SUBSTAN-
TIAL GROUND (SEE: GROUND ONE IN PETITIONARI). ALTHOUGH NOT PREVIOUSLY
RAISED DIRECTLY, BUT, CLEARLY INDIRECTLY ARGUED IN THE STATE
COURTS, U.S. DISTRICT COURT AND THE U.S. COURT OF APPEALS ELEVENTH
CIRCUIT. PETITIONER'S MOTION FOR REHEARING SHOULD BE
GRANTED, AS 28 U.S.C. § 2403(b) MAY APPLY.

RESPECTFULLY SUBMITTED BY:

/s/

PRINT: IRIS L. ANDERSON #222991

SUPREME COURT OF
THE UNITED STATES

NO. 20-5232

CERTIFICATE OF COUNSEL

COMES NOW, IRIS LAMARR ANDERSON #222991, PETITIONER
OF SELF-REPRESENTATION (PRO SE) AND, IN SO DOING FILES THE
FORGOING MOTION FOR REHEARING. PETITIONER DECLARES THAT THIS
MOTION IS PRESENTED IN GOOD FAITH AND NOT FOR DELAY, THE
FORGOING IS IN COMPLIANCE WITH THE GROUNDS SPECIFIED IN RULE
44.2 OF RULES FOR THE U.S. SUPREME COURT.

LSL: [Signature] #222991

PRINT: IRIS L. ANDERSON #222991

HAMILTON CORR. INST. - ANNEX

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JASPER, FLA. 32052