

IN THE SUPREME COURT OF THE UNITED
STATES

ROBERT L. DAVIS
Petitioner.

V. Case NO: 20-6361

SECRETARY, MARK INCH.
FLA. DEPT. OF CORR.
Respondent,

MOTION ON REHEARING

Petitioner, Robert L. Davis, Files Motion ON Rehearing in ProPria Persona. Petitioner moves to have writ OF CERTIORARI Reviewed and Ruled ON by Supreme Court Justices. Petitioner Presence a serious Due Process denial, and Miscarriage OF Justice case. Where the Petitioner's Motion ON Rehearing is Presented in good Faith, and not to delay the Process OF this case.

UNUSUAL FACTS AND CIRCUMSTANCES MAKING
THIS CASE ONE THAT SHOULD BE HEARD

FACTS

1.) The United States Habeas Corpus Form is misleadingly worded because it does not instruct Petitioners to comply to the Antiterrorist Effective Death Penalty Act of 1996.

This 28 U.S.C. § 2254 Form denied Petitioner from obtaining relief. Because it instructed this Petitioner to not submit case law. When the (AEDPA) of 1996, require Petitioners to present U.S. Supreme Court rulings that establish such circumstance is entitled to relief. See Appendix-F, Instruction #5, "you do not need to cite law" The plain language of the instruction places the United States in liability of this claim. Because the U.S. District Court denied this Petitioner relief, because he did not cite law (U.S. Supreme Court holdings). As required by the Antiterrorist Effective Death Penalty Act of 1996. If this court does not hear this case, it would not only have denied Petitioner Constitutional Procedural due Process of a material circumstance. But it will have refused to protect many other Petitioner's Constitutional Due Process Rights. Because these 28 U.S.C. § 2254 Forms are not in compliance with the (AEDPA) standards of review. Which prevent Federal Court judges from granting habeas Corpus relief. When the petition does not list U.S. Supreme Court Precedence that establish that the hab should be granted.

This Petitioner Presented the establish U.S. Precedent cases in Motions For Certificate OF APPEALABILITY. Where the 11th Circuit Court OF APPEAL had a chance to correct the U.S. District Court's error.

* The United States Government has been Placed on Notice here. That its refusal to ensure that its 28 U.S.C. § 2254 Form are corrected to be in conformity with enactment OF the (AEDPA) OF 1996, makes the Government liable For all Liberty Due Process violations. That cause a U.S. Citizen extended incarceration do to Following its Instruction # 5 OF the Government's 28 U.S.C. § 2254 Form. This issue is Presented in Petitioner's writ OF Certiorari, Question # 2A. And relatively consolidated with Question # 2, Because the U.S. Supreme Court's Liberly Construe Doctrine is in direct conflict OF (AEDPA) standard OF review. And this Petitioner moved For Protection OF his mental inability to meet the high standards OF the (AEDPA) review. By moving the District Court For Protection OF the Pro Se Liberly construe Doctrine Fashioned by the U.S. Supreme Court.

Question # 2

Does a Pro Se Liberally Construe doctrine request Protect some OF Petitioner's limited legal ability on a (AEDPA) review?

Question # 2A

Can the U.S. District Court deny Petitioner Relief because he did not cite law because Form's instruction (5) stated it is not required?

The (AEDPA) of 1996 makes it mandatory For a hab Petitioner to Present United States Supreme Court Precedence before obtaining hab relief.

The U.S. Supreme Court has not hesitate in the Past to hear cases of technical error that hinder Due Process of litigation, and or Liberty Rights of inmate litigants.

See, Hubert V. U.S. 207 L. Ed 2d 180

where the 11th Circuit Court Forms denied Due Process to several Petitioners.

Hohn V. U.S. 141 L. Ed 2d 242, 524 U.S. 236
[27, 10, 14]

The United States is substantially responsible For Petitioner to not to be release From Prison, denied Due Process, and herein is Placed on Notice, of such action.

FACT #2

Petitioner's case stems From ground One OF his claim;

GROUND ONE

The Petitioner Was Denied Effective Assistance From Counsel Who Prejudice Him With A longer Sentence When Counsel Declined State's 25.74-Months Plea Offer Without Obtaining Consent From The Petitioner

The evidence and arguments Petitioner Presented in two Certificates For Appealability. Filed in the U.S. District Court, and 11th Circuit. Reveal that: a.) counsel did not inform Petitioner of a 24-months Plea Offer offered by Prosecutor before court hearing, b.) Counsel Perverted Petitioner From accepting three magnanimous Plea Offers during court hearing on February 12th, 2014, c.) The State-court judge encouraged Petitioner's counsel to take the time to resolve case today, with a Plea Offer on three occasions, and counsel refuse to do so, and d.) The Petitioner was unable to obtain correction of ineffective assistance of counsel. Because counsel lied at Nelson hearing and the Nelson hearing judge was not Present at the Plea offer Proceeding and didn't have a copy of the transcript of Plea offer Proceeding. That would have allowed the Nelson hearing judge to see that Petitioner's counsel lied about; "So that is what I told the judge, that he wished to reject the offer; and that is when we set the case For trial" (APPX. B, Pg. 6).

This case shows a clear 6th Amendment violation Pursuant, to; Missouri v. Frye, 566 U.S. 134 (2012), and LaFler v. Cooper, 566 U.S. 156 (2012). That is accompanied by a structural error. As the February 12th, 2014, transcribed Proceeding shows that Petitioner's counsel walked into the courtroom and entered a not guilty Plea, without allowing the Petitioner to decide whether to accept Plea offer given before the Proceeding started, (APPX. B, Pg. # 2).

McCoy V. Louisiana, 138 S. Ct. 1500, at 1507 (2018)

[2] "... the sixth amendment contemplates a norm in which the accused, and not a lawyer is the master of his own defense."

"... error of this kind... called structural... is not subject to harmless error review..."

The errors in this case is to Fundamental to our system of justice to overlook, and or to Pass on. This Petitioner in all actuality was denied the Fundamental Due Process Rights to be heard. As the Federal Courts declined to see or hear the Facts that violate the United States Constitution, and: LaFler V. Cooper, 566 U.S. 156 (2012), McCoy V. Louisiana, 138 S. Ct. 1500, and Rosales Miracles V. U.S., 201 L. Ed 2D 376 (2018), does not Permit any state court, or Federal Court to exculpate Petitioner's counsel's actions, and inaction From being judicially addressed.

The U.S. Supreme Court Provided in detail what a counsel's advice to a defendant looks like in Roe V. Flores-Ortega, 528 U.S. 470 at [5], "We employ the term consult to convey a specific meaning - advising the defendant about the advantages, and disadvantages."

* Because Petitioner's counsel made a verified lie at the Nelson hearing that prevented the Petitioner From receiving a competent counsel and relief on habeas. The Petitioner Presented Question # 1, As he has Found Know U.S. Supreme Court case that addresses a material lie, made by counsel who is accused to be ineffective assistance.

Question # 1

In ineffective assistance of counsel claim disputes, does the weight of the evidence go to Defendant-Petitioner if the record reveal that counsel lied about a material issue?

Prince of Teeth is well known in the Oval Office and Congress. I don't trust the review process of the U.S. Supreme Court. When it determines what Petition for Writ of Certiorari will be heard by Jurist. Because there is no transparency of such review or process. Who the hell are you people? I'm not finished with this question.

It may be necessary to file a claim in the Washington D.C. U.S. District Court, IF the court declines to address Question # 2.2A.

I, Robert L. Davis, says under Penalty of Perjury that all statements herein are true and correct, and that this is a stare decisis case to LaFler V. Cooper, McCoy V. Louisiana, and is presented in Good Faith and not to delay final resolution of facts.

Robert L. Davis
Respectfully Submitted,
Robert L. Davis # 652400

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document has been furnished by Prepaid U.S. mail to, Asst. Attorney General, at, 3507 E. Frontage Road, Ste. 200, Tampa, FL 33607 - on this 29th, day of March, 2021.

Robert L. Davis

Robert L. Davis # 652400

Walton Correctional Institution

691 Institution Road

DeFuniak Springs, FL 32433

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UNITED STATES

ROBERT L. DAVIS
Petitioner,

V.

Case No: 20-6361

SECRETARY, MARK INCH,
FLA. DEPT. OF CORR,
Respondent,

CERTIFICATE CERTIFYING THAT GROUNDS
OF REHEARING MOTION ARE CONFINED
TO INTERVENING CIRCUMSTANCES
SUBSTANTIAL OR CONTROLLING

Provided to Walton CI
On 3-28-21 for Mailing
Date

By (officer initials) CRD

Robert L. Davis
Respectfully Submitted
Robert L. Davis # 652400
Walton Correctional Institution
691 Institution Road
DeFuniak Springs, FL 32433

RECEIVED

APR - 6 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.