

APR 16 2021

INMATE'S INITIALS MB

S.C.T. case No.: 20-7307

IN the Supreme Court of the United States

IN RE WAYNE M. BEATON,
Petitioner

Petition For Rehearing

The Petitioner, Wayne M. Beaton, a pro se prisoner in the state custody of the Florida Department of Corrections, pursuant to Rule 44.1, of the Supreme Court of The United States, comes before this honorable supreme court justices For good cause in good faith, in the interest-Finality of justice and not to cause any un-necessary delay in this cause, files this Petition For Rehearing; whereby, establishing an extraordinary-exceptional intervening circumstance of a substantial or constitutional controlling effect that requires this court to exercise its discretionary power to grant Habeas Corpus relief and leave for petitioner to proceed In Forma Pauperis. (see court's order attach)

In support hereof petitioner would set forth the following substantial-essential facts and controlling legal authority by this court:

The issue in petitioner's case before this court is of substantial merits of the 5th, 6th, and 14th Amendment rights violation of the United States Constitution and the controlling decision held in Mathis v. United States, 391 U.S. 1, 88 S.Ct. 1503, 20 L.ed.2d. 381 (1968).

The 5th and 6th Amendment of the United States Constitution gives substantial controlling effect of this court's controlling decision in Mathis v. U.S., that requires any law enforcement authority to, before questioning an accused who is already in custody by other law enforcement agency, to adequately advise the accused of his Federal protected Miranda rights to remain silent and to have the right to the assistance of counsel present during questioning.

The basis of the state court's decision in petitioner's case was that since petitioner was already in the county Sheriff's custody and he was already advised of his Miranda rights by a Sheriff officer, petitioner's questioning by a city local police officer, who's a second authority from a different branch of law enforcement agency, about a different offense from what petitioner was already in the county Sheriff's custody for, the second agency authority did not have to re-advised petitioner of his Miranda rights before questioning

Distinctly and applicable to the factual basis of petitioner's case is the decision held in Westover v. U.S., 384 U.S. 436, 86 S.Ct. 1602, 16 L.ed.2d. 694 (1966), decided with Miranda v. Arizona. That states:

"Although the two law enforcement authorities are legally distinct and the crimes for which they interrogated Westover for were different, the impact on him was that of a continuous period of questioning."

The justices went on to hold that:

"We do not suggest that law enforcement authorities are precluded from questioning any individual who has been held for a period of time by other authorities and interrogated by them without proper warning. A different case would be presented if an accused were taken into custody by the second authority, removed both in time and place from his original surroundings, and then adequately be advised of his rights and given an opportunity to exercise them." id. at 496, 86 S.Ct. at 1639.

The decision held in Westover, supra, are distinctly applicable to the factual basis of petitioner's case because petitioner's case involved two different branches of law enforcement authorities and petitioner's movement from one place to another by the authorities; about two different cases, and questioned without being advised of his Miranda rights.

The state court's decision in petitioner's case premised upon the same unsubstantiated reasoning this court's controlling decision held in Mathis v. United States. That: "there is no substance to such a distinction, and in effect it goes against the whole purpose of the Miranda decision which was designed to give meaningful protection to the 5th Amendment rights." id., at 4, 88 S.Ct., at 1505.

The state court's contrary decision to this court's controlling effect of Mathis v. United States, supra, caused the conviction and unlawful custody of petitioner that resulted in the fundamental miscarriage of justice. Whereby, creating an intervening circumstances for this court of a substantial controlling effect.

The constitutional violation that caused the unlawful conviction and custody of petitioner, that deprived him of his fundamental liberty, presents an exceptional-extraordinary circumstance for this court to intervene and redress such constitutional violation.

Adequate relief cannot be obtained in any other form or from any other court, thus, extraordinary-exceptional circumstances warrants the exercise of the court's intervening discretionary power for Habeas corpus relief.

The following essential-substantial facts, not previously presented, provides exceptional-extraordinary circumstances in petitioner's case before this court, for the injustice that was imposed upon petitioner, to be redress upon Habeas corpus relief by this court's justices intervening for the finality of justice:

Petitioner was 19 years old, had a 5th grade or less level of education, and did not have any prior Felony arrest record, as a juvenile nor as an adult, at the time of his arrest.

In order to elicit the incriminating statement from petitioner, the city local police officer testified that he did

not advised petitioner of his Miranda rights and a sheriff officer detailed in his police report that he asked petitioner about his belief in God, reading the Bible, and being a Christian, do petitioner believe that confession is good for his soul and that that is what God wanted petitioner to do. The city local police officer even admitted upon cross-examination that the incriminating statement petitioner made was inconsistent with the details of the crime.

The C.S.I. officer testified that he found no evidence, nor the medical and forensic evidence tested by the F.B.I., connecting petitioner to the crime. There was no eye witness identifying petitioner as the perpetrator of the crime.

The victim nor anyone did not die nor received any physical injury during the commission of the crime.

Petitioner was sentenced to life in prison and has been deprived of his fundamental liberty and imprisoned for over 26 years now, despite the fundamental miscarriage of justice that resulted in his unlawful conviction and custody.

Since petitioner's imprisonment he has received his G.E.D. and has received other certificates and attended other self betterment programs.

The factual evidence of petitioner's case establishes the substantial merits of the 5th, 6th, and 14th Amendment rights violation that warrants the granting of leave by this court's justices for petitioner to proceed in forma pauperis and and Habeas corpus relief from custody.

S.C.T. Case No: 20-7307

IN THE SUPREME COURT OF THE UNITED STATES

IN RE WAYNE M. BEATON,
Petitioner

Certification of Petitioner

The Petitioner, Wayne M. Beaton, a pro se prisoner in the state custody of the Florida Department of Correction, files this Petition, whereby, certifying that the facts set forth therein his Petition for Rehearing is restricted to the grounds specified in paragraph two(2) of Rule 44, of the Supreme Court of the United States, and that the Petition for Rehearing is filed in good faith and not to cause any delay in this cause.

Wayne Beaton,
Petitioner/Prisoner, pro se

Wayne M. Beaton

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

March 22, 2021

Mr. Wayne M. Beaton
Prisoner ID #469447
Florida State Prison
P.O. Box 800
Raiford, FL 32026

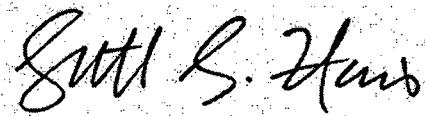
Re: In Re Wayne M. Beaton
No. 20-7307

Dear Mr. Beaton:

The Court today entered the following order in the above-entitled case:

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of habeas corpus is dismissed. See Rule 39.8.

Sincerely,



Scott S. Harris, Clerk