No. 20-7989

IN THE
SUPREME COURT OF THE UNITED STATES

CASH WALLACE PAWLEY, SR.
Petitioner

vs.

STATE OF FLORIDA
Respondent(s)

PETITION FOR REHEARING

ON
PETITION FOR WRIT OF CERTIORARI TO

UNITED STATES DISTRICT COURT SOUTHERN DIST. OF FLORIDA
AND THE 11TH CIRCUIT COURT OF APPEALS DENIAL OF COA

CASH WALLACE PAWLEY, SR.
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JURISDICTION

This Rehearing is brought pursuant to United States Supreme Court Rule 44, and is limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.

ORIGINAL QUESTIONS PRESENTED ON CERTIORARI

1. WHETHER THE ELEVENTH CIRCUIT COURT OF APPEAL SO FAR DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS, AND/OR SANCTIONED A DEPARTURE BY A LOWER COURT, WHEN IT ERRED IN ITS UNELABORATED DENIAL OF A CERTIFICATE OF APPEALABILITY (And"Motion To Reconsider, Vacate, or Modify Denial of Application For COA") ON PETITIONER'S TWENTY-SEVEN (27) CONSTITUTIONAL CLAIMS, OF WHICH SEVENTEEN (17) WERE DENIED BY THE DISTRICT COURT, ERRONEOUSLY, AS PROCEDURALLY BARRED (UNEXHAUSTED), THREE (3) WERE ERRONEOUSLY RULED AS NOT COGNIZABLE ON FEDERAL HABEAS REVIEW, AND SEVEN (7) WERE ERRONEOUSLY DENIED ON THE MERITS **IN AN ACTUAL INNOCENCE CASE**

2. WHETHER THE DISTRICT COURT ERRED IN DENYING 'MOTION FOR SUMMARY JUDGMENT' ON ALL CLAIMS RAISED ON HIS §2254 HABEAS CORPUS PETITION

3. WHETHER THE DISTRICT COURT ERRED IN DENYING AN EVIDENTIARY HEARING WHERE, ALTHOUGH REQUESTED IN THE STATE TRIAL COURT, THE TRIAL COURT REFUSED TO HOLD AN EVIDENTIARY HEARING

4. WHETHER THE DISTRICT COURT ERRED IN DENYING PETITIONER'S TWENTY-SEVEN (27) CONSTITUTIONAL CLAIMS AS "UNEXHAUSTED, PROCEDURALLY BARRED AND MERITLESS" **IN AN ACTUAL INNOCENCE CASE**

SUGGESTED
STANDARD OF REVIEW

* SINCE THE 11TH CIRCUIT COURT OF APPEAL ISSUED AN UNELABORATED DENIAL OF A COA, THIS COURT SHOULD "LOOK THROUGH' THAT DENIAL AS IT ALSO REPRESENTS AN INTERVENING, CONFLICTING DECISION FROM A SISTER CIRCUIT COURT OF APPEAL - NAMELY, *LAMBRIGHT V. STEWART*, 220 F.3d 1020 (9th Cir. 2002). See, e.g. *Massey v. United States,* 291 U.S. 608, 54 S. Ct. 532 (1934); *Sanitary Refrigerator Co., v. Winters,* 280 U.S. 30, 50 S. Ct. 9, 1929 Dec. Comm's Pat 290 (1929); and see, *Gondeck v. Pan Am World Airways, Inc.,* 382 U.S. 25, 26, 86 S. Ct. 153 (1965); 5 Am. Jur. 2d Appellate Review §890 (West 2004).

Lambright v. Stewart, supra, at 1026:

> Frequently, as in this case, the district court has dismissed a claim on a procedural ground without providing the petitioner an opportunity to develop its factual or legal basis through full briefing **and an evidentiary hearing**. In such cases, we need not remand for full briefing to determine whether a COA can issue. Rather, as two other Circuits have recently held, we will simply take a "quick look" at the face of the complaint to determine whether the petitioner has **"facially alleged** the denial of a constitutional right", and assuming the district court's procedural ruling is debatable, we will grant a COA.

Furthermore, the *Lambright* Court goes on to state that: When a claim is denied on a procedural ground, [1]

> All of the inferences that govern a Rule 12(b)(6) motion apply to this situation. Thus, we take the petitioner's facial allegations as true to the benefit of all reasonable inferences.

Id., FN 5

> " Because all three claims **"facially allege"** violations of constitutional rights, the substantive component of *Slack* is clearly satisfied ". *Valerio v. Crawford,* 306 F.3d 742 (9th Cir. 2002)(a carefully reasoned en banc decision which similarly considered a district court's dismissal of a habeas petition on procedural grounds -

[1] Twenty (20) of Petitioner's twenty-seven (27) claims on federal habeas were denied on procedural grounds (albeit incorrectly).

Similarly found the procedural determination sufficiently debatable among reasonable jurists to satisfy the procedural component of *Slack*, and similarly addressed the constitutional rights component [2] of the *Slack* test by "Simply tak[ing] a "quick look" **at the face of** the complaint [3] to determine whether the petitioner has **facially alleged** violations of constitutional rights.") *Valerio, supra,* at 767, 768. See also, *Petrocelli v. Angelone,* 248 F.3d 877 (9th Cir. 2001) at 885.

[2] In the instant case, the district court never addressed the constitutional component, thus neither did the 11th Circuit.
[3] Which in the instant case reveals 27 blatant, on the record constitutional violations raised in his 2254 petition. (DE#'s 12, 50).

GROUND ONE

THE DUE PROCESS CLAUSE DOES NOT "TOLERAT[E] CONVICTIONS FOR CONDUCT THAT WAS NEVER CRIMINAL", AND IN THE INSTANT CASE, PER FLORIDA LAW, THE CONDUCT OF THE PETITIONER WAS NOT CRIMINAL [4]

Although grounded in a claim that his conviction and sentence were imposed "in violation ... of the laws of the United States," 28 U.S.C. §2254, such punishment would implicate the Due Process Clause, and might result in a complete miscarriage of justice. See, *Hohn*, 99 F.3d 892, 895 (8th Cir. 1996)(McMillian, J., dissenting)("I conclude that depriving persons of the benefit of the delayed notice that conduct is innocent violates Due Process by tolerating convictions for conduct that was never criminal." See also, *Davis,* 417 U.S. at 333, 346, 94 S.Ct 2298 (1974), where this Court held that "a petitioner may establish "exceptional circumstances where the need for that remedy afforded by the writ of habeas corpus is apparent," if he demonstrates that his "conviction and sentence are for an act that the law does not make criminal". *Id.* at 346-6); See, *In re Winship,* 397 U.S. 358, 364, 90 S.Ct. 1068 (1970)("The Due Process Clause protects the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the **crime** with which he is charged.") [5]. See also, *Fiore v. White,* 531 U.S. 225, 228-229, 121 S.Ct. 712 (2001)(State cannot "consistently with the Federal Due Process Clause, convict [ ] for conduct that its criminal statutes as properly interpreted, does not prohibit").

In the instant case Petitioner [Pawley] has always plainly asserted a due process claim(s) under *Winship* and *Fiore.* His clear identification of the claims in the State and Federal courts (State Postconviction and Appeals, §2254 in U.S. District Court (Florida Southern) with

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[4] *Hohn v. United States,* 118 S.Ct. 1969, 524 U.S. 236, 240 (1998)(also a review of a denial of a COA).

[5] See, *U.S. v. Gobert,* 139 F.3d 436, 438 (5th Cir. 1998): "We have stated that if a defendant has been convicted of a criminal act that becomes no longer criminal, such a conviction cannot stand".

Traverse, his Objections to R & R, his Application for COA and COA Rehearing), along with his clear discussion of the claim(s) in his Certiorari to this Court were a fair opportunity "to apply controlling legal principles to the facts bearing upon his constitutional claim(s)", *Picard,* 404 U.S. at 276-277, which Pawley did.

The instant case has always been an "actual innocence" case from day one. Although unable to get his inexperienced first [6] lawyer to even recognize that Florida even has a Temporary Insanity by Involuntary Intoxication defense, he eventually, had to file the required Notice of Insanity Defense *pro se* (after reluctantly proceeding without the only lawyer the judge would allow - whom said he "doesn't believe in involuntary intoxication defenses").

Since insanity (temporary) by **involuntary** intoxication excuses a criminal defendant of all liability in any crime in the State of Florida - because a person whom is insane cannot form the intent necessary to commit a crime under Florida [and Federal] law - See, Fla. Jur. CRIMSUB §45; FL MODEL PENAL CODE §4.01; The *M'Naghton* Rule; F.S. § 775.027 - petitioner was convicted of an offense which he could not have been convicted of. See, *Miller v. State,* 988 So.2d 138, 139 (Fla. 1st DCA 2008)("Fundamental Error and Manifest Injustice result when a defendant is convicted of an offense for which the defendant could not have been convicted.")

> **FL JURCRIMSUB §45** provides: "Insanity excuses a defendant from responsibility for any criminal act. A person who is insane is incapable of forming the intent necessary to commit a crime and cannot be legally punished for those acts which would be found to be criminal of the person were not insane.
>
> See, *State v. Adkins,* 96 So.3d 412 (Fla. 2012)("The existence of a *mens rea* is the rule of rather than the exception to the principles of Anglo-American Criminal

[6] His first public defender was a very recent law school grad whom told the petitioner on day one that she was already quitting her job in Key West due to all the corruption there, and wouldn't be his trial lawyer anyhow; his second lawyer quit for conflict of interest due to representing a potential witness, and his third lawyer flatly told petitioner it was "take a plea or nothing".

Jurisprudence. The inclusion of *mens rea* as an essential element of an offense is a mechanism that safeguards against the criminalization of innocent conduct.").
FL MODEL PENAL CODE §4.01 (Mental Disease or Defect Excluding Responsibility) provides:

"(1) A person is not responsible for criminal conduct if a the time of such conduct as a result of mental disease or defect he lacks substantial capacity either to appreciate the criminality of his conduct or to conform his conduct to the requirement of law."

Here, whether the "act" occurred [7] was never a disputed fact (since it was the victim's own admitted carelessness and/or irresponsibility that caused the petitioner's involuntary intoxication when she *surreptitiously* gave the petitioner a **six-times** overdose of the hypnotic sedative "Ambien"). See attached Police Interview Transcript [Exhibit "A"], *passim*. However, special note should be to Page 9, Line 4, where she specifically asks the policeman "**Does he know** he stabbed me?" [See Exhibit "A"]. And since the burden was on the Prosecutor to prove Petitioner's sanity beyond a reasonable doubt, [8] the petitioner was only required to bring a modicum of evidence [9] to the trial (which he surely did on cross-examination during three (3) days of trial). [10] Upon the Notice of Insanity Defense filed by the Petitioner, the State's burden increased to not proving "the act" occurred, but whether the petitioner was actually "sane" at the time of the alleged crime. [Memorandum #1]. Here, the State not only didn't even attempt to prove the petitioner was sane, they went so far as to hide evidence of his *temporary* insanity by involuntary intoxication (by not serving any of his subpoenas, nor calling their own expert whom personally examined the petitioner and case and told petitioner before he left the results "would be favorable to [petitioner]"), but also never even mentioned the word sanity or insanity (sane or

[7] A few seconds long hallucinatory "skirmish" with the victim resulting in **one** "superficial" laceration to the "right back of the neck" [See also, MEMORANDUM #1 on Actual Innocence]
[8] *Davis,* 160 U.S. 469, 40 L. Ed. 499 (1895)(Headnote 3)
[9] *Davis,* 160 U.S. 469, *supra,* at Headnote 4.
[10] One must remember that the trial ended when the State rested and the trial court refused to allow any of the twenty-one (21) defense witnesses to testify because the clerk had refused to serve the petitioner's *pro se* subpoenas; all of the witnesses and eyewitnesses and experts that were to testify that the petitioner was temporarily insane due to the victim involuntary intoxicating him. See, **GROUND ONE** of federal habeas.

insane) at the trial. The jury had no clue this was even a case of insanity as the trial court also hid the "insanity plea" from the jury (falsely told the jury that the petitioner pled "not guilty" rather than "not guilty by reason of insanity" and refused to even instruct the jury on that defense). See §2254 petition, GROUND SIX. Of course, not serving any of petitioner's thirty-four (34) subpoenas - leading to the one-sided trial - assisted both the Court and Prosecutor in achieving victory without a fight. Additionally, to continue to advance the scheme, every time the petitioner has raised the issue on postconviction, the State refuses to even acknowledge or respond to any of the allegations regarding sanity or insanity by simply stating that petitioner didn't raise that defense, to the jury. The only reason, though, that he never did, was because the Court and Clerk refused to serve the thirty-four (34) subpoenas the petitioner submitted to the Court for service three (3) **weeks** before trial, eliminating his entire defense, a defense he filed notice of as required by Florida Law. Rather than a week or so of expert and layman testimony by these additional twenty-one (21) defense witnesses (over and above the thirteen the State had already called), that would easily have proven petitioner's "actual" innocence by the very act of the victim herself surreptitiously involuntarily intoxicating the petitioner with a 6-times overdose of the hypnotic-sedative "Ambien", the petitioner's trial ended abruptly when the State rested (as no witnesses were there because of the Clerk and Court's refusal to serve any of the *pro se* defendant's thirty-four (34) witness subpoenas).

Petitioner's innocence [11] has always been the focus of all of his pretrial efforts **and** his postconviction attempts at the actual justice he deserves - an acquittal.

Unfortunately, however, even in his federal §2254 petition and the subsequent proceedings leading to the doors of the United Sates Supreme Court, he has been unable to

[11] See, [MEMORANDUM #2]

actually get anyone to "actually" read his jaw-dropping story of Constitutional violations so blatant and egregious, that our forefathers have rolled-over in their graves. A story he was unbelievably able to "sum up" in his Petition for Writ of Certiorari.

Even a cursory review of Petitioner's habeas claims [See. Memorandum #3] would shock the conscience of any reader - that this could happen in the United States of America.

GROUND TWO

BECAUSE THE STATE TRIAL COURT REFUSED TO ALLOW EVEN A SINGLE WITNESS (OUT OF 34 SUBPOENAED BY THE DEFENSE) TO APPEAR AND TESTIFY ON BEHALF OF THE DEFENDANT, THERE WAS TECHNICALLY NO TRIAL - JUST A "KANGAROO COURT" [12] ; THEREFORE, ALTHOUGH COURT(S) "APPLY A STRONG PRESUMPTION OF RELIABILITY TO JUDICIAL PROCEEDINGS", *THIS COURT* CANNOT ACCORD ANY SUCH PRESUMPTION TO [A] JUDICIAL PROCEEDING THAT NEVER TOOK PLACE [13]

This Ground was originally filed as a Compulsory Process and Due Process claim in Petitioner's Direct Appeal of his judgment and sentence and as GROUND ONE in his federal §2254 petition for writ of habeas corpus.

The trial judge in the instant case, denied petitioner his 6th Amendment right to Compulsory Process despite fact that petitioner had initiated that right by filing numerous (34) subpoenas prior to trial. The clerk of court ultimately had provided faulty and incorrect (civil traffic infraction) subpoenas to the then *pro se* [defendant] at the jail - ones **that did not have any place to put a trial date** (or the phrase "standby") **on them**. The clerk never returned the subpoenas to the petitioner so he could add these "allegedly" missing date(s)/time(s); instead, just asking the trial judge what she should do about her mistake in providing incorrect and faulty subpoenas to the petitioner. The judge did not protect or vindicate the constitutional rights of the defendant, but instead simply told the clerk "if they don't get served it is the defendant's fault ... because he decide to go *pro se*". The clerk then just filed the already certified [14] subpoenas away [in a filing cabinet], never had them served, nor had them returned to the petitioner for an easy

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[12] Black's Law Dictionary: "A spurious legal proceeding where the outcome is predetermined" (e.g. - the defendant [theoretically] hitched to a post in the middle of the courtroom unable/unallowed to present any defense to the State's allegations).

[13] *Lee v. United States,* 582 U.S. ___, 137 S.Ct. ____, 198 L. Ed. 2d 476, 484 (2017).

[14] By certifying all of the subpoenas a week earlier, the clerk is asserting that they are correct and not oppressive and are ready to be served by the Sheriff's Dep't.

correction [15] to her errors, resulting in not one single witness (out of 34) appearing on behalf of the petitioner to prove his "actual innocence" by the "involuntary intoxication" of the petitioner **by the very victim herself.**

Although physically in the courtroom at least five (5) times after this transpired and before trial commenced, neither the judge nor the clerk ever once mentioned that these subpoenas were never served (nor would they ever be served). They kept it a secret from petitioner until the State rested their case on the third day of trial and the judge finally told the petitioner that he wouldn't be having a single one of his expert or layman witnesses [16] appearing at the trial - which forced petitioner to abandon his only defense (involuntary intoxication) and simply rest his case. He was denied a continuance to serve the subpoenas and denied a new trial (upon Motion for New Trial filed directly after the trial). It was simply half of a trial, which can easily be construed as no "trial" at all. (a trial that never took place). Unless, of course, this Court condones "Kangaroo Court" proceedings. [See, generally, federal habeas petition, DE #'s, 12, 50; GROUND ONE].

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[15] Or as she should have done, sent him the **correct** criminal subpoenas **as Florida Law required.**

[16] Out of the thirty-four (34) he issued subpoenas to. (Note: He also had one-hundred twenty-five (125) pieces of tangible evidence that now could not be introduced into the trial as he could not lay any foundations through witnesses).

GROUND THREE

THE PETITIONER'S TRIAL WAS NOT FAIR WHEN THE STATE VIOLATED THE 4TH, 5TH, 6TH, AND 14TH AMENDMENT RIGHTS GUARANTEED TO PETITIONER BY ILLEGALLY AND UNCONSTITUTIONALLY EXECUTING A SEARCH WARRANT ON PETITIONER'S PRETRIAL JAIL CELL AND ILLEGALLY/UNCONSTITUTIONALLY ACQUIRING OVER FIVE-HUNDRED (500) PAGES OF ATTORNEY-CLIENT PRIVILEGED DOCUMENTS PRIOR TO TRIAL

Prior to trial, in violation of the petitioner's rights guaranteed by the 4th, 5th, 6th , and 14th Amendments, the State Attorney (A.S.A. Val Winter) applied for, acquired and executed (through the State Attorney's Investigators), an illegal and unconstitutional search warrant on petitioner's pre-trial county jail cell and forcefully removed **ALL** of his attorney-client "privileged" material. This occurred after the State intentionally placed a known police informant into petitioner's jail cell to read all of petitioner's confidential work product, trial strategy and attorney communications. That informant relayed everything he read via telephone to the private civil attorney (for the alleged victim) [17], and to the Police Detective and to the State Attorney Investigators - whom then illegally applied for the search warrant. The State used all of the information gathered from the informant's rifling through petitioner's document's, while petitioner was at multiple court hearings, to their "strategic" and "tactical" advantage at trial to thwart the petitioner's reasonable hypothesis of innocence, and to make sure that **not one single** defense witness [18] appeared at trial.

As Justice Holmes put it so succinctly in *Olmstead v. United States,* 277 U.S. 438, 484 (1928). [19]

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[17] It was later discovered he was paid $10,000 for his turning himself in on a fake violation of probation charge to act on behalf of the State prosecutor, as an agent of theirs.

[18] 21 exculpatory witnesses

[19] Also on Petition for Writ of Certiorari

"Decency, security, and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of law, existence of the government will be imperiled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the government becomes a law-breaker [20], it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means - to declare that the government may commit crimes in order to secure a conviction of a private citizen - would bring terrible retribution. Against that pernicious doctrine this Court should resolutely set its face.

[See, generally, Habeas Corpus Petition, GROUND THREE].

[20] As it did over forty (40) times in less than a year in this instant case

GROUND FOUR

PETITIONER SUBMITS A NEW PROCEDURAL BAR QUESTION TO THIS COURT THAT HAS NEVER BEEN CLEARLY ANSWERED BY ANY CIRCUIT COURT OF APPEALS OR BY THIS HONORABLE COURT

That question is:

> "WHEN A DEFENDANT'S APPELLATE COUNSEL FAILS TO RAISE AN ISSUE(S) ON DIRECT REVIEW BUT DEFENDANT RAISED A CLAIM OF INEFFECTIVE ASSISTANCE OF APPELLATE COUNSEL, ON POSTCONVICTION, FOR FAILURE TO RAISE [THE] CONSTITUTIONAL VIOLATION, DO[ES] THE UNDERLYING CLAIM(S) BECOME EXHAUSTED AS STANDALONE CLAIMS (SEPARATE FROM THE INEFFECTIVE ASSISTANCE OF APPELLATE COUNSEL CLAIM(S) ITSELF) THAT CAN BE NOW RAISED AS [AN] INDEPENDENT CLAIMS) IN A FEDERAL HABEAS PETITION?"

See, e.g., the affirmative answer to this question (not afforded to the instant petitioner) in: *Scott v. Dugger,* 686 F. Supp. 1488 (S. D. Fla. 1988), aff'd 891 F.2d 800 (11th Cir. 1989), *cert denied,* 498 U.S. 881, 115 S.Ct. 224 (1990)

See, generally, COA (Case # 20-11466-J) to the 11th Circuit Court of Appeals, Pgs. 14-35 [Attached as MEMORANDUM #4].

* This is the only reason that petitioner's `17 claims (#'s 2-17, 19) were denied as unexhausted, although his own Southern District Court states they are in *Scott v. Dugger, supra.*

CONCLUSION

There can be absolutely no doubt in the mind of any reasonable jurist - after having read the petitioner's Petition for Writ of Habeas Corpus, the Traverse (Reply), the Objections to Magistrate's Report, the Application for Certificate of Appealability, the Rehearing on COA, and **especially** this Petition for Writ of Certiorari and this Rehearing - that this case may be one of the most egregious abuses of an American Citizen **especially** one whom is actually innocent both legally and factually.

This case should have always been conceded to that it has considerable merit (simply reading the titles of the Habeas claims [Memorandum #3] warrants this), and it is blatantly obvious that the trial court and prosecutor(s) committed a vast array of errors of constitutional magnitude - all of which were/are substantial.

The State's arguments throughout the State and federal proceedings collapsed upon inspection, yet their arguments have been consistently regurgitated in a "cut and paste" fashion throughout the proceedings.

Under the special, combined, and extraordinary circumstances of the case at hand, any denial of this very last remedy afforded a truly innocent man would in itself be a denial of due process (not allowed to even appeal his federal habeas petition) and would result in a manifest injustice.

The petitioner requests this Honorable Court vacate the order denying Certiorari upon this Rehearing, Grant the Certiorari and *in forma pauperis* and put an end to this injustice through a full discharge. [21] Or if not so inclined, at the minimum, remand to the 11th Circuit Court of Appeals to allow an Appeal of at least the most egregious grounds raised in his federal

[21] Based upon Grounds One, Two, Three, Fifteen & Twenty-Seven of his habeas petition - where the "Bell cannot be unrung".

habeas corpus petition [DE #'s 12, 50]. (claims 1, 2, 3, 7, 8, 9, 11, 12, 14, 17, 18, 22, 23, 25 and 26 of which all should be ruled by this Court to be "exhausted" in the State court). [22]

Respectfully submitted,

/s/ Cash W. Pawley, Sr.
Cash Wallace Pawley, Sr.
Okeechobee C.I.
3420 N.E. 168th Street
Okeechobee, FL 34972

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been provided to the Office of the Attorney General, PL-01, The Capitol, Tallahassee, FL 34972, by placing it into the hands of prison officials for mailing via U.S. postal service first class mail on this 28th day of October, 2021.

/s/ Cash W. Pawley, Sr.
Cash Wallace Pawley, Sr.

[22] See also argument on exhaustion at [Traverse, DE #50] pages 1-24], along with COA, and this Certiorari.

JURISDICTION & CERTIFICATION

Petitioner [for rehearing] must apply to individual Justice of Supreme Court for suspension of order denying certiorari, and question under such circumstances must be whether there is any reasonable likelihood of court changing its position and granting certiorari. [Per Rehnquist, J., as Circuit Justice] *Richmond v. Arizona,* 434 U.S. 1323, 98. S. Ct 8, (1977); Supreme Court Rule 16.3.

Pursuant to Supreme Court Rule 44, this attached Petition for Rehearing is limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented, and is brought in good faith and not for purposes of any delay.

Additional material from this filing is available in the Clerk's Office.