

No. 21-1277

In the
Supreme Court of the United States

DAVID ALLEN O'NEAL, DULY ELECTED CORONER,
CRAWFORD COUNTY, GA,
Petitioner,
v.
CRAWFORD COUNTY, GA,
Respondent.

**On Petition for Writ of Certiorari to the
Georgia Supreme Court**

PETITION FOR REHEARING

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June 17, 2022

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REASONS FOR GRANTING REHEARING

The original certiorari petition asked this Court to resolve two issues: personal jurisdiction over an unnamed party attorney for plaintiff and third-party debt invalidation by a Bankruptcy Court.

Petition for certiorari was declined by this Honorable Court on May 23, 2022.

A petition for rehearing should present intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented. Supreme Court Rule 44.2 Here, the facts after the decline of review are telling.

Just 5 days after the petition for certiorari was declined by this Court, Crawford County filed a new FIFA changing the case party names.

Just 6 days after the petition for certiorari was declined by this Court, Crawford County filed a contempt action seeking incarceration of the Coroner's attorney.

Just 11 days after the petition for certiorari was declined by this Court, Crawford County had the Sheriff Deputy personally serve the Coroner's attorney at her workplace during business hours for the sole purpose to embarrass, intimidate and harass the Coroner's attorney to extort, and levy a purported debt owed by Crawford County and discharged by the bankruptcy court.

Petitioner's attorney was not a defendant in the Coroner's action against Crawford County in 2014.

Petitioner's attorney has never been a defendant in the Coroner's cause of action against Crawford County.

The case centered around the Coroner of Crawford County's hotly charged political dispute as to what the Coroner needed to do his job properly. Crawford County agreed and did pay Coroner's counsel to sue the County so a Court could settle the political yet child-like dispute.

The Court, exasperated with the entire child-like display found the case frivolous. Mind you, the County paid the Coroner's attorney to do just this job to take it to Court to settle the dispute.

The Coroner took the debt against himself in his official capacity and his attorney to bankruptcy court. The Bankruptcy Court discharged the debt. A bankruptcy court can release a third-party debt, even though jurisdictions are split. For example, the Court of Appeals for the Eleventh Circuit, in the case *In re Seaside Engineering*, 780 F.3d 1070 (11th Cir. 2015), affirmed a Chapter 11 plan containing non-consensual third-party releases over the objection of the debtor's equity holder.

Bankruptcy Courts have always enjoyed a wide range of jurisdiction over financial matters that appear unconscionable or seemingly void on the face of the debt. Bankruptcy Courts may alter terms of security deeds or reduce interest rates of notes, for example. Under 28 U.S.C. § 1334 (b) if an issue or complaint is "related" to the bankruptcy case, the Bankruptcy Court may retain subject matter jurisdiction over the related adversary proceeding.

The Georgia Supreme Court in *Lue v. Eady*, 297 Ga 321, 773 S.E. 2d 679 (Ga. 2015) ruled that public official's fees must be paid by the governing body. Presumably the appellate courts in Georgia declined to hear the appeals in the current dispute of the case because the case is too political. The purported order in this case presumes personal jurisdiction that has never been established, changing the case caption, attempting to enforce a debt not authorized and already discharged.

Crawford County has never gone after the Coroner or the Coroner's insurance. Crawford County has only and solely gone after the Coroner's counsel.

If the Court fails to intervene, the unlawful bullying tactics by Crawford County will prevail. Coroner's Counsel will have no choice but to pay enough of the unlawful debt to avoid incarceration and cancel the FIFA.

No attorney or jurist should ever be afraid to do their job. Petitioner's counsel was hired to do a job by Respondent.

If rehearing is not granted, that fear is justified and that bullying wins.

CONCLUSION

Petitioner respectfully requests that this Honorable Court consider granting rehearing.

Respectfully submitted,

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CERTIFICATE OF COUNSEL

Petitioner hereby certifies that this petition for rehearing is presented in good faith and not for delay, and that it is restricted to the grounds specified in Supreme Court Rule 44.2.

Respectfully submitted,

/s/ Michelle Smith

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