

RICK

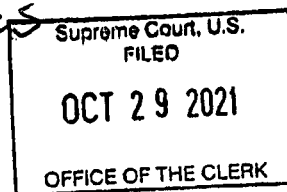
NO. 21-5024

IN THE

Supreme Court of the United States

ORIGINAL

GARY MCKINLEY - PETITIONER



VS.

Eighth Judicial District Court for the State of Nevada, et al,
Respondents,

ON PETITION FOR A WRIT OF HABEAS CORPUS TO
THE NEVADA SUPREME COURT

PETITION FOR REHEARING

GARY MCKINLEY 96251
LCC, 1300 PRISON ROAD
LOVELOCK, NV. 89419
PETITIONER IN PRO SE

Certification of Compliance

I Gary McKinley, Petitioner in pro se hereby certify that this petition for rehearing is restricted to the grounds of intervening circumstances of a substantial controlling effect or to other substantial grounds not previously presented and they are presented in good faith and not for delay.

Pursuant to USC 1746, I certify that under penalty of perjury that the preceding certification is
True and Correct.

Gary McKinley
Gary McKinley 96351
LCC, 1200 Prison Road
Loveock, NV. 89419

Oct. 27, 2021

comes now petitioner, Gary McKinley, in prose, and pursuant to Rule 44 of this court and brings this petition to rehear the prior petition for writ of certiorari on denial by the Supreme Court of Nevada of petitions for writ of mandamus case no. 78909-COA and 82175 - both petition filed on Dec. 7, 2020 and first amended petition filed Jan. 21, 2021 while considering other substantial grounds not previously presented. one ground presented here and 7 substantial grounds (could be construed as a statement for the ends of justice see Kuhlmann v. Wilson, 477 US 436, 454 ("we conclude that the ends of justice require federal courts to entertain such petitions only where the prisoner supplements his constitutional claim with a colorable showing of factual innocence). I therefore am including a supplemental by this court's leave document that includes my unfiled petition to rehear case no. 16-18229 referred to in the above prior petition as document no. 2.

The new ground covers my combined previous grounds.

Ground 1:

whether considering all the issues wreaking havoc on Americans criminal litigation involving Brady violations and discovery issues in criminal trials. This court should finally, sensibly decide that the true meaning in the sixth Amendment to our constitution of the "compulsory process for obtaining witnesses in his favor" clause is: compulsory process to obtain all evidence that can be found, a sort of "open file rule", we are litigating for peoples lives.

my logic to arrive at this conclusion is included in my Nevada petition filed on Dec. 7, 2020 at Supplement ROA pg. 73-74.

our constitution was written in the Eighteenth Century. There was not even a term forensic evidence. There were no labs or technicians to ferret out d.n.a. evidence, copy and compare fingerprint evidence, test bullets to discover the m. what gun they were fired from,

no blood tests to discover a level of intoxication by some foreign substance, no Autopsy to discover the myriad of issues that can cause death, no forensic tests to discover if any electronically recorded evidence has been altered after the fact, no telephone, much less a system for recording incoming and outgoing telephone numbers accessed. Thus, when we read into the compulsory process for obtaining witnesses in his favor, metaphorically witnesses could mean evidence - Any and all evidence collected in a criminal investigation.

I hereby petition this Honorable Court for a basic Rule change in criminal proceedings - nationwide an open file policy if you will.

This will solve my evidence and discovery problems and make a more fair and equitable proceeding in United States Criminal Justice. Let reform start here.

Pursuant to USC 1746, I certify that under penalty of perjury that the preceding petition to rehear is true and correct.

OCT. 27, 2021

Mary McKinley

Gary McKinley 96251
LCC, 1200 Arison Road
Lovelock, NV. 89419
Petitioner in pro se