

OCT 26 2021

OFFICE OF THE CLERK

NO. 21-5554

IN THE SUPREME COURT OF THE UNITED STATES

WASHINGTON DC.

Joseph H. Gibbs - - - - Petitioner

Vs

South Carolina - - - - Respondent

CORRECTED PETITION FOR REHEARING

I, the petitioner pro se, respectfully moves this court pursuant to Rules 44, 21(2)(b), 33, 12.2, to rehear, and reconsider, the pleading for certiorari and record, and its order denying certiorari on 10/12/21. The petition for rehearing was filed in the mailroom on 10/26/21, and order of the clerk requesting a corrected petition was dated on 12/7/21, and received by me on Dec/15/2021.

I submit that the petition is made in good faith, and warrants this court intervention for the following grounds:

1 I submit that the court may have over looked the national importance of the questions presented, and reasons stated, as well a a miscarriage of justice has been done; and the State and Lower courts have rendered the remedial process inadequate and Unavailable, to uphold the Law and constitution, as well as this courts holdings on the issues;

Questions

Whether the state court abrogated this courts constitutional holdings, in it's application of the legal standard (...fundamental fairness shocking to a universal justice) in Butler V State 397 SE.2d 87,88 (1990), and dissent of Justice Marshall in Butler 103 S.Ct 242 (1982); When prior processes were inadequate & unavailable, and this standard was used to substitute a harmless error analysis nation wide.?

Whether this court should issue an order of Rule NISI, 28-USC-§1651; authorizing the Petitioner to move the US District Court² for habeas corpus under 28-USC-§2241(c)(d) on issues "Arizing Under" the laws and constitutio, on issues not previously answered by the state, and order

addressing merits on 6/2/2021.?

I further submit that the reasons stated in the petition for certiorari amount to compelling reasons, for this court's intervention, as a matter of due process and equal protection of the law.

2 I submit that I was denied a fair and impartial trial by a court of competent jurisdiction, and the state and courts have ignored the issues and facts, and failed to make a full and fair finding of fact and law on the issues, and this not render the conviction final.

3 I submit that the certiorari makes a challenge to holding on reasonable likelihood, as well as law, and the states adequacy of states process to protect liberty and justice. Every person in this country should have a meaningful remedy & habeas corpus, as a remedy for actions caused, (unlike PCR which is independent), and arbitrary use of Butler contrary to the record itself, violates due process. This court is not subject to political correctness and popular opinion that appears to have infected the states.

Conclusion

Having made my pleading on corrected petition for rehearing, I implore this court to grant rehearing & certiorari, or other as this court deems just.

December/16/2021

Respectfully

/s/ 

Joseph H. Gibbs, #185709
BRCI, Marion #274

4460 Broad River Rd
Columbia SC 29210

² I filed a petition in US District Court, case # 2:21-cv-03206-JMC-MGB, in September, with Motion to stay pending final order from this court.

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MOTION FOR REHEARING

I, the petitioner pro se, respectfully moves this court, pursuant to Rules 21(2)(b), 33.2, 12.2, to rehear the pleading and record, and grant the writ of certiorari, pursuant to Rule 16; that was denied by order dated 10/12/21 and received by me on Oct/21/2021, for the following reasons:

1 I submit that, this court may have overlooked the importance of the questions presented, as a personal and national matter of importance, supported by the record, and presented in the petition, as a matter of constitution and law.

2 I submit and argue that, the legal and constitutional violations presented, amount to compelling reasons as a matter of due process, and equal protection of the law, to grant the certiorari, and adjudicate the merits of the claims.

3 I submit and argue that, when multiple and numerous constitutional and statutory violations are pleaded and shown in the trial court record; the states and lower courts, should not be able to abuse the default, and summary judgment process, to ignore the issues, and support an otherwise unconstitutional taking of liberty, and rely on a final judgment doctrine to keep from granting a meaningful remedie.

4 I submit that in this case a miscarriage of justice has been done against me; and I am actually, factually & legally innocent of the crimes, and I have exercised due diligence to the n'th°, to no avail, and this court should act.

5 Every person in this country, should have access to a meaningful

remedie & habeas corpus, when PCR fails, and the use of the Butler standard in this case violates due process.

Conclusion

Having made my pleading; I pray and submit that this court will in the interest of justice, rehear and reverse its order.

October/24'th/2021

Respectfully

/s/ Joseph H. Gibbs

Joseph H. Gibbs, #185709

SCDC, Marion-274

4460 Broad River Rd

Columbia SC. 29210

CC

Mr. Alan Wilson

SC. Attorney General

Counsel for Respondent

ph. 803-734-3737

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CERTIFICATE

I, the petitioner Certifies that the petition for rehearing, and pleadings, are presented in Good Faith, and not for delay, or other illegit reasons.

Sworn to and excuted by me on: December/16/2021

Respectfully Submitted

/s/ *Joseph Hugo Gibbs*
Joseph Hugo Gibbs, #185709
BRCI, Marion #274
4460 Broad River Rd
Columbia SC 29210

Rule 11(b)(1)(2)(3) FRCP

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CERTIFICATE

I, the petitioner pro se, certifies that, the petition for rehearing; states grounds that are intervening circumstances of substancial and controlling effect; and warrants this courts intervention.

Sworn to and excuted by me on December/16/2021

Respectfully Submitted

Rule 11(b)(1)(2)(3) FRCP

/s/ *Joseph Hugo Gibbs*

Joseph Hugo Gibbs, #185709

BRCI, Marion #274

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