

IN THE SUPREME COURT OF THE UNITED STATES
At Washington

Antwain Topaige Sales
Petitioner,

VS.

No. 21-6162

Mike Parris, Warden and
The State Of Tennessee
Respondents.

Petition To Rehear

Comes now the Petitioner, Antwain Topaige Sales, pro se without the aid of counsel, pursuant to Sup. Ct. Rule 44 and Article III, Section II, Clause 1 and 2 of the U.S. Constitution, and moves this honorable court in the following particulars:

Statement Of Facts:

1. Petitioner filed a Petition for Writ of Certiorari and motion for leave to proceed in forma pauperis on August 13, 2021.
2. The respondent, State of Tennessee filed a "Waiver of Right" of Respondent on November 8, 2021
3. The case was distributed for conference to be held on December 3, 2021 on November 17, 2021.
4. The petitioner gave to the prison mailroom staff for mailing, an action asking this court, is, the Respondents admitting there are

no misstatements in the facts or laws in the petition by electing not to respond on December 1, 2021.

5. Petition for Writ of Certiorari was denied on December 6, 2021.

GROUND5:

1. pursuant to Tenn. R. Evid. Rule 202(a) the trial/habeas Corpus Court in Tennessee abused its discretion.
2. pursuant to 5 U.S. Code § 706; Tenn. R. Civ. P. Rule 52.01; Tenn. R. Crim. P. Rule 33(c)(3); and Tenn. R. App. P. Rule 13(d) the trial court violated a clearly established Federal law.
3. pursuant to the Context of Tenn. R. Crim. P. Rule 36.1 and that of State habeas Corpus context, the sentence is illegal.
4. pursuant to T.C.A. Const. Art. 6, Sec. 12 and T.C.A. 18-1-105(a) (1) petitioners Indictments and Judgments are Void.
5. pursuant to U.C.C. 47-3-202 The negotiation is subject to Rescission.
6. pursuant to U.S.C.A. Const. Amend. 14 the lower courts in Tennessee violated petitioners Due Process of law Rights
7. pursuant to T.C.A. 29-21-101 petitioner is being illegally restrained of his liberty.
8. pursuant to Sup. Ct. Rule 16.1; Art. 1, sec. 9, clause 2, of the U.S. Const., and The Law of the land clause Art. 1, Sec. 15 of the Tenn. Const. and that of Art. III, sec. 2, Clause 2 of the U.S. Const. this court has the Jurisdiction to enter the appropriate Order.

CERTIFICATION

I hereby certify the GROUNDS are limited to intervening circumstances of Substantial or Controlling effect or to other substantial GROUNDS not previously presented. I hereby further Certify the petition for Rehearing is presented in good faith and not for delay. Sup. Ct. Rule 44.1 and 44.2.

Antwain T. Sales
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LEGAL ARGUMENT:

The petitioner Represents that any petition for the rehearing of any judgment or decision of the court on the "MERITS" shall be filed within 25 days after entry of the judgment or decision, unless the court or justice shortens or extends the time. Sup. Ct. Rule 44.1 (See a copy of the original extension of time by the Court hereto attached). It is well established in GRANTING the defendants motion to proceed in forma pauperis, and granting Certiorari, the United States Supreme Court reversed the Court of Appeals Order and the District Courts judgment, and Remanded the case to the District Court. In an per curiam opinion expressing the view of Brennan, Stewart, White, Marshall, Powell, and Stevens, JJ., it was held that the question whether a State prisoner petitioning for Federal Habeas Corpus relief had satisfied the requirements of 28 USC 2254(b) that state court remedies must be [REDACTED] exhausted could not turn upon whether a state appellate court chose to ignore in its opinion a federal Constitutional claim squarely raised in

the petitioners brief in the state Court, [REDACTED] Therefore, the State Courts abuse their discretion by not taking a MANDATORY Judicial Notice of Law pursuant to Tenn. R. Evid Rule 202(a) because the record in this instant case at bar will demonstrate the trial nor appellate courts in the State Of Tennessee would not even address or Rule on the Merits of State and Federal Const. claims squarely raised in the petitioners brief in the State Court. see Smith v. Digmon, 434 U.S. 332, 54 L. Ed. 2d 582, 98 S. Ct. 597 (1978). Thus, is a FATAL error and clear prejudice to the Judicial process. Tenn. R. App. P. Rule 36(b), which is a Due Process of Law violation. see U.S. C. A. Const. Amend 14. The law reads: "to the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and Statutory provisions, and determine the meaning or applicability of the [REDACTED] terms of an agency action." The reviewing court shall - (2) hold unlawful and set aside agency action, findings, and conclusions found to be - (A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (B) Contrary to Constitutional right, power, privilege, or immunity; (C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; (F) unwarranted by the facts to the extent that the facts are subject to trial de novo by the Reviewing Court. In making the foregoing determinations, the court shall review the "Whole Record" or those parts of it cited by a party, and due account shall be taken

of the Rule of prejudicial error. see 5 U.S. Code § 706-
Scope of Review; see also Tenn.R. Civ. P. Rule 52.01;
Tenn.R. Crim. P. Rule 33(c)(3); and Tenn.R. App. P. Rule 13(d),
and the record in this case will show the trial court
never gave any findings of facts nor conclusions of
law. Thus, is "Plain Error". Tenn.R. App. P. Rule 36(b).
This court has already explained, jurisdiction is not
limited to jurisdiction of person or subject matter but also
includes lawful authority of a court to render particular
order or judgment whereby petitioner has been imprisoned.
Henry v. Henkel, 235 U.S. 219, 35 S.Ct. 54, 59 L.Ed. 203
(1914); see also State ex rel. Holbrook v. Bomar, 211 Tenn.
243, 364 S.W.2d 887 (1963); and State ex rel. Anglin v.
Mitchell, 575 S.W.2d 284 (Tenn. 1979). And it is well estab-
lished neither appellate courts nor trial courts can make
findings based on speculation unsupported by appropriate
allegations and proof. see Spunt v. Brumby, 1974, 518 S.W.
2d 345. The Court of Criminal Appeals should have
"Vacated" the trial court's decision and Remanded for
purposes of making findings of fact and conclusions of
law. see In re Estate of Woolverton, 2014, 2014 WL
346655, unreported. It is well settled law, the rule is,
counsel are admonished that they have an obligation to the
court to point out in the brief in opposition, and no later,
any perceived misstatements made in the petition. Any
objection to consideration of a question presented based
on what occurred in the proceedings below. A brief in

opposition should identify any directly related cases that were not identified in the petition under Rule 14.1 (b) (iii), including for each such case the information called for by Rule 14 (b) (iii). see Sup. Ct. Rule 15.2. This Court also erred in not giving any findings of facts nor conclusions of law to support the ORDER issued by this court on December 6, 2021. (see copy of the Original order issued by this court hereto attached). Therefore, for the foregoing reasons, this honorable court should VACATE the order of this Court dated December 6, 2021 denying petition for writ of Certiorari, and the opinion of the Tenn. Ct. of Crim. App. and that of the trial court of Morgan County Tennessee and REMAND this case back to the Court of Conviction (Circuit Court of Bedford County, Tennessee) for discharge. T.C.A. 29-21-122(a), or further proceedings on this blatant illegal restraint of liberty. T.C.A. 29-21-101 and give petitioner Sales a correct interpretation of the existing laws of this State (Tenn.) because "No bill of Attainder or ex post facto Law shall be passed. See Article I, Section 9, Clause 3 of the United States Constitution. see also T.C.A. Const. Art. 1, Sec. 11. And enter the appropriate ORDER pursuant to Sup. Ct. Rule 16.1 and Article III, Section 2, Clause 1 and 2 of the United States Constitution, Or there will be no finality nor stability within the law. The law reads: Negotiation is effective even if obtained (i) from an infant, a corporation exceeding its powers, or a person without capacity, (ii) by fraud, duress, or mistake, or (iii)

in breach of duty or as part of an illegal transaction. U.C.C.
47-3-202(a). Therefore, Rendering Indictments and Judgments
Void.

Respectfully Submitted,

Antwain Yapaige Gales

Date: January 13, 2022.