

Case No. 21-7316

In The Supreme Court of the United States

Richard Duerson,
Petitioner,

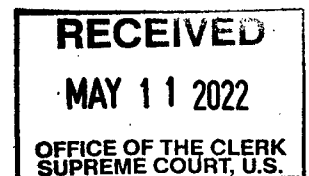
v.

United States of America,
Respondent.

On Petition For Writ of Certiorari
to the
United States Court of Appeals
for the Sixth Circuit

PETITION FOR REHEARING

Richard Duerson
Richard Duerson Pro Se
REG NO: 22773-032
FCI, Manchester
P.O. Box 4000
Manchester, KY 40962



Mr. Duerson's Constitutional rights as it relates to the Sixth Amendment's Confrontation vis-a-vis Confrontation Clause Protections were Violated rendering his trial fundamentally unfair.

1. The trial court Allowed A witness to testify to 3rd Party inadmissible, uncontroverted hearsay over Counsel's objection "to the hearsay."
2. The court told Counsel that she "Asked A question that calls for hearsay." Thus, Counsel opened the door for the hearsay.
3. This Court, on January 20, 2022, reversed And remanded in *Hemphill v. New York*, 142, Sct. 681 As it relates to the "Confrontation Clause, And its protections. Finding that the Reid Rule And its "opening the door" policy was unconstitutional.
4. This court in *Hemphill* stated, "The Sixth Amendment Speaks with equal clarity to the Fifth Amendment: In All criminal Prosecutions, the accused shall enjoy the right to be confronted with the witnesses Against him. It admits NO EXCEPTION for cases in which the TRIAL JUDGE BELIEVES uncontroverted

testimonial hearsay might be reasonably necessary to correct a misleading impression. Courts MAY NOT OVERLOOK ITS COMMAND no matter how noble the motive" also

"One of the bedrock constitutional protections afforded to criminal defendants is the Confrontation Clause of the Sixth Amendment, which states that in all criminal prosecutions, the accused shall enjoy the right to be confronted with the witnesses against him".

CONCLUSION

BECAUSE this court created a new rule of constitutional law in "Hemphill" and granted certiorari, The court should agree to ^{re-}hear this matter, vacate the judgement of the Court of Appeals And Remand with further instructions to grant a retrial AS Mr. Duerson is similarly situated to Mr. Hemphill.

Respectfully Submitted,

+ Richard Duerson

Richard Duerson Pro Se

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