

No. 21-7658

IN THE
SUPREME COURT OF THE UNITED STATES

MIZELL CAMPBELL JR.,

FILED
JUL 18 2022
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SUPREME COURT, U.S.

Petitioner,

v.

THE FLORIDA BAR,

Respondent.

**ON PETITION FOR A WRIT OF CERTIORARI
TO THE FLORIDA SUPREME COURT**

PETITION FOR REHEARING

MIZELL CAMPBELL JR., J.D.
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July 18, 2022

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PETITION FOR REHEARING

This Petition For Rehearing is restricted to the grounds specified in Rule 44.2, namely intervening circumstances of substantial or controlling effect and substantial grounds not previously presented.

The Denial of the Petition For Writ of Certiorari was denied on June 21, 2022 and pursuant to Rule 44.2, a Petition For Rehearing shall be filed within 25 days and the 25 days after June 21, 2022 fell on July 16, 2022, which was a Saturday and pursuant to Rule 30.1, whenever the last day of a period is a Saturday, the time extends to the next day that is not a Saturday, Sunday, federal legal holiday, or day on which the Court building is closed and that date is July 18, 2022.

In the case of *Velenti v. Gadomski*, 203 A.D. 3d 783 (Supreme Court of New York Appellate Division, Second Department 2022), it was held that, "a medical malpractice case, the verdict had to be set aside and the matter remitted for a new trial because the trial court's comments and interjections prejudiced plaintiff when the court barred plaintiff's counsel from referring to the growth at issue on plaintiff's left foot as a tumor, ordered that the growth be referred to as a wart, and continued to refer to it as a wart through the trial; the trial court opined multiple times before the jury that there was no proof that plaintiff was misdiagnosed by defendants, despite testimony by plaintiff's expert to the contrary which had already been elicited; and the comments of one doctor's counsel about the relationship between plaintiff's counsel and plaintiff's expert during the expert's cross examination and during his summation to the jury was prejudicial to

plaintiff and deprived him of a fair trial.”

“Litigants are entitled, as a matter of law, to a fair trial free from improper comments by counsel or the trial court. A trial court should at all times maintain an impartial attitude and exercise a high degree of patience and forebearance. A trial judge may not so far inject himself or herself into the proceedings that the jury could not review the case in the calm and untrammelled spirit necessary to effect justice”. *Velenti, supra*

This is similar to the present matter, where the interjection of the Referee/Judge in this matter, deprived the Petitioner of a fair trial.

In the case of *Ex Parte Young*, No. WR-65, 137-04 (Court of Criminal Appeals of Texas 2021) a murder conviction was vacated and a new trial ordered, when the Defendant, who was on Texas’ death row, discovered that one of the prosecutors was employed as a “judicial clerk” for the trial judge during his trial.

This is similar to the present matter, where the Petitioner discovered that the Referee/Judge was also the Judge for one of the witnesses against him, in a pending foreclosure matter where the Petitioner was also the attorney for the witness. It is a clear conflict of interest for a Judge to preside over a Bar Discipline Trial, where he is hearing testimony from a witness, who is appearing before him in a pending foreclosure matter, where the attorney on trial is also the foreclosure defense attorney.

This matter should be reversed and a new trial ordered, before a different judge.

CONCLUSION

The Court should reconsider its denial of certiorari in this case.

DATED this 18th day of July, 2022.

Respectfully submitted,



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