

June 23, 2023 * Resubmitted July 10, 2023
22-7164

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Re: Motion For Reconsideration of Denial for
Certiorari on Basis of Newly Discovered
Evidence which Michigan prevented
sending in May (Rehearing). **

Dear Mr. Harris, Clerk:

Mr. Bernard's Parole/Liter Report, seen in
May, identifies the crime date as April
3, 2003. However, Mr. Bernard was convicted
of a crime on April 2.

This is relevant and material to 22-7164. As
both the State and Mr. Bernard agree that
the evidence shows an April 3 crime, only
the state courts are obstructing dismissal.

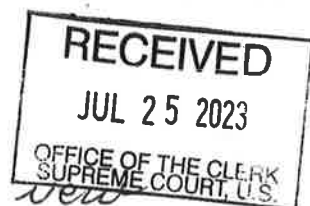
Actual innocence is the primary matter, Bench
disqualification is the collateral matter. Here,
then, a collateral matter is obstructing the
primary matter.

Mr. Harris, I would like the Justices to
reconsider. I apologize if this motion is
inconsistent with the Rulebook, my legal
property is completely disorganized after two
transfers.

Sincerely,

Paul A. Bernard 536729

Alger Correctional Prison
N 6141 Industrial Park Dr.
Muskegon, MI 49862



new
address

* Cause for any delay is established. See Mot. #2,
** Service on prosecutor was provided.

Rule 44 certification

This motion for rehearing presents newly discovered State of Michigan dispositive evidence of actual

innocence and 17th Circuit misconduct. Mr.

Bernard cannot be guilty on 040203 of a crime the State's own official records shows as 040303.

A state-confirmed miscarriage of justice confirms the need for bench disqualification, as all other presumptively impartial benches would have reversed the conviction and dismissed on grounds of actual innocence.

The grounds, now confirmed supported by the State, are limited to intervening circumstances of controlling and/or substantial effect. This known-by-the-State date since 2003 exactly matches what the actual evidence now shows, once the Brady confusion funding is considered.

Michigan DOC is still resisting giving me a copy of the report (PER). I persevere.

Attested to by Paul A. Bernard 536479
July 10, 2003, per 070623
S.Ct. letter

IN THE UNITED STATES SUPREME COURT

Paul Bernard - PETITIONER

#22-4164

vs.

Michigan - RESPONDENT

Paul Bernard
In Pro Per

062323 MOTION FOR RECONSIDERATION
OF 060523 DENIAL OF CERTIORARI;
PETITION FOR REHEARING PURSUANT TO R44.

Mr. Bernard received a copy of his Parole/Lifer Report for update in mid-May, 2023. That Report shows April 3, 2003, as the crime date. However, Mr. Bernard was convicted of an April 2 crime. PER-Parole Eligibility Report.

To date, Mr. Bernard has been unable to get a copy of this Report. However, his notes on the copy placed the Michigan Department of Corrections on notice that it contained exculpatory evidence regarding 22-4164.

Mr. Bernard has argued the April 3 date to all levels of the Michigan court system. The State has never disputed this date, nor could it.

Mr. Bernard requests reconsideration. Even assignment to a Federal District Court would move the action forward.

where both the State and Mr. Bernard agree as to the crime date, the need for bench disqualification is the only obstacle to dismissal on grounds of actual innocence, #22-4164

Action by this Court can prevent the confirmation of a miscarriage of justice caused by the trial judge himself. This Court needs to define perception of partiality, which is unsettled law, and this is the ideal case.

(1) #22-7164 was pending in May when Mr. Bernard was transferred from Chippewa to Kinnross (5/12/23) to Alger Prison (5/15/23).

Briefly, Mr. Bernard refused to lock in Kinnross. It is impossible to do extensive legal work in a 12-man cell (e.g., one table for 12 inmates).

(2) Mr. Bernard was held incommunicado and without his legal property (e.g., footlocker's worth) from May 12 to June 21, 2023 as punishment for being "unmanageable." He served a 5-day penalty six times.

(3) Mr. Bernard was asked to update his Parole/Lifer Report in mid-May. To his shock, the Report identified the crime as April 3, 2003. This is the exact date Mr. Bernard has argued to all Michigan Court levels, as it is supported by the newly discovered Brady confusion evidence. This is also argued in 22-7164, as actual innocence is the primary matter and bench disqualification is the collateral matter.

(4) Mr. Bernard was convicted of an April 2 crime based on the 011305 Cell Rack prejudice. The Cell Rack Brief is an appendix to 22-7164.

In fact, the State knew since 012203 that April 3, 2003, was the crime date. This was when the computer and autopsy exculpatory reports were submitted.

(5) Mr. Bernard's first opportunity to notify this Court of relevant and material State confirmation of April 3 as the crime date is as of this writing. The Hole Level II counselor has not returned Mr. Bernard's notes, or provided a copy of the report. Another request has been made to the current Pine-Unit counselor.

(6) Federal law and Michigan Dept of Corrections Policy require that an inmate be given his legal property after transport. See Alger Anson Guidebook. pp. 5-6, 55. The lack prevented contact with this Court in May about the newly discovered evidence of innocence. This establishes cause for any lateness.

(7) At trial, Prosecutor Brinkman should have been disqualified due to the Cell Raid. At trial, she was allowed to argue April 2 as the crime date, ITSP p. 96, only because of her and Judge Redford's misconduct. This allowed her to withhold exculpatory evidence of the 6-9pm brown confusion timing. The Parole/Lifer Report proves the misconduct, as well as societal perception of partiality, 22-4164, unsettled law.

(8) Per belief the Parole/Lifer Report is self-authenticating. It is used to grant or deny parole. The April 3 date matches the actual evidence. As the MCR 6.500 is the primary matter to bench disqualification, the Parole Eligibility Report (PER) is relevant and material to 22-4164.

(9) The Report confirms societal perception of partiality on grounds of judicial misconduct. The State has never disputed any actual innocence or misconduct evidence. It is the Court that refuses to acknowledge perception of partiality.

(10) The State of Michigan has known since 042203 that (1) the crime occurred on April 3, and (2) Mr. Bernard had an alibi (two). Mr. Bernard only became aware once the brown confusion thing became known. The Attorney General Conviction Integrity Unit (actual innocence claims) also supports Mr. Bernard's actual innocence.

(11) Consequently, only the State courts oppose granting the primary 6.500 motion. This validates the reasonableness of a perception of partiality. Judge Redford's misconduct was a proximate cause of a miscarriage of justice. Judge Redford is now on the Court of Appeals.

Mr. Bernard requests reconsideration of evidence he was unable to submit in May. Alternatively, assignment to a Federal Court to hold hearings may resolve issues of law and fact without further Supreme Court involvement. Here, there was no probable cause for arrest and thus no jurisdiction.

Conclusion:

The information contained in this Motion
is correct and complete, per belief and
information.

Respectfully:

Paul A. Bernard 536479

June 23, 2023

Paul A. Bernard
Alger Correctional Prison
N 6141 Industrial Park Dr.
Munising, MI 49862