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Supreme Court, U.S.
FILED
OCT 17 2023
OFFICE OF THE CLERK

No. 23-5031

IN THE
SUPREME COURT of the UNITED STATES

Marc Anthony Hill
Petitioner,

V.

United States of America
Respondents.

On Petition for Writ of Certiorari to the
Supreme Court of Washington

PETITION FOR REHEARING

Marc Anthony Hill
Inmate NO: 18512479
U.S.P. Pollock
P.O. Box 2099
Pollock, La 71467

ORIGINAL

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QUESTION PRESENTED

The questions presented in the original petition are still the same ,
along with intervening circumstances of a substantial effect.

LIST OF PARTIES

The list of parties are still the same.

TABLE OF CONTENTS

The table of contents are still the same.

INDEX TO APPENDICES

Are still the same.

TABLE OF AUTHORITIES

The table of authorities are still the same.

v.

STATEMENT OF THE CASE

The statement of the case is still the same except with one little exception. The mind state of the petitioner is that he is in general population and due to lack of officers this institution is on constant lockdowns and only an "act of god" has made it that I can complete this petition. I was unable to fill in pages i thru iv, and I pray that this court does not use this to procedurally dismiss my claim instead of making a review on the merits. Because due to "intervening changes of law" that has occurred while I was still pending for a decision in the appeals court (which resulted in my remand) and in this court in which this court refused to hear my claim and or to look at it in light of this Courts recent decision in Lora v. United States, 22-49.

PETITION FOR REHEARING

Petitioner Marc Anthony Hill, petition for rehearing of the October 2nd, 2023, Order denying his petition for a writ of certiorari. As noted in the Order.

REASONS FOR GRANTING REHEARING

This Court's Rule 44.2 authorizes a petition for rehearing based on "intervening circumstances of a substantial effect." On June 16th, 2023, this Court entered a unanimous decision in *Lora v. United States*, 22-49. Although my case was entered on July 5th, 2023, I signed and sent it out on June 20th, 2023. Once again due to the Federal Bureau of Prison lack of staff, and its treatment of "general population" inmates as if they are in the Special Housing Units ("SHU") (without receiving an infraction). So basically due to "circumstances wholly beyond my control" was never made aware of the decision in *Lora* until after I had already sent out my petition. Now my appeal is being remanded back in light of this Court's decision in *United States v. Taylor*, 142 S.Ct. 2015, 2021 (2022) where this court held: attempted Hobbs Act Robbery does not qualify as a crime of violence under the elements clause.

Since my case is not yet final, the *Lora* decision applies to me "retroactively", and along with *Apprendi v. New Jersey*, and the *Rosemond* decision combined, I strongly believe that intervening circumstances exist and my insufficiency of the evidence claim got even stronger. Thereby this rehearing should be granted in the "interest of justice".

The reason I make this humble request, is because pro se petitioner's do not seem to get a fair shake at getting past procedural hurdles, and the merits of these cases never get reached. The thing that seems to baffle me is how a court procedure is designed to ignore the constitutional significance of the Sixth Amendment right to represent oneself "pro se". It appears that Haines v. Kerner needs a reboot.

Now the questions that I had presented have now morphed since the Lora decision, to:

Is Apprendi v. New Jersey still good law?

If so, is the court imposing of consecutive terms of sentence as to the 924(j) being misapplied. For this incorrect application/interpretation violates this court's ruling in United States v. Lora, which is also in violation of Apprendi and its line of cases.

Now I am requesting that this court appoint a law school and/or a lawyer to review my case and provide you with the correct procedures. For as I mentioned there are "circumstances wholly beyond my control" and me and others that have always maintained their "innocence and pick 12 jurors truly deserve to have the full panoply of the violations of their constitutional rights preserved.

CONCLUSION

For the foregoing reasons, and those stated in the petition for a writ of certiorari, this Court should grant rehearing, grant the petition for writ of certiorari, and review the judgment in light of "intervening change in the law". This court should appoint a law school to clean up my mess so that no procedural ruling can keep this court from reaching the merits, in the "interest of justice" and a full debate and discussion can be held.

CERTIFICATE OF PETITIONER.

I Marc Anthony Hill petitioner, comes pro se, hereby certify that this petition for rehearing is being presented in "good faith" and not for delay and in compliance with Rule 44.2, to the best of my ability.

Executed On: 10/17/2023).

/s/ Marc Anthony Hill
Marc Anthony Hill (pro se)

IN THE

SUPREME COURT OF THE UNITED STATES

MARC ANTHONY HILL

VVS.

UNITED STATES OF AMERICA


MOTION TO STAY IN ABEYANCE

Comes Now Marc Anthony Hill, petitioner, pro se, requesting that his case be stayed in abeyance to Lora v. United States, 22-49, and/or McClinton v. United States, 21-1557. For each of these case question the correct application of the Fifth and Sixth Amendment of the U.S. Constitution. Petitioner feels that he cannot proceed any further until these concerns are addressed and the correct application is applied. So he request the following relief.

RELIEF REQUESTED

Petitioner request that his motion to "Stay Proceeding" be GRANTED.

Executed On: 6/20/2023

/s/ 
Marc Anthony Hill

CC: U.S. Attorney's Office
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