

No. 23-5324

IN THE  
SUPREME COURT OF THE UNITED STATES

Michael David Beiter, Jr. — PETITIONER  
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A REHEARING TO

THE UNITED STATES SUPREME COURT  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR REHEARING

Michael David Beiter, Jr.  
(Your Name)

FCI Bennettsville, P.O. Box 52020  
(Address)

Bennettsville, SC 29512  
(City, State, Zip Code)

N/A  
(Phone Number)

QUESTION(S) PRESENTED

1. Why this Court, as the Eleventh Circuit did, FAILS and REFUSES to address that the facts of and on Court record, both show and prove beyond all reasonable doubt that both Supreme Court and Eleventh Circuit binding precedent has disavowed, allowing Counsel to be FORCED upon a defendant, without the defendants permission, consent, or consent by assent?
2. Why this Court, as the Eleventh Circuit did, allowed Counsel to be FORCED upon the defendant when the defendant-
  - a. Never waived any rights whatsoever, particularly, the right to assistance of Counsel;
  - b. Never received any 18 U.S.C. § 3006(A) Inquiry before having Counsel FORCED UPON the defendant;
  - c. Repeatedly "FIRED" Counsel that was being FORCED upon the defendant?

## LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

The Petitioner herein, who was the Defendant-Appellant below, is Michael David Beiter, Jr., henceforth, Mr. Beiter, Jr. The Respondent herein, which was the Plaintiff-Appellee below, is the United States of America.

## RELATED CASES

This case arises from the following proceedings in the United States Court of Appeals for the Eleventh Circuit and the United States District Court for the Southern District of Florida, Ft. Lauderdale Division:

United States v. Michael David Beiter, Jr.

Case No. **22-14052**

United States v. Michael David Beiter, Jr.

Case No. **0:11-CR-60273-WPD**

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR REHEARING

Petitioner respectfully prays that a Petition for Rehearing  
issue to review the judgment below.

OPINIONS BELOW

[X] For cases from the Supreme Court

The denial of the United States Supreme Court on *October 2, AD2023*. Appears at Appendix 1.

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

The Sixth Amendment to the U.S. Constitution provides: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

18 U.S.C. §3006(A) provides: "(a) Choice of plan. Each United States district court, with the approval of the Judicial Council of the circuit, shall place in operation throughout the district a plan for furnishing representation for any person financially unable to obtain to obtain adequate representation in accordance with this section...Each plan shall provide the following:

(1) Representation shall be provided for any financially eligible person who--

(H) is entitled to appointment of counsel under the Sixth Amendment of the Constitution."

## STATEMENT OF THE CASE

On October 2, 2023, this Court DENIED the Petitioner's Writ of Certiorari (see Appendix I).

Today, the Petitioner seeks Rehearing of the Denial, as well as the subpoena of attorney Clark D. Mervis and now seated Federal Judge, Kathleen M. Williams, who was the Counsel FORCED upon the defendant for the "Initial Appearance" in this matter. The testimony of these active participants will provide the testimonial assistance required for proper judgment in this matter.

This Petition for Rehearing seeks that the lower courts have a bright line from this Court in regards to the Fifth and Sixth Amendment rights of a defendant, thus keeping the lower courts from being able to FORCE counsel upon a defendant by simply disavowing, without any precedent giving authority to do so, binding precedent.

## REASONS FOR GRANTING THE PETITION

The Petitioner contends that a serious review of the Writ of Certiorari with all of its Appendices, proves beyond ALL reasonable doubt that both the Federal Public Defender's Office, at the Initial Appearance hearing, as well as attorney Clark D. Mervis, were continually FIRED by the Defendant, both on and off court record, and also that -

1. The Petitioner NEVER waived the right to assistance of counsel;
2. That the District court NEVER performed any 18 U.S.C. § 3006(A) inquiry, before FORCING counsel upon the Petitioner

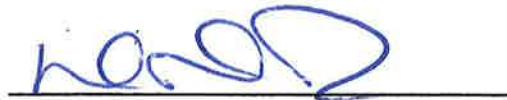
If the "law" and The Constitution have any significance regarding the rights of a defendant, then this Court is urged to uphold its own precedent found in the Petitioner's Writ of Certiorari and its accompanying Appendices.

This case must be reassessed.

CONCLUSION

The Petition for Rehearing should be granted.

Respectfully submitted,



Michael David Beiter, Jr.

Reg. No. 91383-004

FCI Bennettsville

P.O. Box 52020

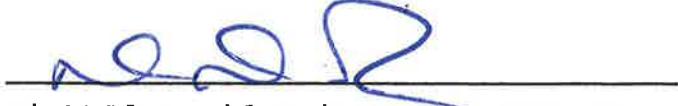
Bennettsville, SC 29512

Date: October 11, AD2023

CERTIFICATE OF PARTY UNREPRESENTED BY COUNSEL

This Petition is restricted to the grounds specified at Rule 44(1)(2), and is presented in good faith and not for delay.

Executed on this 11 day of October, Year of YAHWEH 2023.

  
Michael David Beiter, Jr. PRO SE

Reg. No. 91383-004

FCI Bennettsville

P.O. Box 52020

Bennettsville, SC 29512

NOTICE OF INMATE FILING

The Petitioner, Michael David Beiter, Jr., is confined in an institution. Today, October 11, Year of YAHWEH 2023, the Petitioner is depositing his PETITION FOR REHEARING in the institution's internal mail system. First Class postage, prepaid, affixed thereto.

The foregoing has been mailed to the Court via USPS Certified Mail No. 7020 0640 0001 2735 2575

The foregoing complies with the provisions set forth in Houston v. Lack, 487 U.S. 266, 108 S.Ct. 2379, 101 L.Ed. 245 (1988), as the Petitioner's filin is within the allotted period of time in order to file a Petition for Rehearing according to this Court's rules.

Executed on this 11 day of October, Year of YAHWEH 2023.

  
\_\_\_\_\_  
Michael David Beiter, Jr. PRO SE

Reg. No. 91383-004

FCI Bennettsville

P.O. Box 52020

Bennettsville, SC 29512

# **App-1**

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

October 2, 2023

**Scott S. Harris  
Clerk of the Court  
(202) 479-3011**

Mr. Michael Beiter, Jr.  
Prisoner ID #91383-004  
FCI Bennettsville  
P.O. Box 52020  
Bennettsville, SC 29512

Re: Michael D. Beiter, Jr.  
v. United States  
No. 23-5324

Dear Mr. Beiter:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,



**Scott S. Harris, Clerk**

**Additional material  
from this filing is  
available in the  
Clerk's Office.**