

: 23-6254

IN THE SUPREME COURT OF THE UNITED STATES

PROVIDED TO TOMOKA  
CORRECTIONAL INSTITUTION  
ON 4-11-24  
FOR MAILING BY KD WLS

**WILLIAM GRAVES**

**PETITIONER**

**VS.**

**STATE OF FLORIDA**

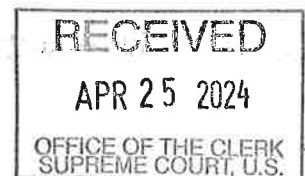
**RESPONDENT**

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**MOTION FOR REHEARING / CLARIFICATION**

Comes Now The Petitioner, William Graves, in proper person, pro se, and pursuant to Supreme Court Rule 44, and respectfully moves this Honorable Court to enter an Order in the above-styled cause to Rehear and / or Clarify its denial of Petitioners Certiorari Petition, and in support hereof, would show this Honorable Court the following:

**FACTS**



1). Petitioner filed a Petition for Writ of Certiorari in the above-styled cause arguing that the State of Florida has Created Rules of Criminal and Appellate Procedure that Unreasonably Encroaches upon the Personal Rights and Liberties of Pro se Litigants and Run afoul of the Constitutional Guarantee of Access to the Courts; Substantive Due Process of Law; and Equal Protection as Secured by the First and Fourteenth Amendments of the United States Constitution.

- 2). On December 13<sup>th</sup> 2023, this Honorable Court issued an Order Docketing the Petition for Review and provided the Respondent, (Florida's Attorney General) an opportunity to Respond to the Petition.
- 3). On January 25<sup>th</sup>, 2024, Attorney General (**Pamela J. Koller**), filed a Waiver on behalf of the State of Florida.
- 4). On February 20<sup>th</sup> 2024, this Honorable Court issued an Order denying the Certiorari Petition, albeit, without written reason. *i.e. (On the Merits) ... [or] ... (On Procedural Grounds).*
- 5). On March 8<sup>th</sup> 2024, Petitioner filed a timely Motion For Rehearing, however, the Motion was returned by the Clerk On March 28<sup>th</sup> 2024 for failure to comply with the Requirements of **Supreme Court Rule 44**, and Directed Petitioner to Correct the Stated Deficiencies within **(15) days** therefrom, to which would include a Deadline Date of April 12<sup>th</sup> 2024.
- 6). Petitioner would contend that this Motion is timely filed and ensues on the following facts, argument and citations of authority.

## ARGUMENT

Petitioner would assert that this Motion for Rehearing is based upon the fact of intervening circumstances of substantial or controlling effect, to which was not previously presented in his Original Petition.

More specifically, the sole bases in which Rehearing is sought, is to Clarify the Nature of this Courts Order Denying Petitioner's Certiorari Petition as to whether it's Dismissal / Denial was on the Merits, *i.e. (With Prejudice)*, or whether it's Dismissal / Denial was based on a Procedural Ruling. *i.e. (With-Out Prejudice)*, ..... ***"For Failure to Properly Exhaust the Federal Claim in the State Court first prior to raising in this Court."***

Petitioner would contend that because the Federal Constitutional Claim raised in the Petition was not First raised in the State Court, a presumption arises that the Petition was dismissed on a procedural basis. *i.e. "Abstention."* See American Trial Lawyers Ass., New Jersey v. New Jersey Supreme Court 93 S. Ct 627 (1973) (Abstention does not involve abdication of federal jurisdiction, but only postponement of its exercise)

Based on this premise, Petitioner would respectfully request that this Honorable Court Clarify whether its dismissal was with Prejudice, or whether this Court would allowed Petitioner to Return to the State Court First, **(to which he has now done)** and properly Exhaust this Constitutional Claim for Federal Review, prior to returning to this Court for a Determination on the Merits, should such Review be

necessary. ***See American Trial Lawyers Ass. Supra, (A dismissal on grounds of Abstention so as to permit a State Court to pass on an issue of State Law must not be with Prejudice)***

Wherefore, based upon the aforementioned facts, Petitioner respectfully moves this Honorable Court to enter an Order in the above-styled cause to Rehear and / or Clarify its denial / dismissal of Petitioners Certiorari Petition.

Respectfully Submitted

ISI 


William Graves, DC# 113141  
Tomoka Correctional Institutional  
3950 Tiger Bay Road  
Daytona Beach, Fl. 32124

## CERTIFICATE

I Hereby Certify, that The Ground Raised within this Motion For Rehearing, is limited to Intervening Circumstances of Substantial or Controlling Effect or to Other Substantial Grounds not previously presented. Moreover, Petitioner would further Certify that this Motion For Rehearing is Presented in Good Faith and not for Delay.

I Declare Under Penalty of Perjury that the foregoing is true and correct.

Executed on April 11<sup>th</sup>, 2024.

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PROOF OF SERVICE

I, Williams Graves, Do Swear or Declare that, by placing this document in hands of prison officials for mailing, on April 11<sup>th</sup>, 2024, as required by Supreme Court Rule 29, I have served the enclosed Motion on each party to the above proceeding or that party's counsel, and on every other person required to be served as follows: **Clerk of the United States Supreme Court located at One First Street N. E., Washington D.C., 20543: and (Pamela J. Koller) Florida Attorney General located at 444 Seabreeze Blvd. Ste. 500, Daytona Beach, Fl. 32118:**

I Declare Under Penalty of Perjury that the foregoing is true and correct.

Executed on April 11<sup>th</sup>, 2024.

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