

No. 23-7715

IN THE  
SUPREME COURT OF THE UNITED STATES

Noel J. Bender, - PETITIONER

vs.

Iowa Dept. of Correction - RESPONDENT(S)  
et al.

ON PETITION FOR REHEARING OF WRIT OF CERTIORARI  
TO

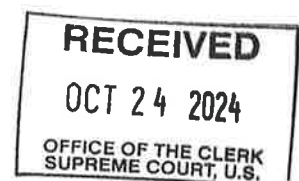
Supreme Court of the United States  
(NAME OF COURT THAT LAST RULED ON MERITS)

Noel Jermaine Bender #1133015  
(Name)

Iowa State ~~Rehabilitation~~ Penitentiary  
(Address)

P.O. Box # 316 Ft. Madison, IA 52627  
(City, State, Zip Code)

(319) 372-5432  
(PHONE NUMBER)



## GROUND(S) PRESENTED

A Court can not determine whether any rational factfinder could have returned a guilty verdict if the Court considered only the evidence which supports guilt, because a rational factfinder cannot render a verdict without taking into consideration all the evidence in the record. (Citing Jackson V. Virginia, 443 U.S. 307(1979))

The substantial grounds that the plaintiff raises on this petition for a rehearing of the order denying the petition for a writ of Certiorari, fact's the plaintiff addresses that are being overlooked that are clear and are supported in the record that shows evidence that the state's verdict is not ~~supported~~ supported with enough evidence to support ~~the~~ a finding of plaintiff and the victim cohabiting at the time of the assault.

(A.) Plaintiff was released from prison and was given a parole to a Correctional Release Facility. How can a person be cohabiting with a victim if the plaintiff hasn't been granted a parole from the parole board or even further, the plaintiff's parole officer. There is no evidence on the face of the record that shows plaintiff's name on the lease to the victim's home or on any utilities to the victim's home.

(B.) If the victim is residing in a Section 8 Housing permitted for Low Income Housing, every person who is a part of the household is required to submit their identification as well as their Social Security Card along with



their employment statements for the past three to six months before the state Low Income Housing grants the acceptance for the program. HUD Housing for the state of Iowa requires every person who is a part of the household to have all of the above submitted on file before the HUD-Housing program grants the ~~acceptance~~ acceptance of the program. Further more, the victim testified under oath that the apartment belonged to her and her three children, and that it was not a part of her household and I did not contribute nothing to her home. What is addressed in this petition is presented in good faith and are facts that are shown clearly on the face of the record, and not for delay. Plaintiff's claim is a violation of plaintiff's constitutional rights of Due Process generating a reasonable doubt that the plaintiff and victim were cohabiting which is a requirement of the charged crime of Iowa Code Section 708.2A(4) and 902.8. The Iowa State Court's has decided an important question of Federal law in a way that conflicts with relevant decisions and should be settled by this Court. The State's verdict is arbitrary and well outside of statute and reveals as a matter of law the existence of a reasonable doubt.

## CONCLUSION

The district Court's Verdict is not supported by substantial evidence because a review

If all of the evidence in the record under the applicable legal standard-even when viewed in the light most favorable to the prosecution-reveals as a matter of law the existence of a reasonable doubt that the plaintiff and victim were cohabiting at the time of the assault, Plaintiff thus respectfully request that this Court grant plaintiff's petition for rehearing, of a writ of Certiorari.

Respectfully Submitted.

BY: /s/ Noel J. Bender  
Prisoner ID# 1133015  
Iowa State Penitentiary  
P.O. Box #316  
Ft. Madison, IA 52627

CERTIFICATE OF COUNSEL  
OR OF A PARTY UNREPRESENTED  
BY COUNSEL

This petition complies with Rule #44 paragraph (1) and (2) and Rule #33 and #34 and that it is restricted to the grounds specified in paragraph (2) of Rule #44 and is presented in good faith and not for delay

Dated this 13 th day of October, 2024

— /s/ Noel J. Bender



CERTIFICATE OF COUNSEL  
OR OF A PARTY UNREPRESENTED  
BY COUNSEL (Copy)

This petition complies with Rule #44  
Paragraph (1) and (2) and Rule #33  
and ~~Rule #34~~ and that it is restricted  
to the grounds specified in paragraph  
(2) of rule #44 and is presented in  
good faith and not for delay.

Dated this 13<sup>th</sup> day of October, 2024




# CERTIFICATE OF SERVICE

On the 13 day of OCTOBER, 2024, the  
Undersigned Party Served the following  
Petition For Rehearing of the writ of  
Certiorari on: Darrel Mullins

Iowa Attorney General's Office  
1305 E. Walnut Street,  
Hoover Building, 2nd. Floor  
Des Moines, Iowa 50319  
(515.281.5976)  
Email darrel.mullins@ag.iowa.gov

Scott S. Harris  
Clerk, U.S. Supreme Court  
One First Street, N.E  
Washington, DC 20543  
(202) 479.3000

By delivering a Copy of the Petition into  
the ISP U.S. Mail Bag.

  
(Signature)

Noel J. Bender  
(Printed)

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