

IN THE UNITED STATES SUPREME COURT

No. 23-7789

IN RE: MR. GLENN A. HOLDER,
Petitioner

"PETITION FOR RE-HEARING"
PURSUANT TO RULE 44 (2)

Filed & Submitted By:

Mr. Glenn A Holder, Pro-se
Inmate Number EA-7173
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Houtzdale, PA 16698-1000

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AND NOW COMES, Glenn A. Holder, moving pro-se and herein after known as the Petitioner, whom respectfully submits this Petition for Re-Hearing, Pursuant to Rule 44. Thereby, in support he avers the following grounds distinctly and in good faith, not for delay:

1. This petition should be held to "Less stringent standards than formal pleadings drafted by a lawyer." Haines v. Kerner, 404 U.S. 519 (1972)

2. The Petitioner contends that he is innocent and has supporting factual based evidence. As such no court has accepted the submission of this evidence and/or has given an opportunity for the Petitioner to present said evidence.

In 2002, the true perpetrator, Mr. Ellis Elliot Ramos," was convicted of the crime(s) to which the Petitioner was tried and convicted of. [See: Exhibit "D", specifically "D-4"]

It is factual that the victim [V.A.], had in fact said that (P.R.)(Puertican), "Ellis E. Ramos" (Hispanic) had raped her. [See Exhibit "E-4"]

Ellis E. Ramos, did in fact sign a written affidavit claiming full responsibility for the crime(s), excluding the Petitioner. [Exhibit's "D"]

Furthermore, [V.A.'s] mother, Dorothy Abramson, served a letter upon counsel for Mr. Holder, identifying, "DRED" aka "E," later identified as Ellis E. Ramos as the person responsible for the crimes to which the Petitioner was found guilty of. [See Exhibit "F-2"]

3. Trial Court did in fact Order that defense counsel be barred from even speaking of exculpatory evidence, that was available and disclosed in discovery, that excluded the Petitioner from the crimes charged.

During a sidebar discussion;

Defense Counsel: The Court provided records to the defense, however with a strong caveat those records were not to be revealed to anybody nor used for any purpose. N.T. 3, lines 5 thru 10.

Defense Counsel: Well, I think it tends to...there is no mention of any sexual abuse, and I think it tends to refute [V.A.'s] allegations that she was sexually abused by Mr. Holder, and that she gave a raft of reasons why she was having problems, none of which were the fact that she was being abused by Mr. Holder, or forced to have sex with drug dealers, which are the gravamen of charges against him. N.T. 3, lines 22 thru 25; 4 lines 1-4.

The Court: You know I'm not certain that, that's relevant.

Defense Counsel: I didn't think I would proceed with that, without bringing this to the court's attention.

The Court: I understand.

Defense Counsel: Because you told me I wasn't even allowed to discuss it with anyone.

The Court; Right.

N.T. 4 line 25; 5 lines 1 and 11 thru 17.

This exculpatory evidence did exist, yet forbidden from the ears and eyes of the jury which provide's factual based evidence of innocence.

4. Coupled with the sworn affidavit and exclusion of exculpatory evidence the Petitioner has provided reliable and verifiable supporting evidence of alibi. [Refer to Exhibit's "A,B,B-2,C & NurseFinders Letter W/4 Invoices and Affidavit]

5. For over the duration of twenty-six plus, years all Court's including this Honorable Supreme Court have continuously ignored the basic underlying factual based evidence that support's actual innocence.

6. This Petitioner implore's that this Honorable Court, review this matter again and reflect to the previous submission of the above fact's and Re-hear this matter, unbiased to the Exhibit's previously entered.

Memorandum of Law In Support:

It is well established, that a claim of "actual innocence" is never barred nor waived; to qualify for "Actual Innocence Exception," the petitioner must present

"New Reliable Evidence" not presented at trial, showing it is more than not, that no reasonable juror would have voted to convict. REEVES V. FAYETTE SCI, 897 F.3d 154 (2018) citing MCQUIGGINS, 569 U.S. 383, 133 S.Ct. 1924, 1928, 185 L.Ed.2d 1019 (2013).

When asserting a claim such as this, petitioner is required, to support his allegations of constitutional error with new reliable evidence, whether it be exculpatory scientific evidence, trustworthy eyewitness accounts or critical physical evidence, that was not presented at trial. REEVES, citing SCHULP V. DELO, 513 U.S. 298, 314, 115 S.Ct. 1924, 1928, 185 L.Ed.2d 1019 (2013).

The United States Supreme Court, held in CASIAS V. U.S., 337 E.2d 354 (10th Cir. 1964), that a confession by another party, to a crime, for which the petitioner has been tried and convicted, if discovered after trial, is grounds for a new trial based upon "Newly Discovered Evidence."

The excluded items in paragraph 4, was withheld from the eye's and ear's of jury, can only be considered collectively, not individually, to determine materiality. CASTLEBERRY V. BRIGANO, 394 F.3d 286, 291 (2003).

The claims set forth above, are actions that violated the Petitioners' Constitutional Rights under the United States Constitution, as Due Process, the compulsory Process and Equal Protection. BRADY V. MARYLAND, 373 U.S. 83, 87, 83 S.Ct. 1194, 102 L.Ed.2d 215 (1963); NAPUE V. ILLINOIS, 360 U.S. 246, 79 S.Ct. 1173, 3 L.Ed.2d 1217 (1959).

CONCLUSION

Legal Authority must be respected, not because it is vulnerable with age, but because it is important that the court's and lawyer's and client's, may know what the law is and order their affairs accordingly. MCELROY V. STATE, 703 N.W.2d 385, 394-395 (Iowa 2005).

It is evident that the standards of precedent law have been completely ignored and misapplied in this matter and a manifest of injustice continue's to detain an innocent individual.

WHEREFORE, your Petitioner respectfully request a Re-Hearing in this matter and/or in the alternative a "New Trial" or Release from Custody.

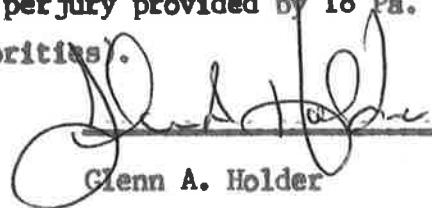
Date: 5 Dec 24

Respectfully Submitted,


Mr. Glenn A. Holder

VERIFICATION AND OATH OF PRO-SE LITIGATION

I state that all the facts and statements herein, are true and correct to the best of my own personal knowledge, information and belief. Furthermore, by signature, I confirm that I am proceeding pro-se and have no attorney of record. Any falsification is subject to the penalties of perjury provided by 18 Pa. C.S. § 4904, (relating to unsworn falsification to authorities).


Glenn A. Holder

CERTIFICATE OF SERVICE

I Glenn A. Holder, do swear that on this date of 5 DEC, 2024, as required by the Supreme Court Rule, I have served the enclosed, Petition for Re-Hearing, on each party listed below as required to be served, by depositing an envelope containing the above documents in the United States Mail, properly addressed to each party, via first-class postage prepaid, for delivery within 3 calendar days. Those parties are as follows:

1 Copy
United States Supreme Court
Office of the Clerk
1st Street N.E.
Washington, D.C. 20543-1000

1 Copy
U.S. District Court, Clerk
235 N. Washington Ave.,
P.O. Box 1148,
Scranton, PA 18501

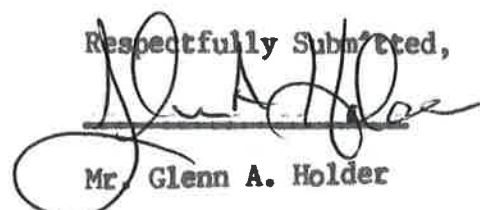
1 Copy
York County District Attorney
James E. Zamkotwicz, Esq.
45 N. George Street,
York, PA 17401

1 Copy
Judge Harry M. Ness
York County Court of Common Pleas
45 N. George Street,
York, PA 17401

1 Copy
Office of the Prothonotary
601 Commonwealth Ave., Ste. 4500,
P.O. Box 62575,
Harrisburg, PA 17106-2576

Date:  5 DEC 2024

Respectfully Submitted,


Mr. Glenn A. Holder

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Submitted By: Pro-se, Petitioner

Name: Glenn A. Holder

Signature: 

Attorney Number: N/A

CERTIFICATE

I hereby certify, that the attached Petition for Rehearing, include the grounds which are limited to the intervening circumstances involed in this matter, which have also controled, substantially the outcome over the past 27 years. Which have yet to be heard by any Court.

The attached Petition For Rehearing is submitted in good faith and not for any delay.

Date: 5 Dec. 2024


Pro Sz Petitioner