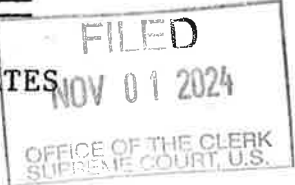


No.: ~~24-5307~~

24-5037

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2023



WILLIAM J. KEMP,

Petitioner

vs.

JOHN RIVELLO,

Superintendent State Correctional
Institution at Huntingdon; AND

RONALD EISENBERG, ESQ.,

The Attorney General of
The Commonwealth of Pennsylvania,
Respondents

On Petition for a Writ of Certiorari to
The United States Court of Appeals for the Third Circuit

PETITION FOR REHEARING OF ORDER DENYING CERTIORARI

William J. Kemp, pro se
Inmate# LM3734
SCI Huntingdon
1100 Pike Street
Huntingdon, PA 16654-1112

QUESTIONS PRESENTED

1. Whether under Arizona v. Fulminate, 499 U.S. 279 (1991) when a prosecutor violates Due Process and introduces evidence of post-Miranda silence, directly connects that silence to guilt, and the trial court impermissibly instructs the jury to regard such silence as evidence of guilt, does the harm or prejudice become immeasurable making the error "structural error" or are the courts required to undertake the harmless error analysis of "trial error?"
2. Whether under the exception provided in Brecht v. Abrahamson, 507 U.S. 619 (1993), when a prosecutor violates Doyle v. Ohio, 426 U.S. 610 (1976); then directly connects the post-Miranda silence to guilt; and the trial court instructs the jury, without correction, to regard post-Miranda silence as evidence of guilt (both in violation of Griffin v. California, 380 U.S. 609 (1965)) do the violations of Due Process have cumulative effect and become a sufficiently egregious so as to forego harmless error analysis?
3. Whether under In re Winship, 297 U.S. 358 (1970) does a trial court's impermissible jury instructions to regard post-Miranda silence as evidence of guilt, independent of the elements of the charges, improperly relieve the prosecution's burden to prove every element of the offense beyond a reasonable doubt?

TABLE OF CONTENTS

Section	Page
QUESTIONS PRESENTED	i
TABLE OF CONTENTS	ii
TABLE OF AUTHORITIES	iii
INTRODUCTION	1
SUMMARY OF ARGUMENT	2
STATEMENT OF CASE	3
REASONS TO GRANT THE PETITION	6
I. Under <u>Arizona v. Fulminate</u> , 499 U.S. 279 (1991) When A Prosecutor Violates Due Process By Introducing Evidence Of Post-Miranda Silence, Then Directly Connects That Silence To Guilt, And The Trial Court Impermissibly Instructs The Jury Without Correction To Regard Silence As Guilt, The Prejudice Of The Violations Is Either Immeasurable "Structural Error" Or "Trial Error" Subject To Harmless Error Analysis.	7
A. "Structural Error" is per se prejudicial, its harm is measurable, and defies harmless-error analysis.	7
B. "Trial Error" occurs during the presentation of the case to the jury, its harm may be quantified and is amenable to harmless-error analysis.	8
II. Under The Exception Provided In <u>Brecht v. Abrahamson</u> , 507 U.S. 619 (1993), When A Prosecutor Violates <u>Doyle v. Ohio</u> , 426 U.S. 610 (1976); Then Directly Connects The Post-Miranda Silence To Guilt; And The Trial Court Instructs The Jury, Without Correction, To Regard Post-Miranda Silence As Evidence Of Guilt (Both In Violation Of <u>Griffin v. California</u> , 380 U.S. 609 (1965)) The Violations' Individual And Cumulative Effects Are Sufficiently Egregious So As To Forego Harmless Error Analysis.	10
III. Under <u>In re Winship</u> , 297 U.S. 358 (1970) A Trial Court's Impermissible Jury Instructions To Regard Post-Miranda Silence As Evidence Of Guilt, Independent Of The Elements Of The Charges, Improperly Relieves The Prosecution's Burden To Plead And Prove Every Element Of The Offense Beyond A Reasonable Doubt.	11
CONCLUSION	13
DECLARATION OF INMATE FILING	15
CERTIFICATE OF SERVICE	15
CERTIFICATE OF COMPLIANCE	15

TABLE OF AUTHORITIES

<u>Cases</u>	<u>Page</u>
Arizona v. Fulminate, 499 U.S. 279 (1991)	1, 7-9
Brecht v. Abrahamson, 507 U.S. 619 (1993)	2, 7, 9-11, 13
Doyle v. Ohio, 426 U.S. 610 (1976)	2, 4, 6, 9-11
Greer v. Miller, 483 U.S. 756 (1987)	10
Griffin v. California, 380 U.S. 609 (1965)	2, 10-11
In re Winship, 397 U.S. 358 (1970)	2, 11, 13
Kotteakos v. United States, 328 U.S. 750 (1946)	10
Martinez v. Ryan, 566 U.S. 1 (2012)	3, 5-6
Payne v. Arkansas, 356 U.S. 560 (1958)	7

<u>Supplemental Authorities</u>	<u>Page</u>
Pennsylvania Suggested Jury Instructions, §§ 3.10B, 3.15, 3.20	12

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JOHN RIVELLO,
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RONALD EISENBERG, ESQ.,
The Attorney General of
The Commonwealth of Pennsylvania,
Respondents

Supreme Court Docket No.: 24-5037

Third Circuit No.: 21-3165

M.D. Pa No.: 4-19-cv-01366

PETITION FOR REHEARING OF ORDER DENYING CERTIORARI

NOW COMES your Petitioner, William J. Kemp, pro se, who respectfully moves this Honorable Court to reconsider its decision of October 7, 2024 denying the Petition for a Writ of Certiorari to the Third Circuit. Pursuant to this Honorable Court's Rule 44.2, petitions for rehearing of denials of petitions for certiorari are permitted when limited to "other substantial grounds not previously presented." Accordingly, the questions presented herein were not previously presented, and present substantial grounds for relief based upon the following:

QUESTIONS PRESENTED

1. Whether under Arizona v. Fulminate, 499 U.S. 279 (1991) when a prosecutor violates Due Process and introduces evidence of post-Miranda silence, directly connects that silence to guilt, and the trial court impermissibly instructs the jury to regard such silence as evidence of guilt, does the harm or prejudice become immeasurable making the error "structural error" or are the courts required to undertake the harmless error analysis of "trial error?"

2. Whether under the exception provided in Brecht v. Abrahamson, 507 U.S. 619 (1993), when a prosecutor violates Doyle v. Ohio, 426 U.S. 610 (1976); then directly connects the post-Miranda silence to guilt; and the trial court instructs the jury, without correction, to regard post-Miranda silence as evidence of guilt (both in violation of Griffin v. California, 380 U.S. 609 (1965)) do the violations of Due Process have cumulative effect and become a sufficiently egregious so as to forego harmless error analysis?
3. Whether under In re Winship, 297 U.S. 358 (1970) does a trial court's impermissible jury instructions to regard post-Miranda silence as evidence of guilt, independent of the elements of the charges, improperly relieve the prosecution's burden to prove every element of the offense beyond a reasonable doubt?

SUMMARY OF ARGUMENT

The Commonwealth of Pennsylvania violated your Petitioner's Fifth and Fourteenth Amendment Constitutional rights to Due Process by admitting evidence of post-Miranda silence, directly connecting that silence to guilt, and instructing the jury to consider such silence as evidence of guilt. Despite these clear violations, defense counsel never took action, thus violating the Sixth Amendment. The trial court's Constitutionally invalid instructions went without correction, caution, or cure into the jury's deliberations. Those impermissible instructions freed the jury to find guilt based on post-Miranda silence, independent of the elements of the charges. The resulting prejudice is therefore impossible to quantify.

These claims were procedurally defaulted when counsel failed to raise

them on appeal or in collateral proceedings. Unable to determine prejudice, the Federal courts have declined to excuse that procedural default and denied relief. When the harm of a violation is immeasurable, it is per se prejudicial and the error is deemed "structural error," instead of "trial error." It is also clearly established Federal law that structural errors and even particularly egregious trial errors transcend "harmless error" analysis. Federal law not only allows, but its principles demand a conviction resulting from such a fundamentally unfair trial held in disregard for the accused's Constitutional rights to be vacated and the Writ of Habeas Corpus be granted.

STATEMENT OF CASE

This case illustrates the long and difficult path petitioners must navigate in search of protection for the Federal rights guaranteed by the United States Constitution. Following an arrest and conviction which determined guilt based on the invocation of Constitutional rights, your Petitioner has attempted to raise this claim in the State and Federal Courts. Appointed counsel in State proceedings failed to raise the claim despite notice. Acknowledging this claim on Federal appeal, the Federal courts have found this claim procedurally defaulted, which tends to prove rather than disprove the prejudice of State appointed counsels' failures. Despite this finding, the Federal courts have continued to enforce the procedural default and deny this Honorable Court's excuse in Martinez v. Ryan, 566 U.S. 1 (2012). The Federal courts have also failed to consider and abide by the decisions of this Honorable Court regarding "structural" versus "trial" error and "harmless error" analysis, or the impact of the trial court's uncorrected and Constitutionally offensive jury instructions.

On February 13, 2012 your Petitioner was assaulted by Thomas Schmitt and Michael Updegraff. During their un-provoked assault, both men pursued your Petitioner as he retreated to his vehicle on the street. Your Petitioner there retrieved his pistol, for which he possessed a valid concealed weapons permit. Turning to meet the attack, your Petitioner fired - striking Mr. Schmitt at contact and near contact ranges. Police arrived moments later to find Mr. Updegraff still assaulting your Petitioner. Police later collected Mr. Schmitt's open switchblade knife from the ground at his feet. Your Petitioner was taken into police custody and transported to the hospital via ambulance for treatment.

While at the hospital, your Petitioner was treated for significant injuries sustained to his head, face, neck, back, and legs. During treatment, off-duty police Captain Raymond Kontz interrogated, Mirandized, and formally arrested your Petitioner. Following the administration of the Miranda rights, your Petitioner explicitly invoked his rights both to counsel and to remain silent so as to end the interrogation.

From the outset of trial the Commonwealth introduced evidence of what your Petitioner did not say during the interrogation and while in police custody. On cross-examination, the Commonwealth elicited testimony regarding the invocation of these rights. The Third Circuit panel later found this was a clear and obvious violation of Federal Due Process according to Doyle v. Ohio, 426 U.S. 610 (1976).

Defense counsel failed to object to the obvious Due Process violation. The trial court not only permitted this violation, but instead of a curative or cautionary instruction the trial court instructed the jury that it was permitted to regard post-Miranda silence without any limitations. Again, defense counsel failed to object. During closing arguments, the Commonwealth

dropped all pretense and directly equated post-Miranda silence to guilt. Defense counsel again failed to object to a violation so egregious the Respondent "cringed when [he] read the closing argument," NT 10/4/2023, p.16. Astoundingly, the trial court compounded the Due Process violations with its final jury instructions, instructing the jury it may regard post-Miranda silence as evidence of guilt.

Defense counsel still took no action. All of these violations followed the jury into its deliberations without correction, caution, or cure. The Respondent and the Third Circuit agree that defense counsel should have acted to prevent these Due Process violations, and that counsel was deficient for these failures.

On direct appeal, defense counsel continued to ignore these clear violations of Due Process. On State collateral attack, your Petitioner attempted to raise these claims in his pro se petition for relief. Appointed post-conviction collateral counsel also chose to ignore these violations of Federal Due Process. The State collateral court would not hear any issues not included in appointed counsel's amended petition. As such, these obvious violations of Federal Due Process were never litigated in any State court. The resulting procedural default of these claims was directly caused by the deficient performance of State appointed post-conviction collateral counsel.

On Federal review, your Petitioner sought to excuse that procedural default pursuant to this Honorable Court's holdings in Martinez v. Ryan, 566 U.S. 1 (2012). The Middle District Court of Pennsylvania however, did not excuse the default, and denied relief without conducting any merits analysis of these claims.

On appeal of that judgment, the Third Circuit Court of Appeals granted a

Certificate of Appealability based on the Due Process violations of Doyle v. Ohio, 426 U.S. 610 (1976) to excuse the procedural default pursuant to Martinez v. Ryan, 566 U.S. 1 (2012). After oral argument, rather than examine the procedural default for excuse under Martinez, the Honorable Panel instead attempted a merits analysis of the Due Process Doyle violations using Martinez and its Sixth Amendment Assistance of Counsel criteria.

Even applying the wrong legal standards, the Honorable Panel easily determined counsel's performance was deficient for failures to object or litigate. The Respondent conceded this point at oral argument. However, the Honorable Panel was unable to determine prejudice using Martinez's Sixth Amendment criteria to analyze the otherwise freestanding Doyle violations of Fifth and Fourteenth Amendment Due Process. The Third Circuit affirmed the District Court judgment, ruling the claims procedurally defaulted, without excuse under Martinez v. Ryan, 566 U.S. 1 (2012).

REASONS TO GRANT THE PETITION

The lower courts have failed to consider and abide by the holdings and instructions of this Honorable Court. The Federal courts have enforced the procedural default holding that while counsel was deficient for failure to prevent these Due Process violations, there was no prejudice. Without conducting any analysis of the errors counsel was meant to prevent, the Third Circuit instead considered whether the verdict could have been attributed to other evidence. This consideration did not account for the prosecutor's invitation and the trial court's instructions explicitly permitting the jury to consider silence as evidence of guilt. The Third Circuit's conclusion completely avoided vital questions of structural versus trial error and harmless-error analysis and exception along with assignment of the burdens of

pleading and proof. Here, because of the failures of counsel, the Constitutional right to counsel has been used to subdue the Constitutional right to Due Process.

I. UNDER ARIZONA v. FULMINATE, 499 U.S. 279 (1991) WHEN A PROSECUTOR VIOLATES DUE PROCESS BY INTRODUCING EVIDENCE OF POST-MIRANDA SILENCE, THEN DIRECTLY CONNECTS THAT SILENCE TO GUILT, AND THE TRIAL COURT IMPERMISSIBLY INSTRUCTS THE JURY WITHOUT CORRECTION TO REGARD SILENCE AS GUILT, THE PREJUDICE OF THE VIOLATIONS IS EITHER IMMEASURABLE "STRUCTURAL ERROR" OR "TRIAL ERROR" SUBJECT TO HARMLESS ERROR ANALYSIS.

A. "Structural Error" Is Per Se Prejudicial, Its Harm Is Immeasurable, And Defies Harmless-Error Analysis.

Arizona v. Fulminate, 499 U.S. 279 (1991) established Federal law and split Constitutional violations of Due Process into two categories, "structural error" and "trial error." This Court has said "trial error" is "amenable to harmless error analysis because it may be quantitatively assessed," but "structural errors defy harmless error standards and require automatic reversal of the conviction because they infect the entire trial process." Brecht v. Abrahamson, at 507 U.S. 629-30 quoting Arizona v. Fulminate, at 499 U.S. 307-08, 309.

In Payne v. Arkansas, 356 U.S. 560 (1958) this Honorable Court explained that because "no one can say what credit and weight the jury gave" to the violative evidence, the violation "vitiates the judgment because it violates the Due Process Clause of the Fourteenth Amendment." Arizona v. Fulminate, at 499 U.S. 309, quoting Payne v. Arkansas, at 356 U.S. 567-68.

These rules illustrate the impossibility of measuring a jury's credit and weight given to violative evidence, especially in the absence of curative instructions.

Here, the jury was presented with testimony regarding post-Miranda silence. The prosecutor then directly linked that silence to guilt. The trial

court then instructed the jury it was permitted to consider that silence as evidence of guilt. While it may have been possible to quantify and assess the prejudice of any one of those violations if they had been corrected, the combined prejudice, particularly of the trial court's instructions, make it impossible to measure the harm of these violations.

Because these uncorrected violations were permitted to follow the jury into deliberations, it is impossible to determine what weight the jury applied to the evidence. Because a jury is expected to follow the instructions of the trial court, there was no limit to the weight or credibility placed on the impermissible evidence. Because the prosecutor and the trial court directly connected evidence of post-Miranda silence to guilt, the invocation of Constitutional rights has essentially been used as an involuntary confession. In cases such as this, where the accused's state of mind is the difference between Murder and Manslaughter, such evidence is immeasurably harmful. These circumstances require the jury to find guilt based on the invocation of rights, or to consider any future testimony to be perjury, or both. Such fundamentally unfair circumstances and un-quantifiable harm infected the entire deliberative process, if not the entire trial. Because these errors defy harmless-error analysis, they are per se prejudicial, or "structural errors" which require automatic reversal of the conviction.

B. "Trial Error" Occurs During The Presentation Of The Case To The Jury, Its Harm May Be Quantified And Is Amenable To Harmless-Error Analysis.

Arizona v. Fulminate, 499 U.S. 279 (1991) considered the effects of impermissibly admitting an involuntary confession. This Honorable Court there held the admission of the involuntary confession was "trial error" and thus subject to harmless-error analysis. Because Fulminate considered two

confessions, one permissible and one violative, it was able to quantify the harm of the harm of the violations.

The combination of violative evidence and jury instructions make a determination of their harm a difficult, if not impossible, task. Still, this Honorable Court has relied on the harmless-error doctrine for a number of Constitutional violations. See Arizona v. Fulminate, 499 U.S. 279 (1991) generally. Fulminate provides that errors which are not "structural error" are to be considered "trial error." Because "trial errors" are amenable to the harmless-error doctrine, they are to be reviewed, in the case of State trial error, under this Honorable Court's landmark decision in Brecht v. Abrahamson, 507 U.S. 619 (1993).

This Honorable Court in Brecht held that "for purposes of determining whether federal habeas corpus relief must be granted to a state prisoner on the ground of a federal Constitutional "trial error" such as a Doyle error, the appropriate harmless error standard to apply is whether the error had a substantial and injurious effect or influence in determining the jury's verdict, rather than whether the error was harmless beyond a reasonable doubt," Brecht v. Abrahamson, 507 U.S. 619 (1993).

Here, the Respondent conceded a violation of Due Process under Doyle. However, the Third Circuit did not determine or even consider "whether the error had a substantial and injurious effect or influence in determining the jury's verdict." Instead, without supporting precedent, the Third Circuit avoided harmless-error doctrine and examined the non-violative evidence for support of the verdict.

While the mere introduction of post-Miranda silence in violation of Doyle is arguably sufficient for relief under the Brecht test, the additional errors which not only directly equated that silence to guilt but twice

instructed the jury it was permitted to do so cannot possibly be said to have had no substantial and injurious effect or influence in determining the jury's verdict. Under the harmless-error doctrine, these violations of Due Process require reversal of the conviction.

II. UNDER THE EXCEPTION PROVIDED IN BRECHT V. ABRAHAMSON, 507 U.S. 619 (1993), WHEN A PROSECUTOR VIOLATES DOYLE V. OHIO, 426 U.S. 610 (1976); THEN DIRECTLY CONNECTS THE POST-MIRANDA SILENCE TO GUILT; AND THE TRIAL COURT INSTRUCTS THE JURY, WITHOUT CORRECTION, TO REGARD POST-MIRANDA SILENCE AS EVIDENCE OF GUILT (BOTH IN VIOLATION OF GRIFFIN V. CALIFORNIA, 380 U.S. 609 (1965)) THE VIOLATIONS' INDIVIDUAL AND CUMULATIVE EFFECTS ARE SUFFICIENTLY EGREGIOUS SO AS TO FORGO HARMLESS ERROR ANALYSIS.

In Brecht v. Abrahamson, 507 U.S. 619 (1993), this Honorable Court held:

"that the [Kotteakos v. United States, 328 U.S. 750 (1946)] harmless-error standard applies in determining whether habeas relief must be granted because of constitutional error of the trial type.

Our holding does not foreclose the possibility that in an unusual case, a deliberate and especially egregious error of the trial type, or one that is combined with a pattern of prosecutorial misconduct, might so infect the integrity of the proceeding as to warrant the grant of habeas relief, even if it did not substantially influence the jury's verdict. Cf. Greer v. Miller, 483 U.S. 756 (1987) (Stevens, J., concurring in judgment)."

Brecht v. Abrahamson, at 507 U.S. 638 & n.9.

This Honorable Court recognized in this exception that prejudice or harm from a Due Process violation or a combination of violations, can be found even when the jury's conclusions would not be different.

Here, for a trial court to instruct a jury that it was permitted to consider post-Miranda silence as evidence of guilt, in contradiction to such a large body of Due Process law, surely must make this the "unusual" case. The prosecutor's initial violation of Doyle coupled with his later connection of silence to guilt shows this as a deliberate act, not a casual or mistaken remark. The fact that the Respondent "cringed" when he read the transcripts of

the prosecutor's remarks tends to prove their egregiousness. The number of these violations which took place establish a pattern of misconduct within the trial.

All of these factors tend to support finding that this case qualifies for the exception outlined by this Honorable Court in Brecht and relief should be granted, independent of the effect these violations had upon the jury. Alternatively, if the exception should not apply, then the analysis prescribed in the Brecht "substantial and injurious effect or influence in determining the jury's verdict" test would prove the harm of these violations and likewise support the grant of relief and reversal of the conviction.

III. UNDER IN RE WINSHIP, 297 U.S. 358 (1970) A TRIAL COURT'S IMPERMISSIBLE JURY INSTRUCTIONS TO REGARD POST-MIRANDA SILENCE AS EVIDENCE OF GUILT, INDEPENDENT OF THE ELEMENTS OF THE CHARGES, IMPROPERLY RELIEVES THE PROSECUTIONS'S BURDEN TO PLEAD AND PROVE EVERY ELEMENT OF THE OFFENSE BEYOND A REASONABLE DOUBT.

According to In re Winship, 297 U.S. 258 (1970), this Honorable Court stated unequivocally "Lest there remain any doubt about the constitutional stature of the reasonable-doubt standard, we explicitly hold that the Due Process clause protects the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged." Id. at 397 U.S. 364.

The standard jury instructions are meant to protect the Due Process interests such as those described by Doyle v. Ohio, 426 U.S. 610 (1976), Griffin v. California, 380 U.S. 609 (1965), and In re Winship, 297 U.S. 258 (1970). By deviating from these standards, the trial court allows Due Process violations to occur by permitting a jury to find guilt based on the invocation of rights without limitation.

Consciousness of guilt arguments are generally limited to acts of

concealment such as contradictory statements, fleeing the scene or disposing of evidence. The standard suggested jury instructions published by the Pennsylvania Bar Institute for Consciousness Of Guilt, Conduct Of Defendant As Showing § 3.15 (Crim) provide:

"There was evidence tending to show that the defendant [made false and contradictory statements when questioned by the police] [give other specifics]. If you believe this evidence, you may consider it as tending to prove the defendant's consciousness of guilt. You are not required to do so. You should consider and weight this evidence along with all the other evidence in the case."

Pennsylvania Suggested Jury Instructions § 3.15 (Crim). Instructions regarding the assertion of privilege state "no inference, whether favorable to the Commonwealth or to the defendant, may be drawn" from the assertion of privilege, and "The defendant has an absolute right to assert this privilege. You must not draw any inference adverse to the defendant from the fact that [he] [she] asserted [his][her] privilege." Id. §§ 3.10B and 3.20.

Here, after the prosecution violated Due Process by eliciting Constitutionally offensive testimony, the trial court instructed the jury that it may consider post-Miranda silence "for other purposes which will or may not be argued by the attorneys in closing argument." During closing arguments the prosecutor told the jury "And it is at that point he refuses to answer any more questions and ends the interview. That is consciousness of guilt." The trial court's final jury instructions stated:

"The [prosecutor] argued during his final argument that there were a series of statements and/or conduct made by the Defendant representing consciousness of guilt. He indicated that he didn't ask questions at the hospital, that he gave certain statements to the police regarding not going home, that he was anxious and nervous. With respect to those types of examples, if you believe this evidence, you may consider it as tending to prove the Defendant's consciousness of guilt."

Panel Opinion 10/18/2023; Appendix A, page 4-5.

The jury undertook deliberations having essentially been told if it believed the testimony of Captain Kontz, Officer Reeder or the accused, that he invoked his rights to an attorney and to remain silent so as to end the interrogation, it was then permitted to consider that as proof of his guilt.

The trial court deviated from the standard jury instructions and failed to place any limits on the scope or weight the jury may use while considering the evidence of the invocation of and right to remain silent. These instructions violated Due Process. Taken at face value, the trial court's violative instructions require no other facts be proven before a finding of guilt and eliminate all presumption of innocence. Even if the court had properly issued curative instructions, this violation is far from harmless error, as described in Brecht v. Abrahamson, 507 U.S. 619 (1993). Because the trial court instructed the jury it may find guilt based on the invocation of rights, without consideration of other evidence or elements of the charges, its non-compliant instructions violated Due Process under In re Winship, 297 U.S. 358 (1970). As no curative instructions were offered, the prejudice is not harmless error. Therefore, relief must be granted and the conviction must be reversed.

CONCLUSION

As stated above, the prosecutor and the trial court violated Due Process by introducing testimonial evidence of post-Miranda silence and the invocation of Constitutional rights. Those violations were exacerbated when the prosecutor directly connected the existence of that silence to guilt, and the trial court instructed the jury it may consider silence as evidence of guilt. Those instructions themselves violated Due Process by permitting the jury to find guilt without considering other evidence or the elements of the charges.

These violations, having been allowed by defense counsel, permeated the course of the trial from beginning to end. Because the errors included the jury's final instructions, there is no measuring the weight that jury assigned to the violative evidence, making consideration of a trial without these errors a futile exercise. Additionally, the egregiousness of these violations defies the usual harmless error analysis, and they should be considered per se prejudicial "structural errors," or excepted from that analysis. Had a lower court conducted such a harmless error analysis, it would have reached the inescapable conclusion that these violations did in fact have a substantial and injurious effect or influence upon the jury's deliberations. Moreover, the trial court's violative instructions freed that jury to find guilt based on the invocation of Constitutional rights, independent of the elements of the charges, further violating Due Process principles. Throughout all of these violations, defense counsel failed to take appropriate action. That ineffective assistance has now become a barrier preventing the proper review of these Due Process violations. For these reasons, and those described in the Petition For Writ Of Certiorari, your Petitioner respectfully prays this Honorable Court reconsider its order, and grant the Writ of Certiorari.

Respectfully submitted,

/s/ 

William J. Kemp, pro se
Inmate# LM3734
SCI Huntingdon
1100 Pike Street
Huntingdon, PA 16654

November 1, 2024
Date

DECLARATION OF INMATE FILING

I am an inmate confined to an institution. Today, November 1, 2024, I am depositing this PETITION FOR REHEARING OF ORDER DENYING CERTIORARI in the institution's mail system. First class postage is being pre-paid either by me or by the institution on my behalf. I declare under penalty of perjury that the forgoing is true and correct. See 28 U.S.C. § 1746; and 18 U.S.C. § 1621.


CERTIFICATE OF SERVICE

Pursuant to Rule 29.5, I do HEREBY CERTIFY that a true and correct copy of the forgoing was served by me on November 1, 2024 by operation of First Class Mail pursuant to Rule 29.5 on all counsel or parties of record on the service list below and make this declaration under penalty of perjury pursuant to 28 U.S.C. § 1746 and 18 U.S.C. § 1621:

Martin Wade, Esq.
Lycoming County District Attorney's Office
48 West Third Street
Williamsport, PA 17701

CERTIFICATE OF COMPLIANCE

I do HEREBY CERTIFY that the foregoing PETITION FOR REHEARING OF ORDER DENYING CERTIORARI is in compliance with Supreme Court Rules 33.2 and 34, and does not exceed 15 pages excluding the portions authorized by Rule. Pursuant to Rule 44.2, I also certify that the foregoing is presented in good faith and not for delay, and is limited to the grounds specified in Rule 44.2.

/s/ 
William J. Kemp, pro se
Inmate# LM3734
SCI Huntingdon
1100 Pike Street
Huntingdon, PA 16654

November 1, 2024
Date

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