

No. 24-5171

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IN THE  
SUPREME COURT OF THE UNITED STATES

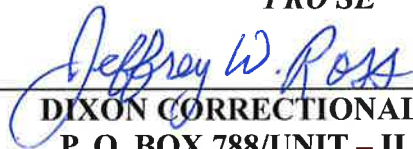
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JEFFREY W. ROSS  
*PETITIONER*  
V.  
E. DUSTIN BICKHAM, WARDEN  
*RESPONDENT*

PETITION FOR REHEARING ON DENIAL OF WRIT OF CERTIORARI

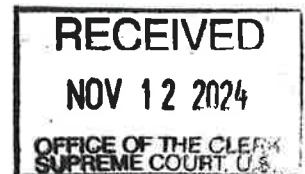
PETITION FOR WRIT OF CERTIORARI

JEFFREY W. ROSS  
*PRO SE*



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DIXON CORRECTIONAL INSTITUTE  
P. O. BOX 788/UNIT - II : DORM - 5  
JACKSON, LA 70748  
PHONE # 225-634-1200



**IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR REHEARING ON DENIAL OF WRIT OF CERTIORARI**

Petitioner respectfully prays that this Honorable Court will grant a rehearing in banc to review the judgment denying Writ of Certiorari rendered on October 7, 2024.

**JURISDICTION**

The Jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1), 28 U. S. C. § 1257(a), and U.S. Supreme Court Rule 44.

**GROUND**

Petitioner was afforded ineffective assistance of counsel. Petitioner was prejudiced by counsel's deficient performance, which eased the State's burden of proof, when counsel failed to subpoena an eyewitness who filmed the incident and neither she nor the Detective in sole custody of the film evidence were subpoenaed to produce the video or testify at trial.

If this evidence had been introduced at trial and viewed under the *Jackson v. Virginia*, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979) standard, the evidence would have been insufficient to prove guilt beyond a reasonable doubt, and, the jury could not have excluded every reasonable hypothesis of innocence, that is, Petitioner acted in self-defense.

**ARGUMENT**

A crucial factor in Petitioner's defense was that Billy Gillette had his gun out of its holster pointing it at him before Petitioner acted in self-defense by striking Mr. Gillette with his vehicle in an attempt to get away. This video was exculpatory evidence and Counsel was ineffective by not seeking a continuance for the witnesses and evidence to be brought to court.

This boiled down to a credibility issue and could have been resolved fully if the witnesses and video had been available for the jury to see and hear the video.

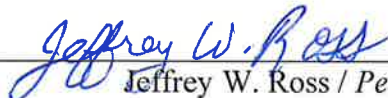
There are exculpatory circumstances that defeat culpability despite the state's proof beyond a reasonable doubt of all of the essential elements. As the trier of fact, the jury would have seen the events as they unfolded on video and arrived at a different decision after weighing all the facts and evidence.

Counsel's performance (1) fell below an objective standard of reasonableness, and (2) the deficient performance prejudiced Petitioner where there is a reasonable probability the outcome would have been different. This video may have raised enough doubt in the jury's mind that they couldn't have excluded Petitioner's hypothesis of innocence, that is, he acted in self-defense. If counsel had acted as counsel guaranteed in the Sixth Amendment, he would have subpoenaed these witnesses and presented the evidence to the jury.

This cannot be considered sound trial strategy and the lower courts cannot justify their departure from a straightforward application *Strickland* when counsel's ineffectiveness deprived Petitioner of his substantive rights to which the law entitles him.

### CONCLUSION

Petitioner, Jeffrey W. Ross, prays this Honorable Court will agree that these are extraordinary circumstances and will grant the petition for rehearing and request a response from the Clerk.



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JEFFREY W. ROSS

*PETITIONER*

V.

E. DUSTIN BICKHAM, WARDEN

*RESPONDENT*

**PROOF OF SERVICE**


I, Jeffrey W. Ross, do declare that on this date, October 25<sup>th</sup>, 2024, as required by Supreme Court Rule 29 I have served the enclosed PETITION FOR REHEARING on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid or by delivery to a third party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

James P. Lemoine.  
District Attorney for Grant Parish, Louisiana  
200 Main St., Rm 203  
Colfax, LA 71417-1859

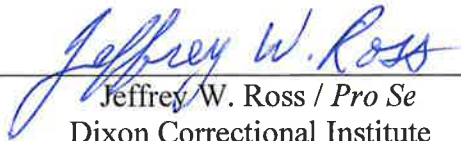
I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 25<sup>th</sup>, 2024.

  
Jeffrey W. Ross / Petitioner  
Dixon Correctional Institute  
P. O. Box 788/Unit – II : Dorm – 5  
Jackson, LA 70748  
Phone # 225-634-1200

**CERTIFICATION OF COUNSEL**

I, Jeffrey W. Ross, *pro se*, do hereby certify that this Petition for rehearing is restricted to the grounds specified in Rule 44.2 and it is presented in good faith and not for delay, this 25<sup>th</sup> day of October, 2024.

  
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Jeffrey W. Ross / *Pro Se*  
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