

No. 24-5256

IN THE
SUPREME COURT OF THE UNITED STATES

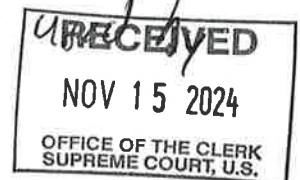
IN THE INTEREST OF
PETITION FOR WRIT OF CERTIORARI

REQUEST FOR REHEARING

TO THE HONORABLE JUDGES OF THE SUPREME
COURT, COMES NOW, MICHAEL DARREN BOYDSTON,
REQUESTING THIS COURT TO CONSIDER
THE FOLLOWING:

Just as this Court has intervened in states that are
allowing non-citizens to vote, due to federal law,
Supreme law, this Court should intervene in the instant
circumstance due to the due process clause of
the fourteenth amendment.

"Petitioner's papers are ineptly drawn, but
they do set forth allegations that his punishment
resulted from perjured testimony, knowingly



the state authorities to obtain his conviction, and by the deliberate suppression by those same authorities evidence favorable to him. These allegations sufficiently charge a deprivation of rights guaranteed by the federal constitution and if proven would entitle petitioner to release from his present custody." *Pyle v Kansas* 317 U.S. 213, 215-216 (1942) citing *Mooney v Holohan* 294 U.S. 103 (1935)

"When a state suppresses evidence favorable to an accused that is material to guilt or punishment the state violates the defendants rights to due process, irrespective of the good faith or bad faith of the prosecution" *Brady v Maryland* 373 U.S. 83.

At the crux of the argument here is the "Motion to Dismiss" Order, (document) dismissing a charge of aggravated sexual assault of a child. The reason for the dismissal is the false allegation "Defendant pled true in F34442." Nowhere in the records does petitioner take notice of this false, misleading document, or plea true to aggravated sexual assault of a child. Had petitioner been aware of this due process violation, there would not have been a 'plea bargain'.

In a collateral proceeding, after the document was used to gain an indictment, it was used as false impeachment evidence to help the state gain the tainted conviction. Petitioner is currently confined on. To elaborate, the collateral use of the involuntary plea document was bolstered to the extent of 44% or more of the states case in chief, as well as used more in the states closing arguments than the charges at bar.

The petitioner has demonstrated the collateral consequences of the unknown false evidence and the involuntary plea. "It is an obvious fact of life that most convictions do in fact entail adverse legal consequences" *Sibron v New York* 392 U.S. 40, 55 (1968). *Sibron* goes on to cite *United States v Morgan* 346 U.S. 502 (1954) "Although the term has been served, the result of the conviction may persist. Subsequent convictions may carry heavier penalties, Civil Rights may be affected. As the power to remedy an invalid sentence exists, we think respondent is entitled to an opportunity to attempt to show that his conviction was invalid" *Id.* at 512-513.

Petitioner prays This Honorable Court, with its Statutory Power, grant the original writ by and

Supreme law.

Signed on this, the 6th day of November, 2024.

Michael Boydst

Michael Norren Boydston, #1954691
Mark W. Michael Unit
2664 FM 2054
Tennessee Colony, Tx. 75886

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Unsworn Declaration Under Penalty of Perjury

I, Michael Darren Boydston, certify under penalty of perjury that the foregoing is true and correct, that the Request for Rehearing is presented in good faith and not for delay. The Request for Rehearing was placed in the Michael Unit mail box on November 6, 2024 and is restricted to the grounds specified. Signed on this, the 6th day of November 2024.

~~Michael Boydston~~
Michael Darren Boydston #1954691
Mark W. Michael Unit
2664 FM 2054
Tennessee Colony, Tx. 75936