

GERARD GWEN # 332970

ASTC - KINGMAN - CERBAT

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KINGMAN, AZ. 86402

IN THE UNITED STATES SUPREME COURT

GERARD VAUGHN GWEN,

PETITIONER,

VS.

RYAN THORSEN, et al,

RESPONDENTS.

NO. 24-6795

PETITION FOR REHEARING.

PURSUANT TO U.S. SUPREME COURT R44, PETITIONER
SEES THAT SUPREME COURT RECONSIDERS ITS DENIAL OF HIS APPLICATION
FOR WRIT OF HABEAS CORPUS DATED APRIL 07, 2025 BECAUSE THE ACT
MAY VERY WELL DEPRIVE HIM OF HIS SUBSTANTIVE RIGHTS GUARANTEED
BY THE AMENDMENTS TO THE UNITED STATES CONSTITUTION OR THE
DENIAL WAS NOT IN KEEPING WITH SUPREME COURT PRECEDENCE OR
CONFORMS TO COURT JUDICIAL DATA THAT "A JUSTICE SHOULD UPHOLD THE
INTEGRITY AND INDEPENDENCE OF THE JUDICIARY".

ON MAY 01, 2025 SUPREME COURT ORDERED THAT PETITIONER RESUBMIT HIS PETITION FOR REHEARING TO COMPLY WITH RULE 44.

IT CAN BE ARGUED THAT SUPREME COURT RULE 44(2) IS UNENFORCEABLE, BECAUSE THE COURT DID NOT PROVIDE A WRITTEN EXPLANATION STATING THE REASON FOR ITS DECISION TO DENY HIM RIGHT TO WRIT OF HABEAS CORPUS.

PARAGRAPH TWO OF THE RULE SUGGEST THAT GROUNDS FOR REHEARING ARE BASED UPON SOME INTERVENING CIRCUMSTANCE OF SUBSTANTIAL OR CONTROLLING EFFECT THAT APPEARS IN THE RECORD OR DECISION RENDERED.

BUT NONETHELESS, IT IS NOT THE INTENT NOT TO FULLY COMPLY WITH A COURT ORDER AS I WILL ATTEMPT TO COMPLY WITH AN COURT RULE.

GROUNDS FOR REHEARING:

THE GROUNDS PRESENTED FOR REAL PURPOSE, AS WELL AS, INTERVENING EFFECT OF SEEKING REHEARING, ASSERT, THE INTEREST OF FINALITY OF LITIGATION, AS EXPRESSED IN THE ORIGINAL APPLICATION FOR WRIT OF HABEAS CORPUS AND THIS PETITION FOR REHEARING, WERE SUPREME COURT MUST YIELD WHERE INTEREST OF JUSTICE WOULD MAKE UNFAIR STRICT APPLICATION OF OR COURT DISCRETIONARY POWER TO DECLINE JURISDICTION, AS WOULD RESULT IN MANIFEST INJUSTICE AND REPRESENT A VIOLATION OF A CONSTITUTIONAL RIGHT.

THE SUPREME COURT MAY HAVE UNKNOWNLY OVERLOOKED OR UNKNOWNLY PASSED UPON AN IMPORTANT FEDERAL QUESTION, IMPORTANT TO THE PROTECTION OF INDIVIDUAL RIGHTS, WHERE COURT DENIED RELIEF WITHOUT WRITTEN EXPLANATION OR ADJUDICATION ON THE MERITS WAS INCONSISTENT WITH HOW COURT HAS PREVIOUSLY DISCHARGED ITS RESPONSIBILITIES OR WAS INCONSISTENT WITH RELEVANT SUPREME COURT DECISIONS AND CONCERNS FOR ITS DECISIONS WITH RESPECT TO THE OPERATION AND EFFECT OF THE DEVELOPMENT OF LAW THROUGHT TO PROTECT THE

1 ~~Subject~~ from ~~ERROWER~~ ~~conclusion~~.

2 REHEARING IS APPROPRIATE THAT SUPREME COURT MAY REVISE ITS OWN DECISIONS
3 RESULTING IN THE DENIAL OF JUSTICE WITHOUT PROPER RESPECT TO WRITS
4 FUNCTION AND OPERATION OR REGARD WHETHER PETITIONER IS IN "CUSTOM IN
5 VIOLATION OF HIS CONSTITUTIONAL RIGHTS" OR WHETHER COURT DENIAL WAS
6 INCONSISTENT WITH THE EFFECTIVENESS OR EQUITY OF THE LAWS ESTABLISHED
7 BY PRIOR "SUPREME COURT RULE OR DECISIONS."

8 IT IS UNDERSTOOD THAT SUPREME COURT OR ANY JUDGE THEREOF, MAY DECLINE
9 TO ENTERTAIN AN APPLICATION FOR A WRIT OF HABEAS CORPUS, BUT WHAT IS NOT
10 UNDERSTOOD IS HOW SUPREME COURT, "HIGHEST COURT IN THE LAND, AND KNOWN
11 TO JUSTICE CAN ACCEPT A RESULT WELL KNOWING IT WOULD DEPRIVE AN
12 INDIVIDUAL OF RIGHT TO LIFE, A PROTECTED RIGHT, AND ULTIMATELY RESULT
13 IN A DENIAL OF JUSTICE.

14 THE UNITED STATES CONSTITUTION AND FEDERAL STATUTES AND RULES, DESCRIBE
15 PETITIONER'S RIGHTS; THE SUPREME COURT HAS WRITTEN DECISIONS EXPLAINING
16 FEDERAL CONSTITUTION, STATUTORY, OR TREATY RIGHTS, THAT ALL
17 COURTS MUST APPLY THAT RIGHT AS THE SUPREME COURT HAS EXPLAINED IT.

18
19 WHERE THE "LAW OF THE LAND" PREVAILS OVER ALL OTHER CIRCUMSTANCES
20 WHICH REPRESENTS AN IMPLEMENTATION OF THE GUARANTEE OF DUE-PROCESS
21 OF LAW AND JUSTICE IN EVERY STATE SHALL BE BOUND THEREBY.
22 (ART. III, CL. 2 US CONST.).

23
24 AGAIN THE CHARACTER OF SUPREME COURT JUSTICES FOLLOW SUIT.

GIVING FULL RESPECT TO "HIGHEST COURT IS THE LAW", WHERE THE COURT DENIAL OF WRIT OF HABEAS CORPUS NOT ONLY SUSPENDS A PROTECTED PRIVILEGE (ART. I, § 9, CL 2), BUT IS CONTRARY TO CONSTITUTIONALITY AND THE PROPER FUNCTIONING AND EFFECTIVENESS OF THE JUDICIAL SYSTEM AS A WHOLE.

IT IS AN ABSOLUTE THAT SUPREME COURT MUST DECIDE A CASE CONFORMALLY TO LAW, DISREGARDING CONSTITUTION OR CONFORMITY IS DISREGARDING LAW, SUPREME COURT MUST DETERMINE WHICH OF THOSE CONFLICTING RULES GOVERNS CASE, AS AMPLIFIED IN HIS APPLICATION TO COURT FOR A WRIT OF HABEAS CORPUS, THIS IS THE VERY ESSENCE OF JUDICIAL DUTY, FAILURE TO DO SO RENDERS THE PRINCIPLES OF CONSTITUTION MEANINGLESS.

THIS DECISION OF WRIT OF HABEAS CORPUS IS INCONSISTENT WITH PRINCIPLES OF CONSTITUTION OR INCONSISTENT WITH SUPREME COURT PRECEDENT.

SUPREME COURT HAS HELD, THE SCOPE OF WRIT OF HABEAS CORPUS...

"ALSO INCLUDING PROTECTION OF INDIVIDUALS AGAINST EROSION OF THEIR RIGHT TO BE FREE FROM WRONGFUL RESTRAINT UPON THEIR LIBERTY".

(JONES V. CUNNINGHAM, 371 U.S. 236 (1963))! PRECISELY, SUPREME COURT HELD THAT "HABEAS CORPUS IS EXCLUSIVE REMEDY FOR STATE PRISONERS WHO CHALLENGE FACT OR DURATION OF CONFINEMENT".

"UNDER 28 USC § 2254, 'A FEDERAL COURT MUST ENTERTAIN A CLAIM BY A STATE PRISONER THAT HE OR SHE IS BEING HELD IN CUSTODY IN VIOLATION OF THE CONSTITUTION OR LAWS OR TREATIES OF THE UNITED STATES'".

(JACKSON V. VIRGINIA, 443 U.S. 307 (1979)). OUGHT THE SUPREME COURT OPERATING OF ITS JUDICIAL DUTY DO THE SAME.

1 The Application for A writ of HABEAS CORPUS, AS A NEW CONSIDERATION,
2 DOES NOT CALL INTO QUESTION LOWER COURT FAILURE TO EXECUTE ITS DUTY
3 AS PRESCRIBED UNDER CONSTITUTION, IT ASK ONLY THAT SUPREME COURT
4 CONSIDER FACT OR FACTS IN LIGHT THAT THEY MAY BE SUBSTANCE TO
5 ACCEPTABLE CIRCUMSTANCES WARRANTING SUPREME COURT DISCRETIONARY
6 POWERS.

7
8 THE NEW APPLICATION FOR A WRIT OF HABEAS CORPUS, DOES HOWEVER, CALL UPON
9 SUPREME COURT TO EXERCISE ITS DISCRETIONARY JURISDICTION TO GRANT
10 RELIEF, AS OF RIGHT, WHERE RECORD IN CASE CLEARLY STATE FACT WHICH
11 ESTABLISH HIS 'ACTUAL INNOCENCE' WHICH INCLUDES A FEDERAL COURT CON-
12 CLUSION THAT HIS SIXTH AMENDMENT RIGHT TO A FAIR TRIAL WAS VIOLATED
13 BY STATE-COURT PROCEEDINGS CONSTITUTING PROSECUTORIAL MISCONDUCT; OR WHO
14 PROSECUTOR IN CASE, (1) DECLARED STATE CANNOT PROVE ELEMENTS OF AN
15 OFFENSE CHARGED; (2) "THERE WAS NO PROOF". SUPREME COURT HAS HELD,
16 "HABEAS CORPUS LIES TO ASSURE THAT NO DEFENDANT FORFEITS LIFE OR
17 LIBERTY WITHOUT BASIC STRUCTURE OF FAIR TRIAL". (JULIEN V. ZUMBAERT,
18 304 US. 458, (1938).

19 THIS SUPREME COURT PREVIOUSLY HAS ALREADY DECIDED THE VERY SAME
20 ISSUE IN JACKSON V. SCOTT, 513 US. 1067 (1995) (STEVENS, GINSBURG)
21 (PROSECUTOR'S ADMITTEDLY MADE INCONSISTENT ARGUMENTS AT PETITIONER'S
22 TRIAL...) WARRANTS REVERSAL OF CONVICTION OR REMAND.

23
24 AMONG OTHER THINGS, SUPREME COURT DENIED WITHOUT AN EXPLANATION
25 IS OUT OF SORTS WITH CONCERNS OF AN ENLIGHTENED STATE BY CONGRESS,
26 WHERE SUPREME COURT'S PROCEDURE STATES "THAT MAYBE COURTS WERE IN
27 'LEAGUE WITH THOSE WHO WERE SENT ON ASSOCIATION OF FEDERALLY
28 PROTECTED RISK'" (SEE, WITHBORN V. WILLIAMS, 507 US. AT 649-700;

1 Concerns for equity... 'resonate throughout our Habeas Jurisprudence').

2 Denial is not in keeping with Habeas Jurisprudence.

3
4 Seemingly, Supreme Court has wholly abandoned its view according
5 to rule that "the equity, ultimate equity, on the prisoner's side
6 is a sufficient showing of Actual Innocence". Withrow v. Williams,
7 507 U.S. 680 at 718.

8 Supreme Court has always regarded claim of 'Actual Innocence' as
9 persuasive determination that renders a trial "fundamentally unfair".

10
11 It is thought Supreme Court later's won't be compelled to rely upon
12 the same decision and principle it had relied upon concerning the
13 same subject-matter; that won't conclude with same result.

14
15 Supreme Court wrote:

16 "COURT WRITS BASIC OBJECTIVE, INCLUDES 'protecting the innocent against
17 erroneous conviction'. (BREWER J., STANLEY, SUTHER AND GINSBURG),

18 SHERRO V. SUMMERLIN, 542 U.S. 362 (2004).

19
20 "WE CAN ASSUME WITHOUT DECIDING THAT 'prisoner's CAN ASSERT
21 FEDERAL constitutional rights to be remedied upon proof of 'Actual
22 Innocence'". See, HARRIS V. BELL, - 547 U.S. 518, 554 (2006); See also,

23 HERRERA, IN RE DAVIS, 557 U.S. 952 (2009).

24 ("HEARING AND DETERMINATION OF CLAIM OF ACTUAL INNOCENCE IS JUSTIFIED")

25 (BLACKMUN, STANLEY, GINSBURG & BREWER) (UNANIMOUSLY RULED "protection of a
26 fair trial...").

THE RECORD ATTACHED TO APPLICATION/PETITION FOR A WRIT OF HABEAS CORPUS
CLEARLY ESTABLISHES CONCLUSIVELY AND DEFINITELY STATE-COURT'S FAILURE
TO PROVE ESSENTIAL ELEMENT OF THE OFFENSE CHARGED LEAD TO AN
INNOCENT DEFENDANT BEING WRONGFULLY CONVICTED.

THE RESPONSES TO THE ACTION WILL NOT BE ABLE TO CREDIBLY ANSWER OR
OBJECT TO THE FACT THAT PETITIONER WAS DEPRIVED HIS SIXTH AMENDMENT
RIGHT TO A FAIR TRIAL THROUGH PROSECUTORIAL MISCONDUCT.

THE STATE-COURT PROCEEDINGS WERE INFECTED WITH ERROR. AMONG OTHER THINGS,
INCLUDED PROSECUTORIAL MISCONDUCT. FROM WHICH SUPREME COURT RULES, "A
DELIBERATE AND EXTREMELY 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 VERDICT." GREGG V. MILLER, 473 U.S. 756, 759 (1977); SOYER OS. 619 (1973);
BERGER V. U.S., 295 U.S. 75 (1935); JAMES V. BECHTOLDT, 416 U.S. 637, 94 Ct.
1868.

"HABEAS CORPUS IS THE DETERMINATION BY WHICH OUR RIGHTS COULD BE
INFRINGED UPON BY A CITIZEN ILLEGALLY IMPRISONED," AS EXPRESSED IN
THE CONSTITUTIONS DUE PROCESS AND SUSPENSION CLAUSES. (AM. S. ART. I,
§9, CL. 2). SECONDLY, WILLIAM BLACKSTONE'S OPINION, "UNDER A SYSTEM OF
JUSTICE IT IS BETTER THAT TEN GUILTY MEN GO FREE THAN ONE
INNOCENT MAN BE CONVICTED."

When it became acceptable to put upon duty to enforce Constitution
to ensure that innocent defendants are not deprived liberty without
opportunity secured by a writ of Habeas Corpus.

Supreme Court, by not entertaining the petition for a writ of Habeas Corpus,
has essentially ruled that a state prisoner does not have right and are
not protected from erroneous convictions and do not state protection of
writ of Habeas Corpus guaranteed by Constitution as that relief is beyond
the reach of Justice.

Under Federal Constitution Supremacy Clause, Art. VI, cl. 2, "An Act is
of validity which does not rest on Authority conferred by Constitution."

Supreme Court decided it not in keeping with Constitution.

"The principle of 'Fair Consideration' gives rise that all judicial processes will
conform an accurate, just, or conclude with proper consideration."

There is no rule of law that may be inferred by Supreme Court to
justify the denial of a writ of Habeas Corpus unless reason clearly
establishes he is entitled to relief as matter of right.

Wherefore petitioner believes the Application for issuance of a writ of
Habeas Corpus, sufficiently establishes the presence of deprivation of a
Constitutional right requiring a reversal of the state-court judgment.

Where the facts fairly support the likelihood of 'Actual Injustice'.

1 The Spanish Courts Jurisdiction is marked by constitution which demands
2 a court's as just disposition of WZTA of HARRY CORPUS on this
3 merit as LAW AND JUSTICE requires.

4
5 The RECORD supports THAT WZTA of HARRY CORPUS should not be left to
6 Justice, WITH ALL THAT.

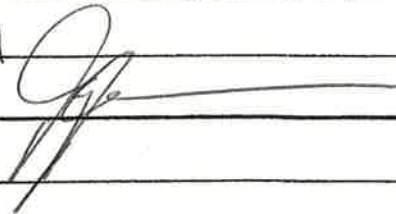
7
8
9
10 Respectfully, Submitted THE 17th day of April, 2025

11
12 
13 GERRAIN GARCIA

CERTIFICATE STATING GROUNDS

PETITIONERS CERTIFY THAT THE GROUNDS FOR PETITION FOR REVIEW ARE LIMITED TO INTERVENING CIRCUMSTANCES OF SUBSTANTIAL OR CONTROLLING EFFECT WHERE THE COURT DENIAL OF WRIT OF HABEAS CORPUS WAS INCONSISTENT WITH SUPREME COURT CONCERNS FOR THE OPERATION AND EFFECT OF THE APPLICATION OF THE GREAT WRIT AS IT EXIST TODAY. A SOUND REASON IS THE MANIFEST DENIAL OF JUSTICE AND WOULD ULTIMATELY FAIL TO PROTECT RIGHT OF INDIVIDUAL PARTY FROM ERRONEOUS CONCLUSION.

Signed by



CERTIFICATE of Counsel

The Petitioner, GERARD GUNN, proceeding pro se as filed his
Petition for Habeas Corpus in Good Faith, timely, as for good cause.

Petitioner declares He was not provided with written explanations for
the denial of his application for a writ of Habeas Corpus. pursuant to
WCC Systems Court R41.

Signed



GERARD GUNN

Certificate of Compliance

Certificate of Compliance pursuant to UCS Sup. Ct. R33.

1. I Am the petitioner, pro se

A.) Petition for Rehearing under UCS Sup. Ct. R44;

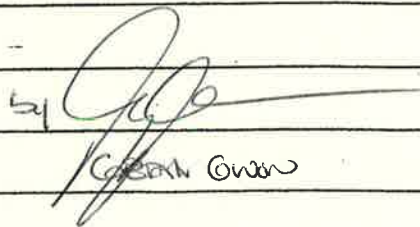
2. The undersigned certifies that the Petition for Rehearing to which this certificate attaches:

AD IS SUBMITTED ON 8 1/2 inch plain white paper IS WITHIN THE PAGE LIMIT OF 15 PAGES PURSUANT TO UCS Sup. Ct. R33 ~~XX~~ (2)(b);

3. THE PETITION FOR REHEARING CONTAINS 10 HAND WRITTEN PAGES;

4. THE PETITION FOR REHEARING COMPLIES WITH REQUIREMENT.

I DECLARE THAT THE PETITION COMPLIES WITH THE PAGE LIMIT OF UCS Sup. Ct. R33 (2)(b) IS ~~XX~~.

by 
Robert Owen