

IN THE SUPREME COURT OF THE UNITED STATES

Sefe Almedom A705 623

Petitioner Pro Se,

Vs

Case No. 24-6902

George Fedredick, Warden

Respondent,

PETITION FOR REHEARING
EN BANC PER CURIAM
PER RULE 44

PETITION FOR REHEARING EN BANC PER CURIAM
PER RULE 44

Now comes Pro Se Petitioner in the above caption case and respectfully Beseech this Most Honorable Tribunal in His PETITION FOR REHEARING EN BANC PER CURIAM. The reasons for the cause of action is more fully Supplicated herein, hereafter, to wit;

1. As this Court have repeatedly Heard Cases in Clear Violation of Federal Constitutional/Statutory law as in this Case. When the Ohio Supreme Court have Personally Ruled Contrary to a Well Established Ruling by this Court. SEE: LOCKETT VS OHIO, 98 S.Ct. 2945, along with Ohio's Supreme Court Ruling to the Contrary, see Entry in support, for a Correct Ruling concerning this decision, for which is ever PRAYED.

2. Further, this Court has Ruled once a Statute has been Abrogated by An Executive Order, State Officials Lack Wholly Subject Matter and/or Personal Jurisdiction to Act. SEE: FELONIES-SENTENCES EFFECTIVE UNTIL JULY 01st, 1996, that need to be Considered by this Court, for which is ever PRAYED.

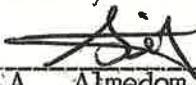
3. Finally, this Court will not allow Fraud Upon The Court Knowingly, Nor Tolerate Knowingly False Testimony Uncorrected in Violation of well

established Federal Constitutional And Statutory Law to be Violated as in this Case, for consideration before this Court, for which is ever PRAYED.

Therefore, Nine Reasonable Minded, Rational Person as Facts Finder Shouldn't Ignore Well Established Federal Constitutional Law as Decided by this Court, Or An Unreasonable Application of Well Established Federal / State Constitutional And Statutory Law to be Violated as in this Case. When the Petitioner is Supplicating this Most Honorable Tribunal to Consider Hearing this Case. As the Petitioner is Beseeching this Court of the Highest Moral Standards, to Address these Federal And State Substantive/Procedural Constitutional/Statutory Rights for a Fair and Neutral decision in this Case, for which is ever PRAYED, in Compliance with SEE:

HAZEL-ALTAS GLASS CO. VS HARTFORD EMPIRE CO., 322 U.S. 238 concerning Fraud Upon The Court, and GLOSSIP VS OKLAHOMA, 145 S.Ct. 612, 2025 U.S. LEXIS 865 concerning Prosecution's Failure To Correct a Witness's Trial Testimony in Violated of the Due Process Clause, for which is ever PRAYED.

Respectfully submitted,


Sefe A. Almedom, Pro Se
Box 57, A705 623, 3/D 31-B
Marion, Ohio 43301-0057

CERTIFICATE OF SERVICE

I, hereby Certify, that a copy of the Petitioner's Petition For Rehearing En Banc Per Curiam was sent Via Regular U.S. Ordinary Mail to the following parties, to wit; The Supreme Court Of The United States, Clerk Of Court's Office, 1 First Street, North East, Washington, D.C. 20543-0001; And to: Ohio Attorney General's Office, Correctional Litigation Section, 30 East Broad Street, 23rd Floor, Columbus, Ohio OAGO-43215. This 26 day of April 20 25.


Sefe A. Almedom, Pro Se
Box 57, A705 623, 3/D 31-B
Marion, Ohio 43301-0057

FILE, STAMP & RETURN

CERTIFICATE IN SUPPORT OF REHEARING

I hereby Certify, that this Certificate In Support Of Rehearing along with Federal Substantive Constitutional Reasons for this Most Honorable Court's Independant Examination, to wit

1. Accordingly The United States Supreme Court Ruled. "No Void Entry," contrary to well established Federal Constitutional And Statutory Law, will be allowed to stand Contrary to a Federal Constitutional Precedent decided by this Court In: SEE: LOCKETT VS OHIO, 438 U.S. 586, 98 S.Ct. 2954, for which is ever PRAYED.

2. Furthermore, this Court have Ruled. "A LIE IS A LIE," no matter [*270] what its subject, and if it is in any way Relevant to the Case. This Court has the responsibility and a Duty to Correct what it knows to be False and Elicit that's not the Truth. When an Executive Order has Abrogated that Statute. According to: FELONIES SENTENCING EFFECTIVE UNTIL JULY 01ST, 1996. NAPUE VS ILLINOIS, 360 U.S. 264, 79 S.Ct. 1173, for which is ever PRAYED.

3. Finally, this Court have Repeatedly Ruled against, "Fraud Upon The Court," based on Knowingly False Evidence Or Testimony in any Court of Law. The U.S. Supreme Court has a Duty to make its Own Independant Examination of the Record. When Federal Constitutional Deptivetion are alleged as in this Case according to: GLOSSIP VS OKLAHOMA, 145 S.Ct. 612, 2025 U.S. LEXIS 865, for which is ever PRAYED. 1/

Respectfully submitted,


Sefe A. Almedom A705-623
Box 57, A705 623, 3/D 23-B
Marion, Ohio 43301-0057

1/ Petition For Rehearing En Banc Per Curiam Per Rule 44, and Certify that this Petition for Rehraing is Presented in Good Faith and Not for Delay, for which is ever PRAYED.

THE SUPREME COURT OF THE STATE OF OHIO

THE STATE OF OHIO,

1978 TERM

City of Columbus.

AUG 17 1978

To wit: August 16, 1978

E N T R Y

The Court coming now to consider the judgment of the Supreme

Court of the United States in the cases of Lockett v. Ohio and Bell v. Ohio, and in
conformity with the mandates issued on the basis thereof, hereby orders that the
judgments in the cases set forth hereinabove, affirming the death sentence of each
of the defendants named therein, are hereby modified and the death sentence of each
of such defendants is reduced to life imprisonment.

It is further ordered that the Clerk of this Court issue a certified copy of this entry to the Superintendent of the Southern Ohio Correctional Facility who shall acknowledge receipt thereof, and to the Clerks of the Courts of Common Pleas of the counties named herein.

Case No.

		<u>County</u>
75-149	State of Ohio v. Carl L. Bayless	Summit
75-480	State of Ohio v. Roger L. Strodes	Clark
75-843	State of Ohio v. John William Harris	Franklin
75-975	State of Ohio v. James J. Royster	Franklin
75-1070	State of Ohio v. Taylor Hancock	Franklin
76-38	State of Ohio v. Floyd Edwards	Summit
76-137	State of Ohio v. Ricardo L. Woods	Hamilton
76-143	State of Ohio v. Robert P. Lytle	Greene
76-155	State of Ohio v. Roland A. Reaves	Hamilton
76-219	State of Ohio v. Jesse Black	Richland
76-424	State of Ohio v. Sandra Lockett	Summit
76-499	State of Ohio v. Willie Lee Bell	Hamilton

tencing phase. The joint opinion announcing the judgment found that the Texas courts had construed the second special question "so as to allow a defendant to bring to the jury's attention whatever mitigating circumstances he may be able to show." *Id.*, at 272, 96 S.Ct., at 2956 (opinion of Stewart, Powell, and STEVENS, JJ.).

In *Lockett v. Ohio*, 438 U.S. 586, 604, 98 S.Ct. 2954, 2964-2965, 57 L.Ed.2d 973 (1978), the plurality held that "the Eighth and Fourteenth Amendments require that the sentencer ... not be precluded from considering, as a mitigating factor, any aspect of a defendant's character or record and any of the circumstances of the offense that the defendant proffers as a basis for a sentence less than death." *Ibid.* (opinion of Burger, C.J.). The Court has applied and explained *Lockett* in the nine years since it was announced. In *Eddings v. Oklahoma*, 455 U.S. 104, 102 S.Ct. 869, 71 L.Ed.2d 1 (1982), the Court applied *Lockett* to strike a state statute that precluded the sentencer from considering certain relevant mitigating evidence, in support of mitigating factors. Later, in *Skipper v. South Carolina*, 476 U.S. 1, 106 S.Ct. 1669, 90 L.Ed.2d 1 (1986), the Court expressly stated that the sentencer must be given all mitigating evidence, defined as any evidence that "might serve as a basis for a sentence less than death." *Id.*, at 5, 106 S.Ct., at 1671 (quoting *Lockett, supra*, 438 U.S., at 604, 98 S.Ct., at 2964).

This line of cases culminated last term in *Hitchcock v. Dugger*, 481 U.S. 393, 107 S.Ct. 1821, 95 L.Ed.2d 347 (1987). That unanimous opinion began "[w]e have held that in capital cases, 'the sentencer' may not refuse to consider or 'be precluded from considering' any relevant mitigating evidence." *Id.*, at 394, 107 S.Ct., at 1822 (quoting *Skipper, supra*, 476 U.S., at 4, 106 S.Ct., at 1671 (in turn quoting *Eddings, supra*, 455 U.S., at 110, 102 S.Ct., at 874)). In considering the validity of a Florida death sentence, the Court concluded that "it could not be clearer that the advisory jury was instructed not to consider, and the sentencing judge refused to consider,

evidence of nonstatutory mitigating circumstances, and that the proceedings therefore did not comport with the requirements of *Skipper* ..., [v. *South Carolina*, 476 U.S. 1, 106 S.Ct. 1669, 90 L.Ed.2d 1 (1986)] *Eddings* ..., [v. *Oklahoma* ..., 455 U.S. 104, 102 S.Ct. 869, 71 L.Ed.2d 1 (1982)], and *Lockett* ... [v. *Ohio*, 438 U.S. 586, 98 S.Ct. 2954, 57 L.Ed.2d 973 (1978)]." *481 U.S.*, at 399, 107 S.Ct., at 1824.

From these cases it is clear that all relevant mitigating evidence must be available for consideration by the sentencer. The reasons underlying this firmly established rule lie in the unique nature of the death penalty. "[D]eath is a 'punishment' different from all other sanctions," [citation] and therefore the considerations that inform the sentencing decision may be different from those that might be relevant to other liability or punishment determinations." *Booth v. Maryland*, 482 U.S. 496, 509, n. 12, 107 S.Ct. 2529, 2536, n. 12, 96 L.Ed.2d 440 (1987) (quoting *Woodson v. North Carolina*, 428 U.S. 280, 303-304, 305, 96 S.Ct. 2978, 2990-2991, 2991, 49 L.Ed.2d 944 (1976) (plurality opinion of Stewart, Powell, and STEVENS, JJ.)). To this end, mitigating evidence that might be excludable in noncapital-sentencing procedure, may be crucial in a capital case.

In *Summer v. Shuman*, 483 U.S. 66, 107 S.Ct. 2716, 97 L.Ed.2d 56 (1987), this Court held categorically that mandatory death sentences are unconstitutional, a determination foreshadowed by *Woodson, supra*. These cases recognize that a sentencer cannot make a judgment based on the facts of the particular case without all relevant mitigating evidence. *Summer, supra*, at 75-76, and n. 5, 107 S.Ct., at 2722-2723, and n. 5. Although swallowing such evidence would produce uniformity of sentences, the Court has "recognized that a consistency produced by ignoring individual differences is a false consistency." *Eddings, supra*, 455 U.S., at 112, 102 S.Ct., at 875. This "false consistency" is a natural consequence of the unadorned jury instructions given under Texas law.

B

C

The power to pardon, including the power to reprieve or commute, belongs to the Executive alone. *United States v. Klein*, 13 Wall. 128; *Ex parte Wells*, 18 How. 307; *Ex parte Garland*, 4 Wall. 333. *The Laura*, 114 U.S. 411, concerns only fines. If the power here in question appertain to the pardoning power, it cannot belong to the court; If it be not a power of pardon, the court could only acquire it through act of Congress or common law. See Blackstone, Tucker's ed., Book IV, ch. xxxi, p. 397. Congress has never attempted to bestow such a power on the District Courts or Judges. It has merely conferred a limited power of parole on judges in the District of Columbia (36 Stat. 864). If it had ever meant to confer so wide a power, it would have said so plainly. There are laws which provide for stay of execution on fines and penalties in certain specific instances; for avoiding indefinite imprisonment on account of fines and costs; for motions for new trials, motions in arrest of judgment, and writs of error. Otherwise, the federal statutes evince a plain intention that sentence must be prompt and execution likewise.

NOTE.—(a) "The governor shall have the power to grant reprieves, commutations, and pardons, after conviction, for all offences except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have power to suspend the execution of the sentence, until the case shall be reported to the legislature at its next meeting, when the legislature shall either pardon or commute the sentence, direct the execution of the sentence, or grant a [**4] further reprieve. He shall annually communicate to the legislature each case of reprieve, commutation, or pardon granted; stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon, or reprieve." (Const. 1846, Art. 4, § 5.)

D

US Supreme Court halts Ohio's death penalty

COLUMBUS — The U.S. Supreme Court on Wednesday added another wrinkle to Ohio's continuing debate over how and by whose hands the state's lethal injection procedures should be followed.

The court without comment refused to allow the execution of a condemned killer or an elderly couple to proceed, an execution delayed by Federal Courts over concerns that the State continues to deviate too often from its written rules for lethal injection.

Both the state and the inmate's attorneys were trying Wednesday to determine what comes next, but the decision is likely to further delay executions even though Ohio's procedures never have been ruled unconstitutional.

The court denied the state's appeal of decisions in inmate Charles Orraline's case that said Ohio had strayed too far from its execution policies to be trusted to carry out the death sentence for now.

COLUMBUS — The U.S. Supreme Court on Wednesday added. The Court without comment refused to allow the execution delayed by Federal Courts over concerns that the State continues to deviate too often from the written Rules. The Court Denied the State's Appeal that said Ohio had Strayed too far from its Policies to be Trusted to carry out the Death Sentence for now.

**FELONIES SENTENCING
EFFECTIVE UNTIL 7-1-96**

Category	Minimum	Maximum	Cite
Aggravated Murder	Life	Death	2926.02(A)
Murder	15 years	Life	2929.02(B)
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Arson	10, 11, 12, 13	25	2921.01(b)
Arson, 1st Degree	10, 11, 12, 13	25	2921.01(b)
Arson, 2nd Degree	10, 11, 12, 13	25	2921.01(b)
Arson, 3rd Degree	10, 11, 12, 13	25	2921.01(b)
Arson, 4th Degree	10, 11, 12, 13	25	2921.01(b)
Arson, 5th Degree	10, 11, 12, 13	25	2921.01(b)
Arson, 6th Degree	10, 11, 12, 13	25	2921.01(b)
Arson, 7th Degree	10, 11, 12, 13	25	2921.01(b)
Arson, 8th Degree	10, 11, 12, 13	25	2921.01(b)
Arson, 9th Degree	10, 11, 12, 13	25	2921.01(b)
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If offense results in substantial physical injury, death, or loss of limb, or if offense is a violation of public safety or welfare			
If offense did not cause substantial physical injury, death, or loss of limb, but is a violation of public safety or welfare			
If offense results in substantial physical injury, death, or loss of limb, or if offense is a violation of public safety or welfare			
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Malicious Mischief	10	25	2922.01
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If offense results in substantial physical injury, death, or loss of limb, or if offense is a violation of public safety or welfare			
If offense did not cause substantial physical injury, death, or loss of limb, but is a violation of public safety or welfare			
If offense results in substantial physical injury, death, or loss of limb, or if offense is a violation of public safety or welfare			
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Malicious Mischief (Continued)	10	25	2922.01
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