

Supreme Court of the United States
Washington, D.C. 20543-0001

Marvin Belser #352904

Petitioner

Case No 17-5420

V.

Brenda James, et al.

Respondents

Petitioners Motion for Rehearing of writ of Certiorari

Now Comes Petitioner Marvin Belser #352904, Motion for rehearing of the above entitled case on the grounds that the Constitution guarantee of due process of law ordains a fair trial, the trial judge must not become "personally embroiled" in the proceedings, the trial judge must not assume the role of prosecutor or defender, the trial judge must avoid even the appearance of favoring ^{one} side, However when the judges conduct strays from neutrality is a defendant thereby denied a fair ^{trial} as required by the Constitution, Moreover even if the trial judge dose commit error, It is presumed harmless until shown to be prejudicial, the complaining party must prove that the error was substantial and that it prejudiced his case see Ruiz V. Estelle, 679 F.2d 1115 (5th Cir 1982) U.S. App. Lexis 18042, the following substantial grounds and documents have not been previously presented and I also certify that the grounds are limited to the intervening circumstance of substantial and as Controlling effect, Exhibit V. is an affidavit written by the petitioner to the successor Criminal trial judge Vonda R. Evans P43475, stating that Judge Evans prejudiced against the petitioner because of her family relation to plaintiff in state case #05.012675.01 Exhibit W is proof of service dated 6-26-2009,

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Exhibit-D is a handwritten letter dated 4-23-2017 from the petitioner to Chief Justice Timothy M. Kenny P23009 declaring the dismissal of case number 05-012675-01-FC and requesting that all charges be dismissed and removed from registry, letter of response was sent to the Court on case # 17-5420, that verify a Circuit split on issue of broad importance, Exhibit-P is an handwritten affidavit of fact dated 10-21-2014 2 pages a notarized certified statement, Appendix F is 11 pages; First page dated 10-3-2016 is a handwritten letter from the petitioner to Judge Baltimore P10399 now retired requesting a letter of reference to submit to the Supreme Court verifying that he was over the proceeding in the lower court on 12-13-05 over then case numbers 05522154-01; And 05064582-01; Now 05-012675-01-FC; And the case of my daughter Genesis L. Underwood was dismissed by him in his courtroom; second page is in response to first page from Chief Judge of the same Court; 36th District Court dated October 13th, 2016; stating that Judge J. Baltimore is retired from the judges bench; and case # 05-06458201 does appear in that lower court system, And No other felony case could be found with the petitioner as a defendant; In same Appendix F, section T, 5 pages is one copy of the register of Actions sent to the petitioner from Chief Judge Nancy M. Blount; On page 3, * 01-18-2005 verifies that Judge Vonda R. Evans P43475 filed the original Complaint in the lower court system on the petitioner, also on the same page 3, * on 12-13-2005 verifies that Judge J.N. Baltimore dismissed current charge 750.520 B1A, (C.S.C.) first degree, U/13, or Under 13 years old; on page 4, states the same highlighted by * Case was dismissed, petitioner was retried on same case and Judge Vonda R. Evans P43475, Appendix F section U, 5 pages, on page 2 of 5 on 1-09-2006; petitioner was arraigned, Calendar Conferred Disposition conference; and interim Condition by Judge Evans, over the fact that petitioner was not able to appear after having a stroke and all charges and case had been dismissed by previous Judge J.N. Baltimore; and also

Petitioner Motion for Rehearing of Writ of Certiorari Cont.

See. highlight on page 2 of 5; Court was adjourned on 1-6-2006 and continued to 1-9-2006 because petitioner was in local hospital after having a stroke while in custody; In the same appendix F, section U. page 3 of 5 verify that on 1-24-01 Judge Vonda R. Evans P43475 was appointed over all the proceeding; Judge jury and executioner; to verify see pages 3 and 4 of 5 dates 1-24-2006, 3-8-2006, 3-10-2006, 5-5-2006, 6-20-2006, 7-24-2006; also on 7-24-2006 in appendix F, section T, page 4 verify that petitioner was sentenced for dismissed cases E: 750.520B, to 29 to 60 years by Judge Vonda R. Evans P43475, all information was sent to Chief Judge Timothy M. Kenny P23009 who informed the petitioner by letter that petitioners successor Judge Vonda R. Evans P43475 would correct the error

Respectfully Submitted

Pursuant to 28 U.S.C. § 1746, the Undersigned declare and verify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date 2-5-2018

Marvin Belser #352904
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**Additional material
from this filing is
available in the
Clerk's Office.**