

No. 17-7318

IN THE SUPREME COURT OF THE UNITED STATES

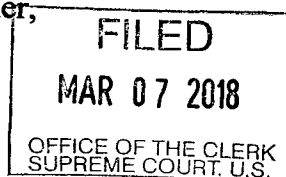
GLEND A ANN SMITH, on behalf of herself

Petitioner,

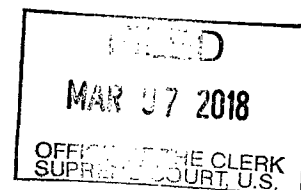
vs.

CITY OF WYOMING, et. al.

Respondents.



On Petition of Writ of Certiorari to the United States
Court of Appeals for the Sixth Circuit



PETITION FOR REHEARING

Respectfully submitted,

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TABLE OF CONTENTS

TABLE OF AUTHORITIES	ii
PETITION FOR REHEARING	1
FACTUAL & PROCEDURAL BACKGROUND	2
A. Proceedings Below	2
B. . Proceedings Before This Court	2
REASONS FOR GRANTING THE PETITION	3
CONCLUSION	3

TABLE OF AUTHORITIES

<i>Smith v. City of Wyoming, et. al</i> , 821 F.3d 697 (6 th Cir. 2016).....	Pg 2
<i>Smith, et. al. v. Jon Husted</i> , 2:2016-cv-00212, Ohio S.D. 3/8/16.....	Pg 3
<i>Phillip Institute NE Ohio Coalition for the Homeless v. Jon Husted</i> , 2:2016-cv-00303, Ohio S.D. 3/8/16.....	Pg 3
<i>Jon Husted v. A. Phillip Randolph Institute</i> , Case No. 16-80, Sixth Circuit Court of appeals, still Pending.....	Pg 3

PETITION FOR REHEARING

I certify that the Petition for Rehearing is presented in good faith and not for delay ✓
and is limited to grounds not previously presented. ✓



Glenda Ann Smith

FACTUAL & PROCEDURAL BACKGROUND

A. Proceedings Below

On June 16, 2017, appellant proceeding pro se and in forma pauperis filed an appeal of the Ohio Southern District Courts jury verdict and judgment in the United States Court of Appeals for the Sixth Circuit. On July 19, 2017, Appellees filed a response. On October 27, 2017, the United States Court of Appeals for the Sixth Circuit entered its judgment and opinion affirming the District Court. *Glenda Ann Smith v. City of Wyoming, et. al.*, Case No. 17-3003 (not recommended for full-text publication). (Pet. Appendix A). A copy of the District Court's ruling denying the Motion for Jury Array and Motion for Jury Questionnaire. (Pet. Appendix B and C, respectively). Smith's Motion for Release of Sealed Juror Questionnaires for Viewing Purposes Only was never answered by the Southern District Court of Ohio. (Pet. Appendix D). Smith's Motion for Extension of Time to File Brief in the Sixth Circuit chronicles Smith's efforts to get exact venire demographics. (Pet. Appendix E).

B. Proceedings Before This Court

On December 28, 2017, proceeding pro se, petitioner timely filed a petition for a writ of certiorari and motion for leave to proceed in forma pauperis in this Court. The Court requested a response to the petition, and it is unknown if respondents filed a brief in opposition which was due November 13, 2017. On March 5, 2018, the writ of certiorari was denied.

REASONS FOR GRANTING THIS PETITION

Currently, in Ohio, jury pools are selected from registered voters and government-approved photo identification (BMV records). However, this method has proved to be ineffective in achieving a pool from a cross section of the community litigants live in. On July 10, 2012, Eric Holder, then United States Attorney General, said, in a speech to the NAACP, 25% African Americans lack government issued photo identifications and 8% whites lack government issued identification. (Pet. Appendix H). Many people do not have government-approved photo identification and registered voters can be purged from the voting list. Ohio purged at least 144, 000 voters in Ohio's three largest counties since 2012. (Pet. Appendix I, Exhibit 1). Ohio Secretary of State has been sued for purging voters in 2016 and 2017 in the Ohio Northern District Court and Sixth Circuit Court of Appeals, respectively, for purging voters. *Id.* Too many people are excluded from serving in the pool and, thereby affecting the jury selection process. This issue will come up again in the courts.

Persons are seated in the pool and parties proceed with general questioning. Upon completion of general questioning of the pool, jurors 1-6 are seated. Counselors question jurors 1-6. Counselors usually have three challenges each to get a few of the seated jurors off the jury. Once challenges are used the next 7-9 prospective jurors from the pool are seated and the process continues until counselors are out of challenges and/or six jurors are seated. Which ever comes first. This process is archaic and does not produce a jury of your peers or an impartial jury.

CONCLUSION

For the foregoing reasons, this Court should grant the petition for rehearing,

vacate the order dismissing the writ of certiorari, and restore this case to its merits
docket.

Respectfully submitted,

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3/17/18
Date

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PROOF OF SERVICE

I, Glenda Ann Smith, do swear or declare that on this 17th day of March 2018, as required by Supreme Court Rule 29 I have served the enclosed PETITION FOR REHEARING on 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 within 3 calendar days. The names and addresses of those served are as follows: attorneys Gary E. Becker and Nathan Spencer, Attorneys at Law, Dismore & Shohl, via US mail and email to 255 East Fifth Street, Suite 1900, Cincinnati, Ohio 45202

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

Executed on this 17th day of March 2018.


Glenda Ann Smith