

SUPREME COURT OF THE UNITED STATES

WASHINGTON ,DC 20543-0001

NOW COMES PETITIONER'S

MOTION FOR REHEARING

UNITED STATES SUPREME COURT RULE 44

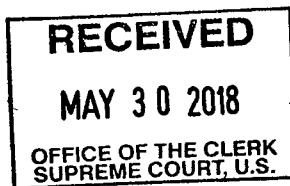
MAY 16,2018

NOW COMES PETITIONER'S , JOHN MICHAEL TEDESCO'S MOTION FOR REHEARING UNDER UNITED

STATES SUPREME COURT RULE 44, JOHN MICHAEL TEDESCO V . PENNSYLVANIA NO 17-7956.

WHERE PETITIONER RESPECTFULLY REQUESTS THE SUPREME COURT RECONSIDER HIS CASE .

JOHN TEDESCO 660 STATE ROUTE 11 HUNLOCK CREEK P.A. 18621



A handwritten signature in black ink, appearing to read "John Tedesco", written over a horizontal dashed line.

SUPREME COURT OF THE UNITED STATES

WASHINGTON ,DC 20543-0001

MAY 16, 2018

PROCEDURAL HISTORY

PETITIONER WAS ILLEGALLY CONVICTED AND SENTENCED TO CRIMES NOT CHARGED ON OCTOBER 26, 2015, PETITIONER WAS IN THE PROCESS OF FILING HIS DIRECT APPEAL 'S ON BEHALF OF HIMSELF AND HIS WIFE TINA TEDESCO'S DIRECT APPEAL 'S WHEN ALL OF HIS LEGAL WORK,MATERIALS,DISCOVERY,TRANSCRIPTS,WENT MISSING AS HE WAS TRANSFERRED FROM S.C.I. GRATERFORD TO S.C.I. CAMP HILL ON JUNE 15TH 2016, IN RETALIATION FOR HIS CONCERNS OVER HIS AND HIS WIFE'S ILLEGAL CONVICTION , PETITIONER DID NOT WANT COURT APPOINTED COUNSEL FILING HIS DIRECT APPEALS , BECAUSE HE KNEW THAT HIS COURT APPOINTED COUNSEL WOEFUL REPRESENTATION WAS THE REASON PETITIONER GOT ILLEGALLY CONVICTED IN THE FIRST PLACE , AND COURT APPOINTED COUNSEL WOULD NOT BRING UP THE CONSTITUTIONAL VIOLATIONS THAT TOOK PLACE , BECAUSE IF HE DID IT WOULD BE FOUND THAT HIS INDOLENT REPRESENTATION WAS DEFICIENT , PETITIONER WAS FORCED TO UTILIZE HIS COURT APPOINTED ATTORNEY AS ALL OF HIS BRIEFS THAT HE HAD WORKED ON FOR EIGHT MONTHS WENT MISSING .

PETITIONERS DIRECT APPEAL WAS DENIED ON SEPTEMBER 19 TH 2017 BY THE SUPREME COURT OF PENNSYLVANIA , AND HIS DIRECT APPEAL WAS DENIED FEBRUARY 13, 2017 BY THE SUPERIOR COURT , PETITIONER FILED A WRIT OF CERTIORARI IN NOVEMBER OF 2017, WHICH WAS ACCEPTED IN MARCH OF 2018, AND DENIED ON APRIL 30, 2018, PETITIONERS LACK OF ANY ACCESS TO ANY OF HIS LEGAL

DOCUMENTS WAS DETRIMENTAL TO THE DEVELOPMENT OF HIS ISSUES ON HIS WRIT OF CERTIORARI AS HE WAS ONLY ABLE TO PROVIDE INDISCRIMINATE ISSUES, WITH OUT ANY ACCESS TO ANY OF HIS LEGAL DOCUMENTS , DATING BACK TO THE YEAR 2011, PETITIONER WAS FORCED TO FILE A § 1983 CLAIM AGAINST THE DEPARTMENT OF CORRECTIONS SEE EXHIBITA A1, A2, A3, A4, A5, AND WAS FORCED TO FILE AN ADDITIONAL § 1983 CLAIM AGAINST THE COUNTY OF MONROE IN REGARDS TO HIS UNCONSTITUTIONAL CONVICTION THAT WAS ALLEGEDLY MALICIOUS , SELECTIVE AND VINDICTIVE. THE DEPARTMENT OF CORRECTIONS NOW DEDUCTS 80 % PERCENT OF PETITIONERS FUNDS WHICH MAKES IT IMPOSSIBLE TO LITIGATE ANY TYPE OF CLAIM AS PETITIONER HAS NO FUNDS TO MAKE COPIES OF PAPERS OR PAY POSTAGE SEE EXHIBITS A6, A7, AS PETITIONER'S ONLY OPTION WAS TO FILE A WRIT OF CERTORARI, PRAYING THAT THE SUPREME COURT WOULD CONSIDER MR TEDESCO'S PETITION ON INDISCRIMINATE ISSUES OR CONSIDER HISD CLAIMS WHICH BRINGS US TO THE POINT OF FILING A PETITION FOR A REHEARING .

MAY 16, 1018

REASONS FOR GRANTING A REHEARING

IN ADDITION TO PETITIONER NOT HAVING AMPLE EVIDENCE TO LITIGATE ANY TYPE OF CLAIM , CIVIL OR CRIMINAL, THE ASSISTANT DISTRICT ATTORNEY ALLEGEDLY COULD HAVE SELECTIVELY AND OR VINDICTIVELY PROSECUTED PETITIONER , AS PETITIONER PRAYS THAT THE SUPREME COURT OF THE UNITED STATES OF AMERICA WOULD INTERVENE ON HIS BEHALF , TO RECTIFY THE ALLEGED CONSTITUTIONAL VIOLATIONS OF THE FIRST,FOURTH,FIFTH,SIXTH AND FOURTEENTH AMENDMENTS , PLEASE SEE ; UNITED STATES OF AMERICA APPELLANT V . CHRISTINE MEYER et al ; UNITED STATES OF AMERICA , APPELLANT V . CHRISTINE MEYER et al , UNITED STATES OF AMERICA , APPELLANT THERESA FITZGIBBON,et al, UNITED STATES OF AMERICA APPELLANT V . VIRGINIA SENDERS et al, UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLOMBIA 810,F.2d,1242,258,U.S. APP D.C 263, 1987,U.S. APP LEX62121 , DEFENDANTS CLAIMED THE GOVERNMENT ADDED A SECOND COUNT TO THEIR INFORMATIONS SOLEY BECAUSE THEY EXERCISED THEIR RIGHT TO TRIAL ON CHARGES OF DEMONSTRATING WITHOUT A PERMIT , AS WAS IN THE TEDESCO'S CASE AS THEY WERE CONVICTED OF CONSPIRACY TO COMMIT THIRD- DEGREE- MURDER , BUT NEVER CHARGED WITH THE CRIME BY WAY OF CRIMINAL INFORMATION , WITH THAT CHARGE THE CLEARLY ERRONEOUS STANDARD ORDINARILY GOVERNS REVIEW OF A JUDGES FINDINGS IN A CRIMINAL CASE ON ISSUES OTHER THAN THE DEFENDANTS GUILT , SEE; CAMPBELL V . UNITED STATES 373,U.S. 487, 493, 10 L Ed 2d, 501 ,83S.C.T. 1356 (1963) , JACKSON V . UNITED STATES 122, U.S. APP D.C. 324,353,F.2d ,862,864-65 DC CIR 1965,

THE STANDARD GOVERNS REVIEW NOT ONLY WHEN THE JUDGES FINDINGS ARE PURELY FACTUAL , BUT ALSO WHEN THEY INVOLVE MIXED QUESTIONS OF LAW AND FACT SEE ; UNITED STATES V . HART 546,F.2d 798,801-02(9TH CIR 1976) , AN APPELLATE COURT MAY OVERTURN A JUDGES FINDING OF VINDICTIVENESS ONLY WHEN A REVIEW OF ALL OF THE EVIDENCE LEAVES THE COURT " WITH THE DEFINITE AND FIRM CONVICTION THAT A MISTAKE HAS BEEN COMMITTED , SEE; UNITED STATES V . UNITED STATES GYPSUM CO, 333,U.S. 364,395,92 LEd 746, 68 S .C.T. 525 (1948) THE CHOICE OF REMEDY FOR GOVERNMENTAL MISCONDUCT RESTS WITHIN THE SOUND DISCRETION OF THE LOWER COURT, AN APPELLATE COURT MAY REVERSE AN ORDER REMEDYING SUCH MISCONDUCT ONLY IF THE ORDER CONSTITUTES AN ABUSE OF DISCRETION ,SEE; UNITED STATES V . ARTUSO 618,F.2d 192, (2d CIR CERT DENIED , 449,U.S. 861, 101 S.C.T. 164-66 LEd 2d 77 (1980) " PROSECUTORIL VINDICTIVENESS IS A TERM OF ART WITH A PRECISE AND LIMITED MEANING , THE TERM REFERS TO A SITUATION IN WHICH THE GOVERNMENT ACT'S AGAINST A DEFENDANT IN RESPONSE TO THE DEFENDANTS PRIOR EXERCISE TO CONSTITUTIONAL OR STATUTORY RIGHTS, SEE ; UNITED STATES V . GOODWIN 457, U.S. 368,372,73L, Ed 2d , 74 10 2.S.C.T. 2485, (1982)

THE SUPREME COURT HAS ESTABLISHED IN TWO WAYS IN WHICH A DEFENDANT MAY DEMONSTRATE PROSECUTORIAL VINDICTIVNESS , FIRST A DEFENDANT MAY SHOW " ACTUAL VINDICTIVNESS THAT IS HE MAY PROVE THROUGH OBJECTIVE EVIDENCE THAT A PROSECUTOR ACTED IN ORDER TO PUNISH HIM FOR STANDING ON HIS LEGAL EVIDENCE AS WELL AS HIS LEGAL RIGHTS , PETITIONER WAS RETALIATED AGAINST FOR NOT ONLY GOING TO TRIAL , BUT ALSO FOR VOICEING HIS CONCERNS OVER HIS ILLEGAL SENTENCE AND CONVICTION , PETITIONER SHOULD BE GRANTED A REHEARING , DISTRICT COURT DISMISSED PETITIONERS § 1983 COMPLAINT WITH PREJUDICE AND PETITIONER WAS NOT EVEN ALLOWED TO AMEND HIS COMPLAINT , PETITIONER HAS IMPLEMENTED EVERY POSSIBLE ALTERNATIVE TO REMEDY THE PROSECUTORIAL MISCONDUCT , AND HAS TO EVEN PAY HUNDREDS OF DOLLARS IN

FILING FEES TO TRY TO OBTAIN HIS LEGAL BACK , FILED COMPLAINTS WITH THE JUDICIAL CONDUCT BOARD SEE APPEDIX A8, A9, AND HAS NOW BEEN WITHOUT ALL OF HIS LEGAL DOCUMENTS FOR TWO YEARS , PERHAPS THE MOST IMPORTANT IS THE DISPARTE PUNISHMENT THE DEFENDANTS HAVE ENDURED , AS THEY WERE RIPPED AWAY FROM THEIR CHILDREN FOR CRIMES NOT COMMITTED AND PUNISHED SEVERLY FOR GOING TO TRIAL AND VOICEING THEIR INNOCENCE AFTER CONVICTION , THE TEDESCO'S HAVE BEEN REJECTED BY THE STATE COURTS , AND RETALIATED AGAINST FOR STANDING UP FOR THIER CONSTITUTIONAL RIGHTS , IF THERE WAS EVER A TIME FOR THE SUPREME COURT TO INTERVENE ON ANYBODYS BEHALF , NOW IS THAT TIME , PETITIONER RESPECTFULLY REQUESTS HE BE GRANTED A REHEARING .

TABLE OF AUTHORITIES

FEDERAL CASES

CAMPBELL V . UNITED STATES 373.U.S. 487,493,10 LEd 2d ,501, S.C.T. 1356 (1963)

JACKSON V . UNITED STATES 122,U.S. APP D.C. 324,353, F.2d,862,864-65 (D C CIR 1965)

UNITED STATES V . ARTUSO 618,F.2d ,192, (2d CIR CERT DENIED , 449,U.S. 861,101 S.C.T. 164-66 LEd 2d 77 (1980)

UNITED STATES V . GOODWIN , 457,U.S. 368, 372, 73LEd 2d , 74,102,S.C.T. 2485 (1982)

UNITED STATES V . UNITED STATES , GYPSUM CO, 333,U.S. 364,395,92,LEd 746,68S.C.T. 525, (1948)

UNITED STATES V . HART 546, F.2d ,798-801-02 (9TH CIR 1976)

UNITED STATES OF AMERICA APPELLANT V . CHRISTINE MEYER et al ,UNITED STATES OF AMERICA ,

APPELLANT V . THERESA FITZGIBBON et al , UNITED STATES OF AMERICA V . VIRGINIA SENDERS et al,

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLOMBIA 810,F.2d ,1242,258, U.S. APP D.C. 263, 1987,U.S. APP LEX 62121

FEDERAL STATUTES

§ 1983

UNITED STATES CONSTITUTION OF THE

FIRST , FOURTH, FIFTH,SIXTH, AND FOURTEENTH **AMENDMENTS**

CONCLUSION

AS STATED PETITIONER HAS NOT HAD ANY ACCESS TO ANY OF HIS LEGAL DOCUMENTS FOR TWO YEARS THE SUPERIOR AND FEDERAL COURT REFUSE TO ACKNOWLEDGE THE CONSTITUTIONAL VIOLATIONS THAT HAVE TAKEN PLACE , IT WAS FOREDOOMED THAT PETITIONERS INVALUABLE LOSS OF HIS LEGAL DOCUMENTS HAVE PREVENTED HIM FROM PRODUCING ANY INTERVENING CIRCUMSTANCES , WHERE PETITIONER RESPECTFULLY REQUESTS THAT THE SUPREME COURT GRANT PETITIONER A REHEARING , AS THE LOSS OR POSSIBLE DESTRUCTION OF HIS LEGAL DOCUMENTS DATING BACK TO 2011, SHOULD AT LEAST BE CONSIDERED AN INTERVENING CIRCUMSTANCE AND HAS HAD A CONTROLLING EFFECT ON PETITIONER PRESENTING VALUABLE ADDITIONAL INFORMATION AS WELL AS EVIDENCE NOT PREVIOUSLY PRESENTED IN REGARDS TO SUPPORT HIS MALICIOUS, SELECTIVE AND VINDICTIVE PROSECUTION AS WELL AS HIS LEGAL CONVICTION , AS PETITIONER IS STILL WAITING FOR THE RESOLUTION OF HIS LOST OR DESTROYED LEGAL DOCUMENTS , TO PRESENT ADDITIONAL , SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED AS PETITIONER HAS SUFFERED SEVERE PREJUDICE TRYING TO LITIGATE ANY CLAIM WITH OUT HIS LEGAL DOCUMENTS , LET ALONE A DIRECT APPEAL, WRIT OF CERTIORARI, OR PETITION FOR REHEARING, PETITIONER HAS IDENTIFIED THE LEGAL PROCEEDINGS IN WHICH HE NEEDS HIS LEGAL DOCUMENTS FOR .

SUPREME COURT OF THE UNITED STATES

WASHINGTON DC, 20543-0001

MAY 16, 2018

CERTIFICATE FOR RULE 44

I JOHN TEDESCO PRESENT THIS PETITION FOR A REHEARING , AND HAVE LIMITED IT'S CONTENTS TO
INTERVENING CIRCUMSTANCES OF A SUBSTANTIAL OR CONTROLLING EFFECT OR TO OTHER
SUBSTANTIAL GROUNDS NOT PRESENTED ON WRIT IF CERTIORARI .

JOHN TEDESCO 660 STATE ROUTE 11 HUNLOCK CREEK PA 18621



SUPREME COURT OF THE UNITED STATES

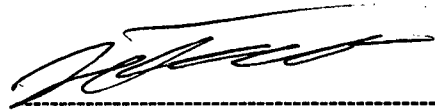
WASHINGTON ,DC 20543-0001

MAY 16, 2018

CERTIFICATE OF GOOD FAITH

I JOHN TEDESCO REPRESENTING MYSELF PRO SE HAS SUBMITTED THIS PETITION FOR A REHEARING IN GOOD FAITH AND NOT FOR DELAY FOR ANY REASON AS PETITIONER IS ONLY ATTEMPTING TO RECTIFY THE ALLEGED CONSTITUTIONAL VIOLATIONS THAT WERE IMPLEMENTED AGAINST HIM.

JOHN TEDESCO 660 STATE ROUTE 11 HUNLOCK CREEK P.A. 18621



SUPREME COURT OF THE UNITED STATES

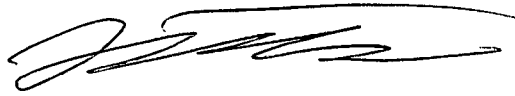
WASHINGTON ,DC 20543-0001

MAY 16, 2018

CERTIFICATE OF COUNSEL OR A PARTY UNREPRESENTED BY COUNSEL

I JOHN TEDESCO PRESENT THIS CERTIFICATE OF COUNSEL , AS I HAVE BEEN REPRESENTING MYSELF PRO
SE , IN GOOD FAITH AND FOR NO DELAY FOR ANY REASON , AS PETITIONER IS ONLY ATTEMPTING TO
MAKE THE SUPREME COURT AWARE OF THE IRREGULAR INFRACTIONS IN HIS CASE .

JOHN TEDESCO 660 STATE ROUTE 11 HUNLOCK CREEK P.A. 18621

A handwritten signature in black ink, appearing to read 'John Tedesco', is written above a horizontal dashed line.

**Additional material
from this filing is
available in the
Clerk's Office.**