

No. 17-8424

IN THE

SUPREME COURT OF THE UNITED STATES

Lawrence J. Abela – PETITIONER

vs.

- RESPONDENT

ON PETITION FOR REHEARING FROM THE DENIAL OF A WRIT OF
CERTIORARI TO

THE UNITED STATES SUPREME COURT

PETITION FOR REHEARING

Lawrence J. Abela

385 W. Predmore Rd.

Oakland, MI 48363

248-690-7609

TABLE OF AUTHORITIES CITED

CASES

Adkins v. Virginia 536 US 304, 318-319 (2002)	1
Gill v. Whitford 266 F Supp 3d 799 (2018)	3
Masterpiece Cake Shop v Colorado Civil Rights Commission 584 US – (2018)	1
State v. Kalen M. (In re Kalen M.)(Neb App., 2017)	3

The choice of the words of the Federal District Judge in this case should not be ignored, see appendix A. The word being, evidence is in the abstract, this can be viewed as evidence of a lower standard than the constitution, than beyond a reasonable doubt, due to petitioners standing in society, etc, or due to the nature of the beliefs about the dating, courting, mating rituals of the mentally disabled, there should be none by common sense belief and thus law. This is all well and good except the jury was instructed on guilt / evidence beyond a reasonable doubt not on guilt or evidence in the abstract. The beyond a reasonable doubt standard is also the standard for the courts, especially since the jury was instructed so and guaranteed in the Constitution and Amendments to the Constitution, evidence is or implied to be beyond a reasonable doubt.

Is the Federal District Judge sending a message by using the word “abstract” that a lower judicial or different guilty, evidence, standard can apply to existing law were evidence would not ordinarily be sufficient, or beyond a reasonable doubt, or by a preponderance or clear and convincing, or relevant, material evidence? Is he allowed to use, a lower standard or is his broad message protected as free speech or free exercise of his religious beliefs. *Masterpiece Cake Shop v Colorado Civil Rights Commission* 584 US – (2018). The Federal District Judges speech, message, religious message is not narrow enough, or without imposing his beliefs on others.

Should the mentally disabled thought to be linked to a separate definition of mentally incapable have to have this belief put on them and for there alleged partners that they cannot consent, because of a common retarded state of existence, and thus cannot explore romantic curiosity, dating, mating rituals, whether traditional or not traditional as other Americans and also have any religious beliefs or messages they have about their ability to consent, court date, mating ritual, marriage, gag and bound, and same for petitioners alleged leading to religious or civil marriage or relationship. Who will speak for them, who will be their voice, it is a shame if this court is not theirs and their alleged partners voice. They have been given the freedom to exercise the religious component of marriage, courting, exploration, dating, mating, whether traditional or not. They make this expression with there own mind, hearts, and soul and hands and body, sending a religious message of togetherness. This should at least be explored by the courts or offered consent instruction since all retarded are not at the same level, or some may understand the issue more than others or have more innate religious beliefs, feelings than others. As in the First Amendment there should be no help in establishing for the retarded the path to the exploring mating, religious or civil ritual, but nor should it prohibit its exercise as was done in this case.

How can it be constitutional or equal protection of the laws for the mentally disabled / retarded to be held responsible for their crimes, even capital crimes and not be allowed via their alleged status to have legal exploration dating, mating, religious, union message. Without there alleged partners being put in prison, or subject to a trial

This court in *Adkins v. Virginia* 536 US 304, 318-319 (2002) did not find the mentally disabled, retarded, as mentally incapable and thus not responsible for their crimes, but

just should not receive the death penalty because it is judicially, mercifully, cruel and unusual punishment. Can it be said here to that it is cruel and unusual punishment for the alleged partners to be found guilty of exploration, dating, mating ritual whether traditional or not, religious, civil, or speech consent, or religious consent, or leading to the religious message of marriage or procreation? Or perhaps here more appropriately as cruel and unusual in the abstract, since it does not involve out right death, but a slow death of faith, forced views, forced religious views, prohibiting the free exercise of religious or mating rituals that other Americans practice. This is a narrow message here due to the beliefs, free practices of this religious subject matter. A decision to grant relief, practice the intent of the law and not abstract it, expand it into a different category, state of mind, will not deprive the parents of the mentally disabled, retarded adult to practice their thinking, beliefs, comforts, and any taboos they have placed on religious mating, dating, or civil, romantic exploration, but will enforce the constitution and freedom of speech and aspiring, normal, most likely, progression to religious message, of a man and a woman marrying if that is the message they end up allegedly wanting to share, along with those allowing or wishing to share it. The threat of, or incarceration is not necessary to carry out most peoples wishes, beliefs, protections, since eugenics is not practiced specifically in the United States, or is it here, and obstructing any possible religious message of marriage or procreation, which they are allowed and not to be sterilized against anyway, so how is this case constitutional with that opinion?

I think this court needs to answer the questions of the Judges message, thoughts use of word, abstract, reinterpretation if you are going to be ultimately successful in resolving the political gerrymandering, political voting district questions, because judges may apply lower standards and not even give any indication they are doing so because of their beliefs and you are not making any cases on this issue and this most likely happens when they are motivated, believe the other party should win. Judges and people can get this way because it may be they are decision starved by this court, so few decision, they become distracted and act out and you will most likely not hear the cases anyway, especially on this critical issue. This country appears to be moving towards at least a defacto one party on belief, way system, even to a dictatorial president, whom, I propose, would do away with the supreme court without much resistance as so few decisions to help the forgotten man or the masses for the law be constitutional, but he will fix that, and since the executive has all the power and get want they want most of the time anyway.

It also appears what has or can happen is that a Judge has discretion to allow evidence of a hat drooping as evidence, or as a message, of meaning guilt and the jury partially or buys it in the abstract and it is viewed as beyond a reasonable doubt, obviously this is not beyond a reasonable doubt and not constitutionally sound nor constitutional due process.

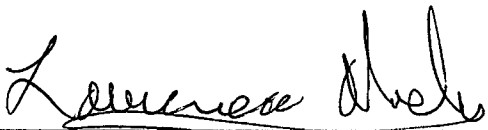
If the Judge used the words evidence in the twilight zone and did not offer relief would this court be more or less inclined to hear this case? I give credit to the Federal District Judge to at least giving some reference to the law I cited in this case showing the evidence of a different condition than what the law calls for.

Further in *Gill v. Whitford* 266 F Supp 3d 799 Justice Roberts may have used the word "abstract" to say State injury is in the abstract and needs to be district by district damage as proper evidence of damage. Thus how can the Federal district judge have a standard or wording, abstract evidence, it is not a specific, proper standard of evidence, and should at least be remanded back for explanation and other matters.

Is not this abstract reasoning whether plainly shown or couched in regular wording, sufficient, or error the underlying problem of totally innocent people being incarcerated, mass incarceration or even gerrymandering, what ever standard it takes to make a conviction and uphold a questionable conviction or law that can be debated. Some would say we have a sustainable gulag system without the work or abuse and that is humane, thank goodness, a modern gulag which should not be supported in anyway, because it is an unconstitutional standard and not a moral standard even though treatment in, is humane and not abusive, thus sustainable, but not necessary and time spent in prison for a lower constitutional standard or for some of the reasons to maintain a gulag is not constitutional, and abusive, and an abuse of discretion, and political will, in and out of the judiciary.

A case which uses a constitutional standard: *State v. Kalen M. (In re Kalen M.)*(Neb App., 2017), not for permanent publication. However stated simply, the state failed to adduce any evidence of whether Kalen knew or should have known that the victim was mentally or physically incapable of resisting or appraising the nature of his conduct other than the simple admission that Kalen knew the victim has autism.

Respectfully submitted,



Date: 06/19/2018

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