

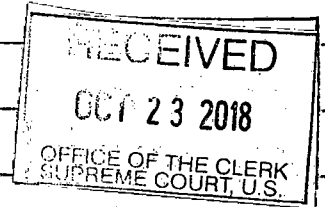
In The United States Supreme Court

Din Deveaux

Case No 17-8786

v.

Antoine Caldwell, Warden



Motion For Reconsideration/Rehearing

Now Comes Din Deveaux, petitioner in the above styled case, who respectfully requests that this Honorable Court reconsider the denial of a writ of certiorari for the following reasons:

A) The main issue is the conflict between state laws. Petitioner was sentenced to multiple sentences for sex crimes that occurred while he was drinking and taking prescribed medications (pain killers and muscle relaxers). He does not deny the incidents occurred on a one time basis, nor does he deny that he deserves punishment. What he is arguing is that although Georgia law specifies what the minimum and maximum sentences are that he can receive, a separate Georgia law specifically states that he must receive the minimum prison sentence for each crime and at least one year of probation. O.C.G.A. § 17-10-6.2 has been changed/modified since the petitioner was sentenced, but going by the plain language used, "the minimum term of incarceration", and the

fact that the Georgia legislature did specify "at least one year of probation," It is obvious that the legislature could have said "at least the minimum term of incarceration," but did not do so. Thus the law must be interpreted by the plain language used and petitioner should be resented to the minimum prison sentence and the sentences that are concurrent should stay concurrent and the ones that are consecutive to that but concurrent to each other, should also stay that way.

B) Since this is a conflict between state laws, it is sure to arise again and again and hearing this case and issuing a ruling on it would prevent this Honorable Court from having to waste its valuable time on this issue at a later date. Petitioner, acting pro se, was unable to find any reference to this type of conflict in our legal library, so it really does need to be resolved at some point in time.

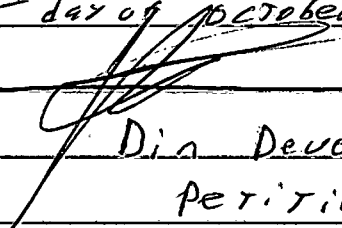
C) Petitioner is a paraplegic in a wheelchair who has lost everything, his family, his business, his self-respect and all of his friends, due to one night of excessive drinking while taking his legally and properly prescribed medications and has learned his lesson and will never do this again.

D) Due to being incarcerated petitioner is not receiving proper care nor proper medications.

Please note: The clerk's letter was dated on October 1, 2018, but was not received by the prison until October 10th and petitioner did not receive it until the 12th, because the mail room said they "couldn't find him". They count 7 times a day and if petitioner goes somewhere (class, etc.) he has to sign-out, so they didn't even try. Thus, petitioner respectfully requests that this Honorable Court accept this motion a few days late.

Respectfully submitted this 13th day of October, 2018.

I may be served at:


Din Deveau
Petitioner
Pro Se

Din Deveau, 918933

Johnson State Prison, D-4-231-B

P.O. Box 344

Wrightsville, Ga. 31096-0344

Copy served on Council for The ^{Respondent} ~~Plaintiff~~.

In The Supreme Court of the UNITED STATES

Din Deveau

Case No. 17-8786

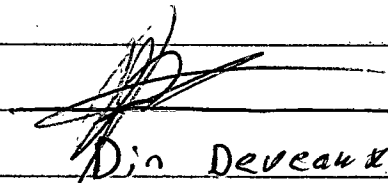
V

Antoine Caldwell, Warden

Certification of Counsel (Pro Se)

This is to certify that the enclosed petition for rehearing is presented in Good faith and not for the purposes of delay and is limited to grounds of a Substantial or Controlling effect and these grounds have not been previously ruled on by this Court, as far as the petitioner can tell. It involves a conflict between 2 state laws regarding sentencing and it needs to be heard so that this issue does not pop up again and again.

Respectfully Submitted this 15TH day of November, 2018.



Din Deveau

Petitioner

Pro Se

