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SUPREME COURT OF THE UNITED STATES

ROBERT R. TAYLOR,
Petitioner

vs.

CASE NO: 17-9034

JULIE L. JONES, Sec. FDOC,
STATE OF FLORIDA,
Et. Al.,
Respondent(s) /

MOTION FOR REHEARING/

WRITTEN OPINION/

CLARIFICATION

COMES NOW, ROBERT R. TAYLOR the Petitioner appearing in proper person, Pro se and a layman at the law and respectfully moves this Honorable Court pursuant to ALL applicable Rules, Statutes and Constitutional provisions coupled with well established law and respectfully requests that this Honorable Court would conduct a Rehearing and issue a Written Opinion to Clarify why other identically situated defendants are being afforded relief for identical issues and the Petitioner is not being afforded the same considerations and in support thereof the Petitioner states the following:

1. This Honorable Court has overlooked and/or misapprehended the Fact that the Petitioner relied on the law as determined by this Honorable Court to gain a federal evidentiary hearing pertaining to a true fundamental constitutional miscarriage of justice of the Petitioner being actually and factually innocent

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which the Petitioner attached 160 pages of documents that neither the court or jury ever saw along with a DVD that proved the Petitioner was innocent of the charged allegations: See McQuiggan v. Perkins, 569 U.S. 383, 133 S.Ct. 1924 (2013).

2. This Honorable Court has overlooked and/or misapprehended the Fact that the Petitioner presented four (4) Grounds for relief in his Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 where every Ground contained an actual and factual innocence sub-claim that were never addressed, where any single sub-claim could have been used as a “gateway” claim to have ALL Grounds and sub ~~—~~ claims fully addressed on the merits, for which a COA should have been granted as there were clear federal constitutional violations which would have required that relief be granted had the Petitioner been afforded his day in federal court in accord with Townsend v. Sain, 372 U.S. 293 (1963); Keeney v. Tamayo-Reyes, 504 U.S. 1 (1992); U.S.C. 4th, 5th, 6th, 8th, 9th and 14th Amends.,
3. This Honorable Court has overlooked and/or misapprehended the Fact that the Petitioner through his own inexperience and by his own omission failed to attach the 160 pages of proof that were originally attached to the 28 U.S.C. § 2254 where this Honorable Court would have seen that the Petitioner was in fact actually and factually innocent. A true fundamental constitutional

miscarriage of justice where the Petitioner was wrongly convicted through the violation of his federal constitutional rights. See attached appendices A-J.

4. This Honorable Court has overlooked and/or misapprehended the Fact that the DVD shows that the alleged victim clearly stated that she was inside the cabin of the boat, but this is physically impossible making her trial testimony 100% fabricated and false constituting a fundamental constitutional miscarriage of justice of the gravest nature, yet no court has seen this DVD. The law as determined by this Honorable Court clearly holds that the state is not allowed to use false or perjured testimony to secure a wrongful conviction Napue v. Illinois, 360 U.S. 264 (1959); Williams v. Taylor, 529 U.S. 362 (2000), thus jurists of reason could have found the district court and 11th Circuits resolution of these grounds debatable in accord with Miller- El v Cockrell, 573 U.S. 322 (2003); AND Slack v. McDaniel, 529 U.S. 473 (2000).
5. This Honorable Court has overlooked and/or misapprehended the Fact that this Court's holding in Trevino v. Thaler, 569 U.S. 413, 133 S.Ct. 1911 (2013) AND Buck v. Davis, 580 U.S. ___, 137 S.Ct. 759 (2017) were "cause" and "prejudice" sufficient to hear ALL OF Petitioner's Grounds and sub-claims on the merits as jurists of reason could find debatable the district court's and 11th Circuits resolution of the Petitioner's constitutional claims that resulted in the

Petitioner's wrongful conviction, and should be corrected by whatever means necessary.

6. This Honorable Court has overlooked and/or misapprehended the Fact that the Petitioner was denied meaningful access to the Court by his COA being denied BEFORE the Petitioner filed it, furthermore pursuant to this Honorable Court's precedent the district court AND the 11th Circuit Court of Appeals were absolutely REQUIRED to address ALL actual and factual innocence claims as any single claim could have served as a "gateway" claim in accord with Schlup v. Delo, 513 U.S. 298 (1995).
7. This Honorable Court has overlooked and/or misapprehended the Fact that a wrongfully convicted, Pro se litigant, the Petitioner should have been afforded his day in federal court to correct the true fundamental constitutional miscarriage of justice for which this Court Reversed and Remanded in accord with McQuiggan, Supra, numerous cases and in accord with Stare Decisis should Reverse and Remand this present case. See Vizcarra v. Thaler, 569 U.S. 1015, 133 S.Ct. 2763 (2013); Stratton v. Coleman, 569 U.S. 1015, 133 S.Ct. 2765 (2013); Mancill v. Freeman, 569 U.S. 1015, 133 S.Ct. 2764 (2013); Ingram v. Stephens, 571 U.S. 801 134 S.Ct. 367 (2013); Martin v. Stephens, 571 U.S. 985 134 S.Ct. 550 (2013).

8. This Honorable Court has either overlooked and/or misapprehended the **Fact** that throughout these federal court proceedings the Petitioner has brought forth that both the direct appeal and post-conviction court's record were incorrect and incomplete making proper appellate review impossible. The copies of the "Exhibits" that were entered at trial are **still** missing which caused the District Court to be unable to see and review the complete record with the **PROOF** that was presented to the jury. See Townsend v. Sain, 372 U.S. 293 (1963); Chessman v. Teets, 350 U.S. 3 (1955); U.S.C. 4th, 5th, 6th, 8th, 9th and 14th Amend. The Petitioner was found not guilty on numerous counts because there were pictures entered into evidence of rebar metal and roll bar pipes that blocked the exit through windows that proved actual innocence. See Appendix K (the "list" in Record on Appeal of the State and Defense Exhibits that were entered into evidence, submitted to the District Court. Doc 14 Exhibit C). The State has hid from **ALL** the reviewing courts the Defense evidence – **PROOF**. See Appendix L (in Record on Appeal Doc 14 in Exhibit E, see trial transcripts pages 587 and 588, a list of the Exhibits **actually received** by the Court and placed into evidence.) See also appendices: A, B, C, D, E, F, H, I, some of which contained "**THE PROOF**", the **tangible physical evidence** **NOT** presented to the jury due to ineffective assistance of trial counsel. See United

States v. Cronic 466 U.S. 648 (1984); Strickland v. Washington, 466 U.S. 668 (1984); Williams v. Taylor, 529 U.S. 362 (2000).

This Honorable Court should reconsider and Rehear this case due to a fundamental Constitutional miscarriage of Justice. McQuiggin v. Perkins, 569 U.S. 383 (2013).

9. This Honorable Court has overlooked and/or misapprehended the Fact that Pro Se motions are to be liberally construed regardless of how inartfully they are pleaded, this is especially so where a true fundamental constitutional miscarriage of justice has occurred as in this present case at bar. Haines v. Kerner, 404 U.S. 519 (1972).

CONCLUSION

The Petitioner is requesting that a Rehearing be held with the Proofs now in the record and that the Writ of Certiorari be issued with the directions that the 11th Circuit issue an order to the District Court to hold an evidentiary hearing in this cause and give the Petitioner "his day in court" to prove his Actual and Factual innocence.

RELIEF SOUGHT

WHEREFORE based on the foregoing facts, arguments and authorities the Petitioner humbly, respectfully and prayerfully requests that this Honorable Court would conduct a Rehearing and issue a Written Opinion in the interest of justice and to Clarify why other identically situated defendants are being afforded relief for the same issues and the Petitioner is not being afforded the same considerations where a true fundamental constitutional miscarriage of justice has transpired and for this Honorable Court to further Order any and all other relief they deem just, proper and constitutional.

Respectfully Submitted,



ROBERT R. TAYLOR #P34566

Petitioner/ Pro Se

D-2127 (s) – Annex

Hamilton Correctional Inst.

11419 S.W. County Rd #249

Jasper, Fl 32052-3735

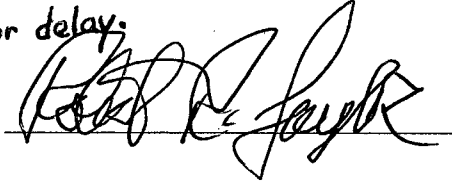
CERTIFICATION BY PETITIONER

I HEREBY CERTIFY that the foregoing Motion For Rehearing/ Written Opinion/ Clarification is restricted to the intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.


ROBERT R. TAYLOR # P34566
Petitioner / Pro Se

OATH/VERIFICATION PURSUANT TO 28 U.S.C. § 1746

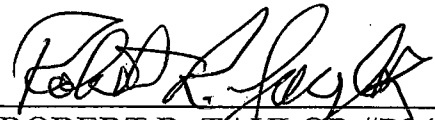
I declare under penalty of perjury that I have read the foregoing motion for Rehearing and the facts stated herein are true and correct, I further declare that this Rehearing is being filed in good faith, *and not for delay;*



ROBERT R. TAYLOR #P34566
Petitioner/ Pro Se

CERTIFICATE OF SERVICE

I hereby certify that I have placed the foregoing Rehearing in the hands of a FDOC Mailroom Representative in appropriate form as prima facie Certificate of Service to be mailed to: U.S. Supreme Court, Honorable Clerk, 1 First Street N.E. Washington, DC, 20543-0001: Attorney General, State of Florida, The Capitol, PL-01, Tallahassee, Fl 32399, on this 22nd day of October 2018.



ROBERT R. TAYLOR #P34566
Petitioner/ Pro Se

OATH/VERIFICATION PURSUANT TO 28 U.S.C. § 1746

I declare under penalty of perjury that I have read the foregoing motion for Rehearing and the facts stated herein are true and correct, I further declare that this Rehearing is being filed in good faith and not for delay.



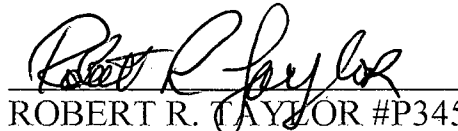
ROBERT R. TAYLOR #P34566
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I hereby certify that I have placed the foregoing Rehearing in the hands of a FDOC Mailroom Representative in appropriate form as prima facie Certificate of Service to be mailed to: U.S. Supreme Court, Honorable Clerk, 1 First Street N.E.

Washington, DC, 20543-0001: Attorney General, State of Florida, The Capitol,

PL-01, Tallahassee, Fl 32399, on this 13th day of ~~November~~ 2018. (Resubmitted)



ROBERT R. TAYLOR #P34566
Petitioner/ Pro Se

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