

Petition for Rehearing United States Supreme Court 17-9322

Gretchen Haffer vs. State of New Hampshire

The writ of certiorari submitted January 2018 was denied October 1, 2018. The NH Supreme Court had departed from the accepted and usual course of judicial proceedings so that the United States Supreme Court's supervisory power is called for to reverse the decision that was an unsubstantiated act of discretion.

The case is about NH Statute XXI, Section 265:25 which states "The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the way." As mentioned in the original writ of certiorari, the state of NH was not being reasonable or prudent in issuing a ticket 6/7/2016. The car in front of my car had a police license plate and was driving approximately 10 miles below the speed limit of 35 mph due to a vehicle in front of him driving slowly. I was aware that it was a police license plate and was not trying to cause conflict and was 5 feet or more behind the vehicle driving at approximately 25 mph. It was early evening in Boscawen, NH and the pavement was dry. The attorney in the January 2017 hearing agreed that vehicles often become closer together when traffic is slow. In this instance there was no traffic problem such as stopping short or hitting a bumper. It is typical to issue a warning unless there have been other warnings or tickets and there were no recent (within the last few years and more) warnings or tickets in the state of NH at that time. There were changes to the police force in the town of Boscawen in 2016 according to an officer at the pre-trial hearing and there were many others appealing their tickets and speaking to officers for the pre-trial hearings in October 2016. The changes to NH local and state government in 2016 and 2017 makes the importance of the case applicable to those similarly situated.

I filed in forma pauperis as my last position ended 12/2016 and I do not have an income. When issuing a ticket instead of a warning the fee involved is certainly part of the issue; it does not seem reasonable or prudent ("judicious in practical affairs") to issue a ticket for \$124.00 when there were no tickets or warnings in NH in the years before the 6/7/2016 ticket. My personal financial situation is such that I continue to search for a job after relocating to Vermont 9/2015 for a job with the Vermont Department of Taxes that was not funded after the end of that year. I was able to find a seasonal job in NH that ended 12/2016 and was doing a job search in NH in 2017 and 2018 and relocated to Ohio 10/2018. I accept that the officer thought that the traffic of 6/7/2016 was enough to pull me over but do not think that going beyond a warning to a ticket of \$124.00 was rational or judicious in practical affairs. The state of NH waived the filing fee due to my lack of income and the United States Supreme Court accepted my in forma pauperis status according to Merits Clerk Kathy Tycz in a phone conversation 10/22/2018. It is not logical to then enforce a ticket of \$124.00 which was the officer's discretion as there is no technical definition of "reasonable and prudent" for the Following Too Closely ticket. To reiterate, the original writ and the circumstances above describe the traffic and the reasons that the officer's discretion was uncorroborated.

This petition for rehearing is filed in good faith and not for delay.

*Restricted to grounds
specified in Rule 44.*

JH HLL
10.23.2018

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