

No. 22-503

**In the
Supreme Court of the United States**

GREGORY STENSTROM AND LEAH HOOPES,
Petitioners,

v.

DELAWARE COUNTY BOARD OF ELECTIONS,
Respondent.

**On Petition for a Writ of Certiorari to the
Commonwealth Court of Pennsylvania**

PETITION FOR REHEARING

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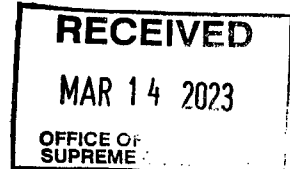


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Note: There are no external authorities cited in the rehearing brief; thus, no table of authorities is included.



**PETITION FOR REHEARING
OF DENIAL OF WRIT OF CERTIORARI**

1. Plaintiffs Stenstrom and Hoopes were denied Writ of Certiorari without opinion on January 23rd, 2023 (SCOTUS Docket 22-503). Plaintiffs request reconsideration based on fungible “justiciability” and denial of due process, and denial of equal protection under the law. Recent developments regarding Plaintiffs’ vigorous efforts to preserve evidence for the subject case, that were not available at the time of filing the original Writ of Certiorari, are also included for consideration.

2. Fungible “justiciability” and denial of Pro Se litigants constitutional rights to due process are fully documented in the subject case and collateral case. Lower courts that refuse to hear cases; arbitrarily dismiss meritorious cases without opinion and surface area to appeal; refuse to allow evidentiary hearings; refuse to acknowledge evidence included in complaints; refuse to enforce the preservation and protection of evidence; and acquiesce to their orders being thwarted or ignored without repercussion; must be given clear precedential orders and guidance.

3. Plaintiffs have undisputed evidence of massive election fraud in the 2020 election in Delaware County, Pennsylvania, which changed the outcomes of local, state and federal elections, and enabled the illegitimate installation of representatives, including the President of the United States.

4. Plaintiffs have produced undisputed evidence that over 170,000 ballots of 327,000 were fraudulent

in the form of video, audio, photograph, emails, texts, government reports, affidavits, sworn testimony, and other documentation of election fraud that includes the wanton spoliation of evidence and election materials required to be maintained for inspection by federal and state law, in Delaware County, Pennsylvania.

a. ~130,000 fake mail-in ballots were substituted for ~70,000 authentic (real) mail-in ballots which were found by Plaintiffs in a sequestered back room as a result of an injunction secured by Plaintiffs.

b. ~50,000 fake electronic ballots were observed being injected into the election tabulation via portable electronic media (vDrives).

c. All court orders related to the administration of the 2020 general election in Delaware County, Pennsylvania were wantonly ignored by the Defendants, and left unadjudicated by dismissal of subject case(s).

- i. U.S. Supreme Court Justice Alito's order to segregate ballots received after 8 p.m. election night was wantonly ignored by Defendants.
- ii. Common Pleas Court of Delaware County Judge Pagano's order to permit observers to observe all canvassing areas was wantonly ignored by Defendants.
- iii. Common Pleas Court of Delaware County Judge Capuzzi's order to permit viewing of sequestered canvas and ballot storage for 5 minutes every 2 hours was wantonly ignored by Defendants.

d. A bipartisan Return Board, required by state and federal statute to examine election results could not reconcile the 2020 general election or determine the pedigree of tens of thousands of votes.

- i. Of the 428 Delaware County precincts, 220 of 428 official return sheet election records were not returned, or otherwise missing, as required by federal and state election law.
- ii. Return Sheets, Oaths of Office of election workers, and other records required to be submitted and maintained by Defendants were subsequently forged and fabricated in response to Plaintiffs' Right to Know requests, and election officials were caught by whistleblower video and audio admitting to said fabrications and election fraud.
- iii. USB vDrives, which are the official election record, were fabricated, as well, and election officials were also caught by whistleblower video and audio admitting to this.
- iv. Official election Proof Sheets (voting machine paper receipts) were destroyed, with Defendant election officials being caught on video laughingly shredding them.
- v. All mail-in ballot external envelopes, and mail sorting machine photographic images of those envelopes were destroyed by Defendants.
- vi. All internal hard drive images of the tabulation server, and voting machines were wiped and destroyed in violation of federal and state election law.

vii. Lawful Right to Know requests for Cast Vote Records (CVR's), which include scanned ballot images from in-person voting machines, and central mail-in ballot voting machine scanners were denied, and these records were destroyed, as well.

e. There are no chain of custody records for mail-in ballots, portable vDrives from voting machines that were used to tabulate in-person voting, or drop boxes, as required by federal and state law, and certification of voting machines (46% of ALL drop boxes in Pennsylvania were located in Delaware County).

5. No judge or court would allow an evidentiary hearing, discovery, oral arguments, or jury trial, all of which were requested by Plaintiffs, denying them due process, equal protection, and demonstrating fungible “justiciability.”

6. Plaintiffs exhausted all administrative remedies immediately after the November 3rd, 2020 election, including:

a. Publicly testifying before Pennsylvania legislators in Gettysburg, PA.

b. Submitting HAVA violation reports.

c. Making formal requests for intervention from law enforcement including Delaware County District Attorney Stollsteimer, PA Attorney General Shapiro, and U.S. Attorney McSwain.

i. U.S. Attorney General Barr quashed U.S. Attorney McSwain's investigation, memorializing it in his autobiography as “all bullshit.”

- ii. All officials refused to investigate the allegations despite a fiduciary duty to do so in accordance with state and federal law.
 1. Pennsylvania Attorney General (now Governor) Shapiro being both beneficiary of the fraud, and a Biden elector, refused to investigate, calling the allegations “The Big Lie.”
 2. Chairperson of the Defendant Delaware County Board of Elections (BOE), Gerald Lawrence, a facilitator of the fraud, was also a Biden Elector.
 3. Appointed BOE Solicitor, Manly Parks, a facilitator and a director of the fraud, was the Solicitor for the Delaware County Democrat Party immediately preceding the May 2020 primary throughout the 2020 election cycles to present.

7. After exhausting their administrative remedies, Plaintiffs updated their timely, subject November 4th, 2020 case on December 8th, 2020, which was ruled on by Judge Capuzzi on January 11th, 2021, with his order to dismiss, venomous opinion, and inviting punitive sanctions from Defendants against Plaintiffs, which were granted in excess of \$50,000 against Plaintiffs, refusing request for evidentiary hearing, discovery, oral arguments, or trial. Judge Capuzzi held a closed hearing with GOP and DNC attorneys, in private, without record or transcript, where they all “amicably” settled the matter without Plaintiffs being present, denying them due process.

8. Plaintiffs submitted timely notice of appeal, and the appellate Commonwealth Court of Pennsylva-

nia (Harrisburg) delayed ten (10) months; the Pennsylvania Supreme Court then delayed six (6) months, with U.S. Supreme Court Conference of January 20th, 2023 then taking another six (6) months, for over a two-year delay since the election, that was entirely at the discretion of the courts. All courts demonstrated an inexplicable lack of curiosity or concern for considering the undisputed evidence alliterated herein, and documented in great detail in voluminous complaint(s), motions, and exhibits, all available for purview by the courts since the emanation of the subject case.

9. In the interim since Plaintiffs' Writ of Certiorari was submitted for originating case CV-2020-007523, Plaintiffs were forced to continuously and vigorously fight to protect evidence critical to the subject case from wanton spoliation by Defendants in their related, parallel Common Pleas Court of Delaware County case CV-2022-000032.

a. Plaintiffs filed the case to protect evidence on October 18th, 2021, but the Common Pleas Court of Delaware County aggressively fought to prevent submission of 98 Exhibits documenting fraud for three months, not permitting the filing to be completed until January 1st, 2022.

b. Judge Whelan was not assigned to the case for another six (6) months until June 22nd, 2022, and similar to the subject case, also denied evidentiary hearing, discovery, oral arguments and trial, issuing an order on July 8th, 2022 dismissing the case as "moot," and again inviting punitive sanctions against the Plaintiffs, which were vigorously sought by Defendants.

10. In contrast to the two-and-a-half-year trajectory Plaintiffs have struggled with the courts to even assign a judge to consider their complaints and motions, a citizen who does not pay a parking ticket or administrative traffic violation would be targeted by a judge with a warrant for their arrest within 30-to-60 days. This disparity in “justice” and example of judicial whimsy given the alliteration herein of un-disputed facts and evidence of massive election fraud that has impacted the nation is the definition of fungible “justiciability.”

11. Plaintiffs filed a full appellate brief for the collateral case to protect evidence critical to the subject case of the requested Writ of Certiorari with the Commonwealth Court at the 60-day deadline, in the blind, and in an abundance of caution, being rightfully wary that their appeal would be administratively quashed for laches, because they had not been notified of their acceptance as Pro Se appellants by the Commonwealth Court in accordance with rules of civil procedure. Their brief was stricken, and their appeal was ultimately quashed for not including the sentence “Judge Whelan was electronically served” in the body of their Proof of Service, despite multiple calls and attempts by Plaintiffs to cure the problem, and the fact that Judge Whelan was materially served in accordance with local procedure, and as evidenced by his own curation of his order with a prepended opinion. **Plaintiffs’ stricken appellate brief is included at Reh.App.1a-72a, with a high probability that the U.S. Supreme Court will be the only court that ever sees it.**

12. In their defense of the punitive sanctions that came with Judge Whelan’s invitation in CV-2022-

000032, Plaintiffs submitted a Sur Reply that plainly and bluntly accused District Attorney Stollsteimer of corruption, criminality, and false statements regarding an alleged forensic investigation of Plaintiffs video, audio and forensic evidence which he publicly declared “a fiction” despite lying about conducting said investigation. Judge Whelan ignored adjudication of the Sur Reply and other motions submitted by Plaintiffs, without order, or opinion. (See Reh.App.73a-149a)

13. In response to Plaintiffs’ appeal in that related case, in which Plaintiffs fought to preserve evidence that was critical to the subject case and Writ of Certiorari, Judge Whelan forged and fabricated a post appeal opinion to curate the appellate record, and then ignored a motion by Plaintiffs to strike the unlawfully inserted opinion, as well as correct the incomplete transmittal of the docket to the appellate (Commonwealth) court, and would be transmitted as part of the complete records, to the U.S. Supreme Court if Writ of Certiorari were granted. (See Reh.App.172a-252a)

14. Indeed, Plaintiffs’ purpose in including the voluminous Exhibits (1, 2, and 3) is to provide only several examples of the lower courts’ gross abuses of judicial discretion and fungible notions of “justiciability” in giving themselves (the courts) the widest possible latitude in blatantly violating rules of civil procedure, rules of appellate procedure, and being permissive of the most outrageous violations of the rules of professional conduct by Defendants, while routinely denying the Plaintiffs’ rights to due process and equal protection. Throughout the entire trajectory of Plaintiffs’ rightful attempts to have ANY evidence of election fraud heard since the 2020 general election to the present 2022 elections, the lower courts capri-

ciously quashed, dismissed cases and motions without opinion or hearings; or simply ignored adjudicating or ruling on motions, filings, and briefs they seem to have found inconvenient or contrarian to the false narrative of “the safest and most secure elections in history.”

15. Plaintiffs have been in a two and a half year battle with recalcitrant law enforcement, justice officials, and courts to simply allow an evidentiary hearing and trial in continuous tests of fungible “justiciability.” denial of due process, and blatant abuses of judicial discretion.

16. Plaintiffs have filed carefully documented allegations of:

- a. Massive election fraud in the 2020 general election
- b. Grand mal public corruption that includes civil and criminal violations of law committed by:
 - i. Delaware County Election officials
 - ii. Delaware County District Attorney (soon to be Attorney General) Stollsteimer
 - iii. Pennsylvania Attorney General (now Governor) Shapiro
 - iv. Former U.S. Attorney General Barr
 - v. Common Pleas Court of Delaware County, Pennsylvania Judge Whelan
- c. Wanton spoliation of evidence

17. Plaintiffs have a current case regarding nearly identical civil and criminal violations of election law for the 2022 general election (Common Pleas Court of

Delaware County case CV-2022-008091) filed on October 31st, 2022 with exchanges of Defendant objections, Plaintiff responses, and multiple motions that have languished for over three months without assignment of a judge, in an identical trajectory of their two (2) related 2020 general election cases, of which CV-2020-007523 (SCOTUS docket 22-503) is the subject of this request for reconsideration.

18. And why should the lower courts, law enforcement and justice officials, or illegitimately installed representatives concern themselves with Plaintiffs' allegations and evidence, if the U.S. Supreme Court remains idle, mute, and impotent in enforcing its own orders?

19. Remaining mute and denying constitutional due process to Pro Se Plaintiffs as a matter of fungible "justiciability" is an invitation to maleficent persons and parties to continue on their trajectory to "fundamentally transform" the United States using the mechanism of fraudulent elections, including the eventual obliteration of the courts, and the sovereignty of the citizens in addressing their grievances in those courts.

20. Should the US Supreme Court reconsider Plaintiffs' Writ of Certiorari and order full transmittals of dockets for the subject case (CV-2020-007523) and related and referenced cases (CV-2022-000032 and CV-2022-008091) the Plaintiffs are certain the Court will be appalled at the sheer volume of violations of law, civil and criminal, of government officials, law enforcement, justice officials, and the courts denial of constitutional rights, denial of due process, and denial of equal protection of the Pro Se Plaintiffs.



SUMMARY

21. Plaintiffs have undisputed evidence of massive election fraud that changed the outcomes of local, state and national elections in 2020, and were denied due process and equal protection under the law by the courts, and their right to jury trial where their evidence could be heard.

22. All of the involved courts and judges in the subject case, including the U.S. Supreme Court, that issued orders regarding the administration of the 2020 general election, were ignored and rebuked by the Defendants in this subject case, and other election officials in eight (8) targeted swing states and thirty-two (32) targeted pivot counties that changed the outcome of the national election, and the will of the citizenry in 3,243 counties and county equivalents in the United States.

23. The wanton violation of these court orders, and continued violation of federal and state election laws by the Defendants, and other Defendant government bodies throughout the country, without rebuttal or repercussion from those courts is a clear demonstration of the impotence of those courts.

24. A Court, any Court, that allows fungible “justiciability,” and permits the wanton violations of law by government officials, and their open rebuke of the Court’s orders and authority, has no authority.



REMEDY

25. The primary remedy Plaintiffs requested in their Writ of Certiorari was that the U.S. Supreme Court hear their evidence and case themselves, or remand to another appropriate court with instructions and guidance.

26. Plaintiffs sole desire is that their rights to due process and equal protection be restored, and with it, the authority of the U.S. Supreme Court, and lower courts in restoring the citizenry's rightful expectations that the law will be uniformly applied, and the court's orders will be enforced, and obeyed.

27. There can be no more important cases to consider than election cases where credible evidence exists that the outcome of a national election was changed.

Respectfully submitted,

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FEBRUARY 17, 2023

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