

**No. 24-1209**  
**IN THE SUPREME COURT OF THE UNITED STATES**

**DARYLL B. JONES,**  
Petitioner,

v.

**THE STATE OF NEW YORK, et al.,**  
Respondents.

**PETITION FOR REHEARING**

**Pursuant to Rule 44.2 of the Rules of the Supreme Court of the United States**

TO THE HONORABLE COURT:

Petitioner Daryll B. Jones respectfully petitions this Honorable Court for rehearing pursuant to Rule 44.2 of the Rules of the Supreme Court of the United States.

This request is respectfully presented in good faith and not for purposes of delay, but because substantial constitutional concerns of exceptional importance warrant renewed consideration in light of material matters that were either overlooked or insufficiently developed at the time of the Court's prior disposition.

At issue is not merely the reinstatement of one attorney.

Rather, this matter presents broader constitutional questions concerning the equal and non-arbitrary administration of attorney discipline, the limits of prolonged professional exclusion, and whether procedural mechanisms intended to protect the public may, when unevenly applied, become instruments of perpetual punishment inconsistent with the guarantees of Due Process and Equal Protection under the Fourteenth Amendment.

Petitioner respectfully submits that rehearing is warranted for three principal reasons.

First, this case presents an unresolved constitutional question concerning whether an attorney may effectively be subjected to indefinite professional exclusion—now exceeding seventeen years—despite substantial evidence of rehabilitation, the absence of criminal conviction, and continued public service, without meaningful consideration of restoration on the merits.

Second, newly emphasized comparative evidence from the very same Appellate Division, Second Department demonstrates materially disparate reinstatement treatment involving attorneys whose underlying misconduct included criminal convictions, escrow violations, or more serious ethical infractions, yet who were nevertheless reinstated after referral to Character and Fitness review. By contrast, Petitioner—an African-American attorney with no criminal conviction and

substantial evidence of rehabilitation—remains excluded after seventeen years without equivalent procedural consideration. See *Yick Wo v. Hopkins*, 118 U.S. 356 (1886).

Third, the issues presented arrive at a moment of heightened national concern regarding equal justice, procedural fairness, and the consistent application of institutional power. Recent public discourse has renewed attention to the dangers of selective or unequal treatment within governmental and professional systems, underscoring the continuing importance of vigilance against arbitrary or materially disparate outcomes affecting constitutional rights and public trust.

Petitioner does not seek rehearing merely because the Court declined review.

Rather, Petitioner respectfully submits that the constitutional and institutional concerns raised herein warrant renewed consideration because they implicate questions extending beyond the interests of a single litigant and bear directly upon public confidence in the fair and equal administration of justice.

For these reasons, and those set forth below, rehearing is respectfully warranted.

## **II. A MATERIAL CONSTITUTIONAL QUESTION WARRANTS REHEARING: WHETHER PROLONGED PROFESSIONAL EXCLUSION MAY FUNCTION AS PERPETUAL PUNISHMENT WITHOUT MEANINGFUL OPPORTUNITY FOR RESTORATION**

Petitioner respectfully submits that rehearing is warranted because the constitutional significance of Petitioner's prolonged exclusion from the legal profession presents a question of exceptional importance that merits renewed consideration.

Attorney discipline serves legitimate and necessary purposes, including the protection of the public, preservation of professional integrity, and maintenance of confidence in the administration of justice.

Yet discipline, by its nature, is ordinarily corrective rather than permanently punitive.

The legitimacy of disciplinary systems depends, in part, upon the existence of a meaningful path toward restoration where rehabilitation has genuinely occurred.

At some point, prolonged exclusion risks transforming corrective discipline into functional permanence.

This case presents that concern.

Petitioner has now remained excluded from the legal profession for more than seventeen years.

During that time:

- Petitioner has not sustained any criminal conviction related to the underlying disciplinary matter;
- Petitioner has not engaged in subsequent professional misconduct;
- Petitioner has repeatedly sought reinstatement through lawful channels;
- Petitioner has pursued advanced education and public service;
- Petitioner earned a Master of Public Administration from Harvard University;
- Petitioner has taught law, ethics, and leadership in academic and ministry settings;
- Petitioner has founded and led nonprofit and humanitarian initiatives; and
- Petitioner has continued sustained efforts toward personal, professional, and moral rehabilitation.

These facts raise a substantial constitutional concern:

whether prolonged exclusion without meaningful restoration, despite substantial rehabilitation, may cease serving protective purposes and instead become disproportionate punishment incompatible with principles of Due Process and Equal Protection.

The question presented is particularly significant where similarly situated—or more culpable—attorneys have been afforded pathways to reinstatement through referral to Character and Fitness proceedings, conditional reinstatement, or discretionary procedural accommodation.

Petitioner respectfully submits that the Constitution does not require identical outcomes in disciplinary matters.

It does, however, require meaningful fairness, rational consistency, and equal treatment under law.

Where substantial rehabilitation is repeatedly shown, yet meaningful restoration remains effectively unavailable for extraordinary periods of time, constitutional concerns necessarily arise.

This concern extends beyond Petitioner's individual circumstances.

It implicates broader questions concerning whether attorney disciplinary systems may, through repeated denial and procedural rigidity, effectively impose a form of civil or professional death without meaningful mechanisms of restoration.

Such questions warrant this Court's careful consideration.

Petitioner respectfully submits that rehearing is therefore warranted to address whether prolonged professional exclusion under these circumstances raises constitutional concerns of exceptional national importance.

### **III. NEWLY EMPHASIZED COMPARATIVE REINSTATEMENT EVIDENCE WARRANTS REHEARING AND RAISES SUBSTANTIAL EQUAL PROTECTION CONCERNS**

Petitioner respectfully submits that rehearing is further warranted because comparative reinstatement evidence—particularly involving decisions of the Appellate Division, Second Department—raises substantial concerns regarding materially disparate treatment that merit renewed consideration.

The issue is not whether all attorneys must receive identical disciplinary outcomes.

Nor does Petitioner contend that reinstatement decisions are incapable of individualized assessment.

Rather, the constitutional concern arises where materially different outcomes appear to emerge despite more serious underlying misconduct by comparator attorneys and substantial evidence of rehabilitation by Petitioner.

Petitioner's submissions identified multiple attorneys who were ultimately reinstated after misconduct involving criminal convictions, escrow-related violations, dishonesty, or substantially more serious professional infractions than those attributed to Petitioner.

In several such cases, reinstatement occurred following referral to Character and Fitness review or through procedural mechanisms designed to evaluate rehabilitation and present fitness.

By contrast, Petitioner—who sustained no criminal conviction, repeatedly demonstrated rehabilitation, pursued advanced education, engaged in extensive nonprofit and public service work, and continued lawful efforts toward reinstatement—has remained excluded from meaningful restoration for more than seventeen years.

Petitioner respectfully submits that this disparity warrants careful constitutional scrutiny.

The Equal Protection Clause does not prohibit discretionary decision-making.

It does, however, prohibit arbitrary or materially disparate treatment unsupported by rational distinction, particularly where fundamental professional and reputational interests remain at stake.

As this Court recognized in *Yick Wo v. Hopkins*, 118 U.S. 356 (1886), facially neutral procedures may nevertheless raise constitutional concern where administered in materially unequal ways.

Petitioner does not ask this Court to conclude, at this stage, that unconstitutional discrimination has been proven.

Rather, Petitioner respectfully submits that the comparative evidence raises sufficiently serious questions concerning fairness, consistency, and equal treatment to warrant rehearing and closer judicial examination.

This concern carries particular significance where Petitioner is an African-American civil rights attorney whose prolonged exclusion stands in tension with reinstatement outcomes involving attorneys whose conduct, in objective seriousness, appears substantially more severe.

The question raised is therefore not merely personal.

It is institutional.

Whether disciplinary systems may operate with such materially divergent outcomes without meaningful explanation presents a constitutional issue worthy of renewed consideration by this Court.

Accordingly, rehearing is respectfully warranted.

#### **IV. THE QUESTIONS PRESENTED ARE OF EXCEPTIONAL NATIONAL IMPORTANCE AND WARRANT RENEWED CONSIDERATION**

Petitioner respectfully submits that rehearing is further warranted because the constitutional and institutional questions presented extend beyond the circumstances of a single attorney and bear directly upon public confidence in the fair administration of justice.

At its core, this matter implicates enduring constitutional principles concerning equal treatment, procedural fairness, proportionality, and meaningful access to restoration following professional discipline.

These concerns are not abstract.

They affect public confidence in whether governmental and institutional power is exercised consistently, rationally, and without materially disparate treatment.

Recent national debate concerning the proper limits of executive authority, the consistent application of prosecutorial discretion, selective enforcement concerns, institutional accountability, and adherence to constitutional safeguards has renewed public attention to the importance of equal treatment and procedural fairness within systems exercising governmental and professional power.

Without regard to political affiliation, ideology, or contemporary controversy, these broader concerns underscore the continuing constitutional importance of vigilance against materially inconsistent or arbitrary outcomes affecting liberty, livelihood, professional standing, and public trust.

Attorney discipline occupies a uniquely consequential place within the administration of justice.

The legal profession serves not merely private interests but constitutional and public functions.

Accordingly, disciplinary systems must not only protect the public but also preserve confidence that pathways toward restoration remain meaningful, proportionate, and fairly administered.

Petitioner respectfully submits that the present matter raises substantial questions concerning whether prolonged exclusion, materially disparate reinstatement outcomes, and uneven procedural accommodation may collectively implicate broader constitutional concerns worthy of this Court's renewed attention.

This question bears particular significance where the challenged treatment concerns an African-American civil rights attorney whose professional identity has long centered upon issues of constitutional fairness, equal treatment, and public justice.

Petitioner respectfully submits that the issues presented therefore warrant rehearing not solely because of their importance to Petitioner, but because they implicate broader principles concerning fairness, consistency, and confidence in the institutions charged with administering justice.

At a moment when national attention increasingly focuses upon equal justice, institutional legitimacy, and the faithful application of constitutional safeguards, the questions presented in this matter warrant careful reconsideration.

## **V. REHEARING IS WARRANTED UNDER RULE 44.2**

Petitioner respectfully submits that rehearing is warranted pursuant to Rule 44.2 because this request is not presented merely to relitigate arguments previously considered, nor to express disagreement with the Court's prior disposition.

Rather, rehearing is warranted because material constitutional implications and comparative evidence of substantial importance warrant renewed consideration.

First, Petitioner respectfully submits that the constitutional implications of prolonged professional exclusion—now exceeding seventeen years—raise substantial questions concerning proportionality, fairness, and whether meaningful restoration mechanisms remain constitutionally sufficient where substantial rehabilitation has repeatedly been demonstrated.

Second, Petitioner respectfully submits that comparative reinstatement evidence involving materially more serious misconduct by similarly situated attorneys warrants closer examination. While attorney discipline necessarily permits individualized outcomes, materially divergent reinstatement results involving attorneys whose conduct included criminal convictions, escrow

violations, dishonesty, or more severe ethical infractions raise sufficiently serious questions concerning fairness, consistency, and equal protection to justify rehearing.

Third, Petitioner respectfully submits that the issues presented have broader institutional significance extending beyond Petitioner's individual circumstances. At a moment of heightened public concern regarding equal treatment, procedural fairness, selective enforcement, and institutional legitimacy, the constitutional questions presented warrant careful consideration by this Court.

Fourth, Petitioner has pursued lawful relief diligently and consistently through every available judicial avenue, including repeated reinstatement efforts, federal constitutional litigation, appellate review, and proceedings before this Court. This sustained pursuit reflects not obstinacy, but sincere reliance upon lawful process as the proper means of seeking justice concerning unresolved constitutional questions of exceptional importance.

Fifth, Petitioner further respectfully notes that he has contemporaneously continued to pursue lawful reinstatement to the Bar of the Supreme Court of the United States through Rule 8.5 proceedings and related equitable relief. Petitioner does not request that the Court conflate these distinct procedural matters. Rather, the continuing pursuit of lawful reinstatement underscores the present and practical significance of the constitutional questions raised herein and reflects Petitioner's continuing reliance upon lawful process as the appropriate avenue for seeking restoration and justice.

Petitioner further respectfully notes that Respondents elected not to file opposition papers in response to the Petition for Writ of Certiorari. Petitioner does not request that this Court infer concession from procedural silence. However, the absence of adversarial response left substantial constitutional concerns unresolved and un rebutted, further supporting the appropriateness of renewed review.

Petitioner respectfully submits that these combined circumstances distinguish the present request from ordinary petitions for rehearing and warrant renewed consideration under Rule 44.2.

Accordingly, rehearing is respectfully requested.

## **VI. CONCLUSION AND RELIEF REQUESTED**

For the foregoing reasons, Petitioner respectfully submits that rehearing is warranted pursuant to Rule 44.2 of the Rules of the Supreme Court of the United States.

This Petition presents substantial constitutional questions concerning prolonged professional exclusion, materially disparate reinstatement outcomes, procedural fairness, and equal protection that extend beyond the interests of a single litigant and implicate broader public confidence in the fair administration of justice.

Petitioner respectfully submits that the constitutional concerns presented herein were either overlooked or insufficiently developed at the time of the Court's prior disposition and warrant

renewed consideration in light of the comparative reinstatement evidence, the continuing practical significance of the issues presented, and their broader institutional importance.

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

1. **Grant this Petition for Rehearing pursuant to Rule 44.2;**
2. **Vacate the denial of the Petition for Writ of Certiorari;**
3. **Reconsider the Petition in light of the constitutional and comparative concerns set forth herein; and**
4. **Grant such other and further relief as justice may require.**

Respectfully submitted,

  
**Daryll B. Jones, J.D., M.P.A.**

Petitioner *Pro Se*

133-21 Francis Lewis Boulevard

Laurelton, New York 11413

[bishop.jones2@aol.com](mailto:bishop.jones2@aol.com)

(347) 924-4661

Date: May 13, 2026

**Exhibit 1**

**CERTIFICATION OF GOOD FAITH**

No. 24-1209  
IN THE SUPREME COURT OF THE UNITED STATES

DARYLL B. JONES,  
Petitioner,

v.

STATE OF NEW YORK, et al.,  
Respondents.

**CERTIFICATION OF GOOD FAITH**

Pursuant to Rule 44 of the Rules of the Supreme Court of the United States, Petitioner respectfully certifies that the accompanying Petition for Rehearing is presented in good faith and not for purposes of delay.

Petitioner respectfully submits that the Petition identifies substantial constitutional and comparative issues warranting renewed consideration, including matters that were either overlooked or insufficiently developed at the time of the Court's prior disposition.

This Petition is submitted sincerely, respectfully, and in reliance upon lawful judicial process.

Respectfully submitted,



**Daryll B. Jones, J.D., M.P.A.**  
Petitioner *Pro Se*  
133-21 Francis Lewis Boulevard  
Laurelton, New York 11413

Date: May 14 , 2026

**Exhibit B**  
**Comparative Reinstatement Chart**

### Updated Disciplinary Comparison Table

#	Case Name	Violation Summary	Suspension	Stayed	Reinstated	Department
1	Matter of Ford	Escrow mismanagement, client fund misuse	2 years	Yes	Eligible after 2 years	3rd
2	Matter of Mendelson	Converted funds due to gambling addiction	1 year	Yes	Eligible after 1 year	3rd
3	Matter of DiMaggio	Escrow violations, personal use, misrepresentation	2 years	Yes	Eligible after 2 years	3rd
4	Matter of Sossner	Converted funds, commingling, poor recordkeeping	2 years	Yes	Yes	3rd
5	Matter of Rimer	Neglect of legal matters, no intent to defraud	1 year	Yes	Yes	1st
6	Matter of John	Negligent escrow account management	Public censure	N/A	N/A	1st
7	Matter of Jones (Petitioner)	Alleged commingling of funds with no client harm	Indefinite 17 years on-going		Denied repeatedly	2nd

**Exhibit C**  
**Limited Comparator Orders**

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## IN RE: Jeffrey D. GRANT (2002)

Supreme Court, Appellate Division, Second Department, New York.

IN RE: Jeffrey D. GRANT, an attorney and counselor-at-law, resignor.

Decided: December 16, 2002

**A. GAIL PRUDENTI, P.J., DAVID S. RITTER, FRED T. SANTUCCI, MYRIAM J. ALTMAN and ANITA R. FLORIO, JJ.**

**Benjamin Brotman & Maltz, P.C., New York, NY, (Richard M. Maltz of counsel), for resignor.  
Gary L. Casella, White Plains, NY, (Fredda Fixler-Fuchs of counsel), for the Grievance  
Committee for the Ninth Judicial District.**

PER CURIAM.

Resignation tendered pursuant to 22 NYCRR 691.9 by Jeffrey D. Grant, who was admitted to the Bar at a term of the Appellate Division of the Supreme Court in the First Judicial Department on June 21, 1982, under the name Jeffrey David Grant.

Jeffrey D. Grant has submitted an affidavit dated September 4, 2002, wherein he tenders his resignation as an attorney and counselor-at-law (see 22 NYCRR 691.9). Mr. Grant was admitted to the Bar by the Appellate Division of the Supreme Court in the First Judicial Department on June 21, 1982, under the name Jeffrey David Grant.

Mr. Grant avers that his resignation is submitted freely and voluntarily, that he is not being subjected to any coercion or duress, and that he is fully aware of the implications of submitting this resignation.

Mr. Grant is fully aware that he is the subject of a pending investigation by the Grievance Committee into three complaints of professional misconduct. The allegations involve conversion of funds entrusted to him, payment to himself from escrow funds without the client's permission or authorization, conflicts of interest, failing to safeguard the property of a client, failing to promptly pay or deliver funds to a client after demand for the funds was made, unauthorized transfer of funds held in his fiduciary capacity, submitting false testimony and documentation to the Grievance Committee, conduct involving dishonesty, fraud, deceit, or misrepresentation, and conduct prejudicial to the administration of justice.

Mr. Grant acknowledges that based upon the scope of the investigation, it is likely that the Grievance Committee will move for authorization to institute a disciplinary proceeding against him pursuant to 22 NYCRR 691.4(l)(1)(ii) and (iii). He acknowledges an inability to successfully defend himself on the merits against charges predicated upon the aforementioned allegations.

Mr. Grant is aware that pursuant to Judiciary Law § 90(6-a), to the extent that any funds held by him in a fiduciary capacity for any third parties are unaccounted for, the court, in an order permitting him to resign, could require him to make restitution to any person whose money or property was misappropriated or misapplied or to reimburse the New York Lawyers' Fund for Client Protection. He is further aware that any order issued pursuant to Judiciary Law § 90(6-a) could be entered as a civil judgment against him and he specifically waives the opportunity afforded by Judiciary Law § 90(6-a) (f) to be heard in opposition thereto.

Inasmuch as the proffered resignation comports with all appropriate court rules, it is accepted, and, effective immediately, Jeffrey D. Grant is disbarred and his name is stricken from the roll of attorneys and counselors-at-law.

ORDERED that the resignation of Jeffrey D. Grant is accepted and directed to be filed; and it is further,

ORDERED that pursuant to Judiciary Law § 90, effective immediately, Jeffrey D. Grant is disbarred and his name is stricken from the roll of attorneys and counselors-at-law; and it is further,

ORDERED that Jeffrey D. Grant shall promptly comply with this court's rules governing the conduct of disbarred, suspended, and resigned attorneys (see 22 NYCRR 691.10); and it is further,



# Matter of Grant

Matter of Grant 2021 NY Slip Op 02797 Decided on May 5, 2021 Appellate Division, Second Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports.

Decided on May 5, 2021 SUPREME COURT OF THE STATE OF NEW YORK  
Appellate Division, Second Judicial Department

WILLIAM F. MASTRO, A.P.J.

REINALDO E. RIVERA

MARK C. DILLON

CHERYL E. CHAMBERS

BETSY BARROS, JJ.

2002-03776 ON MOTION

[\*1]In the Matter of Jeffrey D. Grant, admitted as Jeffrey David Grant, a disbarred attorney.

(Attorney Registration No. 1824796)

DECISION & ORDER

Motion by Jeffrey D. Grant for reinstatement to the Bar as an attorney and counselor-at-law. Mr. Grant was admitted to the Bar at a term of the Appellate Division of the Supreme Court in the First Judicial Department on June 21, 1982, under the name Jeffrey David Grant. By opinion and order of this Court dated December 16, 2002, Mr. Grant was disbarred upon his resignation, effective immediately, and his name was stricken from the roll of attorneys and counselors-at-law (Matter of Grant , 303 AD2d 7). By decision and order on motion of this Court dated July 29, 2019, Mr. Grant's motion for reinstatement was held in abeyance and the matter was referred to a Committee on Character and Fitness to investigate and report on his character and fitness to practice law.

Upon the papers filed in support of the motion and the papers filed in relation thereto, and upon the report of the Committee on Character and Fitness and the exhibits annexed thereto, it is

ORDERED that the motion is granted; and it is further,

ORDERED that, effective immediately, Jeffrey David Grant is reinstated as an attorney and counselor-at-law, and the Clerk of the Court is directed to restore the name of Jeffrey David Grant to the roll of attorneys and counselors-at-law.

MASTRO, A.P.J., RIVERA, DILLON, CHAMBERS and BARROS, JJ., concur.

ENTER:

Aprilanne Agostino

Clerk of the Court

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ORDERED that pursuant to Judiciary Law § 90, effective immediately, Jeffrey D. Grant, is commanded to desist and refrain from (1) practicing law in any form, either as principal or agent, clerk, or employee of another, (2) appearing as an attorney or counselor-at-law before any court, Judge, Justice, board, commission, or other public authority, (3) giving to another an opinion as to the law or its application or any advice in relation thereto, and (4) holding himself out in any way as an attorney and counselor-at-law.

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**Exhibit D**

**Index of previously submitted materials incorporated by reference**

## EXHIBIT D

### INDEX OF PREVIOUSLY SUBMITTED MATERIALS INCORPORATED BY REFERENCE

Petitioner respectfully identifies the following materials previously submitted to the Supreme Court of the United States in connection with the Petition for Writ of Certiorari, supplemental submissions, and related rehearing matters in the above-captioned proceeding. To avoid unnecessary duplication and burden upon the Court, Petitioner respectfully incorporates these materials herein by reference and respectfully requests that they be considered together with the present Petition for Rehearing.

#### I. CERTIORARI MATERIALS

1. **Petition for Writ of Certiorari**  
Previously submitted in *Jones v. New York*, No. 24-1209.
2. **Appendix to Petition for Writ of Certiorari**  
Including relevant orders, disciplinary materials, reinstatement history, and supporting documentation.

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#### II. COMPARATIVE REINSTATEMENT MATERIALS

3. **Supplemental Comparative Reinstatement Submission**  
Previously submitted in further support of rehearing and equitable consideration.
4. **Comparative Reinstatement Exhibits and Supporting Documentation**  
Including materials concerning attorneys reinstated following criminal convictions, escrow-related misconduct, dishonesty, or substantially more serious disciplinary infractions than those attributed to Petitioner, including comparative materials relevant to reinstatement disparity concerns.

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#### III. SUPPORTING CONSTITUTIONAL AND PROCEDURAL MATERIALS

5. **\*\*Prior Supplemental Submission**

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