

No. 24-6332

Original

RKB

SUPREME COURT OF THE UNITED STATES

Andrew Jason Peterson,

Petitioner,

vs.

State of Wisconsin,

Respondent.

FILED

MAR 28 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

On Petition for a Writ of Certiorari to the Wisconsin Court of Appeals

PETITION FOR REHEARING

Andrew Jason Peterson, *pro se*
PO Box 254
Cornucopia, WI 54827
(715) 413-0394

Respondents:

Joshua L. Kaul, *Attorney General of Wisconsin*
Michael C. Sanders, *Assistant Attorney General*
Wisconsin Department of Justice, Post Office Box 7857
Madison, WI 53707-7857

RECEIVED

APR - 1 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Table of Authorities

Supreme Court Rule 14.....	5
Supreme Court Rule 14.5.....	2, 4, 5, 8
Supreme Court Rule 40.5.....	5, 8
Supreme Court Rule 44.2.....	2, 9

Petition for Rehearing

Petitioner Andrew Peterson petitions for rehearing of this Court’s March 3rd, 2025 Order denying his petition for a writ of certiorari.

Reasons for Granting Rehearing

1. Supreme Court Rule 44.2 states that the grounds of a petition for rehearing “shall be limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.” As detailed below, the certiorari petition submitted by Petitioner on January 8th, 2025 was damaged in form, size, content, and substance by computer error and technical copy difficulties of which he informed the Office of the Clerk. Petitioner’s Office of the Clerk contact, Redmond Barnes, stated to Petitioner that he would find an incomplete filing made in good faith deficient pursuant to Supreme Court Rule 14.5, and that Petitioner would be given sixty days to repair the document. Petitioner also submitted a motion to the court on February 24th on this issue, entitled “Motion to Find Certiorari Petition Deficient and File Corrected Petition as Timely.” It is not known to Petitioner whether the

motion was found to be in order and presented to the Court. Following the guidance of Mr. Barnes, Petitioner submitted a repaired and completed petition in advance of conference. Petitioner was later informed (February 24th) by Redmond Barnes, of that office, that his superior would not allow him to substitute the repaired and completed petition as he had previously indicated he would to Petitioner. Mr. Barnes indicated that the best he could do was include the petition and motion in a correspondence file that might or might not be considered by the panel. All required jurisdictional criteria to file a petition for certiorari have been satisfied by Petitioner, and all filings were made in good faith and in compliance with guidance from the office of the clerk. Petitioner construed all guidance from the Office of the Clerk of the Supreme Court as authority; that is, direction from this Court itself.

2. Petitioner's time for filing petition for certiorari commenced on October 7, 2024, and ended on January 5th, a Sunday. Petitioner completed six years of initial confinement out of a twelve-year state prison sentence and was released on December 3rd, 2024; roughly two months into his filing window.

3. This Court was closed on January 6th and 7th. Petitioner was unaware of these closures as they are not federal holidays.

4. Following an accidental deletion on January 6th, Petitioner mailed an unfinished previous iteration of his petition as proof of his earnest effort to file. On January 7th, Petitioner contacted the office of the clerk and was subsequently contacted by Redmond Barnes. Mr. Barnes indicated that the Court had been closed on January 6th and 7th, provided Petitioner with a direct number, and stated he would be Petitioner's contact for the certiorari filing. Petitioner informed Mr. Barnes that his petition file was unrecoverable from his hard drive at that time, and that he would continue to attempt recovery for a timely January 8th filing. Mr. Barnes stated that if Petitioner's petition was missing anything, Petitioner would be given sixty days to correct the document as set forth in Supreme Court Rule 14.5.

5. Petitioner was able to recover his damaged Petition from a hard drive temporary file after considerable effort and technical learning online. After reconstructing the finished draft as much as

possible, Petitioner timely mailed a deficient single copy of his certiorari petition on January 8th.

6. On January 9th, Petitioner left a message with Mr. Barnes to inform him that he had timely mailed a single petition, and that the petition failed to meet certain requirements under Supreme Court Rule 14 due to lack of time to repair the document, failure to provide the number of copies required among them, since Petitioner was no longer incarcerated. Petitioner expected he was required to file ten copies to the Court and copies to the parties under Supreme Court Rule 40.5.

7. Petitioner fully expected to be given sixty days to fix deficiencies in his petition as described by Mr. Barnes under Rule 14.5. Instead, Petitioner's petition was filed on January 8th, and placed on the docket January 17th. Petitioner left several phone messages concerning distribution requirements. After receiving a docketing letter and viewing the filed petition online, Petitioner left phone messages for Mr. Barnes concerning deficiencies in the petition on January 27th.

8. On January 28th, in a brief phone call with Mr. Barnes, Petitioner told him that a page of Questions Presented from the docketed January 8th petition was missing due to deletion/reconstruction issues and limited repair time, as well as incomplete table of contents, incomplete appendix, missing index of appeal and numerous missing citations, after viewing the petition on the USSC website. Mr. Barnes stated that the petition had not been sent to conference, and that Petitioner should make haste to send a corrected petition as soon as possible so that it would be considered. Petitioner attempted to reach Mr. Barnes on January 29th to clarify which filing criterion (incarcerated or unincarcerated) he was filing under, but Mr. Barnes was unavailable.

9. Petitioner express-mailed a completely corrected petition which was delivered to the office of the clerk on February 4th, and also mailed copies to Wisconsin Attorney General Josh Kaul and Assistant Attorney General Michael Sanders.

10. In a subsequent phone contact with a different clerk's office contact, Petitioner was told that docketed petitions are not typically permitted to be altered. After some research, Petitioner became

concerned that a motion before this Court might be required, and left multiple messages with Mr. Barnes to clarify the process. Petitioner did not receive a response until February 24, immediately after mailing the motion.

11. Petitioner mailed letters to Mr. Barnes to clarify filing issues which were delivered on February 10th and 11th.

12. Although issues with access to computers while incarcerated may have warranted a time extension, Petitioner determined not to apply for a time extension as it is not favored by the Court. Upon release from prison, Petitioner immediately purchased a computer and software to meet filing requirements of the Court. The delay in acquiring an internet connection, the challenges of reentry into the community (employment and transportation), computer error, and issues with public library copy equipment compounded the difficulties of filing a timely petition. Petitioner has made every effort to submit a petition worthy of this Court's consideration.

13. Petitioner has acted in accordance with the directions provided by Mr. Barnes. Since Petitioner's petition was filed, it appears that the clerk has determined that his certiorari filing was made in

earnest. Supreme Court Rule 14.5 makes clear that where there is no contrivance on the part of a petitioner, sixty days will be afforded to them to correct deficiencies. The corrected petition received by the clerk on February 4th falls well within the sixty day period to correct deficiencies under that rule. Here, Petitioner was transparent about the issues that affected his filing. If the Court grants this petition, Petitioner will provide additional copies to the Court, should it so require under Supreme Court Rule 40.5, and of course consent to additional time for the State to file a response if they so choose.

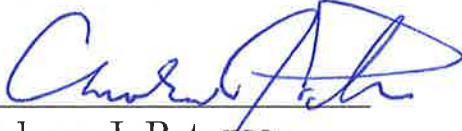
14. While Petitioner hoped that his corrected certiorari petition would be reviewed as originally indicated, all indications are that it was not. The limited response from Mr. Barnes and the office of the clerk left Petitioner uninformed as to how to proceed, and extremely concerned about the Court's perception of his certiorari filing. As of now, Petitioner has no knowledge of how or if his corrected petition was handled, and cannot find any information regarding the handling of that filing or the subsequent motion on this Court's website. Recent attempts to reach the Office of the

Clerk by phone have been unsuccessful. Petitioner's queries to the Office of the Clerk have been procedural in nature, and did not constitute requests for legal advice, to the best of his understanding. Discrepancies between the docketed and the repaired certiorari petition are substantial pursuant to Supreme Court Rule 44.2. This petition represents Petitioner's best effort to address the situation within the rules set forth by this Court.

Conclusion

The sole purpose of this petition is to obtain fair and full review of Petitioner's certiorari petition in its complete, undamaged, and original form, as received by the Office of the Clerk on February 4th, 2025. For the reasons presented above, and those stated in the certiorari petition, this Court should grant rehearing.

Respectfully submitted,



Andrew J. Peterson
P.O. Box 254
Cornucopia, WI 54827
715-413-0394

March 28th, 2025

SUPREME COURT OF THE UNITED STATES

Andrew Jason Peterson,

Petitioner,

vs.

State of Wisconsin,

Respondent.

I, Andrew Peterson, hereby certify that on this date, March 28th, 2025, as required by Supreme Court Rule 29, I have served the enclosed Petition for Rehearing on all parties required by United States mail properly addressed to each of them and with first-class postage prepaid for delivery within 3 calendar days:

Josh Kaul

Attorney General of the State of Wisconsin

Michael Sanders

Assistant Attorney General of the State of Wisconsin

Wisconsin Department of Justice

Post Office Box 7857

Madison, WI 53707-7857



Andrew J. Peterson

P.O. Box 254

Cornucopia, WI 54827

715-413-0394

March 28, 2025

Andrew Peterson
P.O. Box 254
Cornucopia, WI 54827
715-413-0394

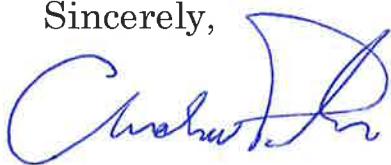
Supreme Court of the United States
1 First Street N.E.
Washington D.C. 20543

Andrew Jason Peterson, Petitioner v. Wisconsin
No. 2024-6332

To the Supreme Court of the United States, office of the clerk,

Enclosed find the enclosed document, Petition for Rehearing, ten pages, plus cover, for filing. Copies were mailed on this day to all required parties. Please note that it is timely filed pursuant to Supreme Court Rule 29.2.

Sincerely,



Andrew Peterson

Cc: Josh Kaul, Wisconsin Attorney General; Michael Sanders, Wisconsin Assistant Attorney General