

7-14-25

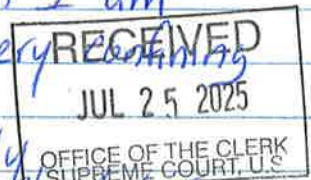
CMB

United States Supreme Court Clerk,

I am resubmitting my Petition for Rehearing for Case No: 24-6926. I recieved a letter from your office from Scott S. Harris / Lisa Nesbitt instructing me to accompany the Petition with a Certificate of Good Faith and a Certificate stating the grounds are limited to intervening circumstances of substantial or Controlling effect. I was instructed to submit the corrected form within 15 days of the date of this letter, dated July 1st, 2025.

Please be advised that the institution that I am housed at has very limited interactions with the law library and therefore I have not had the oppertunity to review RULE 44 in it's entirety to gain a full understanding of the requirements that was addressed by this office. But I have made a Good Faith effort to correct my Petition based on my understanding of "Intervening Circumstances" and "Controlling Effect" and how those terms apply in practice of law. If my petition is still in error please continue to extend to me your courtesy and detail the default with description of the Rule and the subsections that apply. Access to the law library and the Courts are severely limited at the facility from which I am housed, where we often have to wait up to 45 days to visit the law library. This severely handicaps my ability to meet any short timed deadlines or to be confident of the very limited knowledge I have in Federal Court Procedure. In Good Faith I write to you these truths to demonstrate that I am personally exercising due deligence under very continuing and limited circumstances.

Sincerely,
Elyjah Vanhook



7-14-25

CMS

IN THE SUPREME COURT OF THE UNITED STATES

ELIJAH BANKSTON, AKA TOMMY LEE
Petitioner

v.

CASE NO: 24-6926

FLORIDA

Respondant

MOTION FOR REHEARING

Pursuant to Rule 44 of the rules of the Supreme Court of the UNITED STATES, Petitioner ELIJAH BANKSTON respectfully moves this court for a rehearing of the decision rendered in this case on MAY 5, 2025.

GROUND FOR REHEARING

A rehearing may be granted only upon grounds that the Court has overlooked or misapprehended points of law or fact that were presented in the case and that would have been controlling in the determination. Sup. Ct. R 44.1 Petitioner submits that this court should grant rehearing for the following

REASONS

(1) THE COURT OVERLOOKED OR MISAPPREHENDED THAT SEPERATION

(1)

OF THE JURY IN THE MIST OF DELIBERATION IS PROHIBITED BY
LAW IN THE STATE OF FLORIDA.

THE Petitioner fears this court construed the ground raised
in his writ Certiorari as the constitutional basis of his
claim. IF this is the case then the supreme court of THE
UNITED STATES would be correct to deny the writ. However
~~this~~ court misapprehended the true nature of the claim
raised. While separation of a jury in the midst of
deliberation may be standard practice in the Federal
Judicial Courts AND AMONGST MANY STATES IN THE NATION,
that practice is STRICTLY PROHIBITED IN THE STATE OF FLORIDA.
IN the Florida Supreme Court decision ON December 18, 1986
IN DANNY MICHAEL TAYLOR V. STATE OF FLORIDA, 498 So.2d 943;
1986, it found that in capital cases, a jury could not separate
after it has begun its deliberations. THE reason behind
this Rule was to prevent undue influence on the jurors.
THE COURT REASONED that defendants accused of non capital

offenses had the same RIGHT to a trial by impartial jury as those accused of capital offenses. Therefore, it was reversible error for the trial court to allow the jury to separate after deliberations had begun.

IN REACHING this conclusion the FLORIDA SUPREME COURT said; " THE right of a defendant to have a jury deliberate his guilt or innocence free from any distractions, outside or improper influences is a paramount right which must be closely guarded. The possibility of a juror being improperly influenced while going about his normal activities away from the courthouse in the midst of deliberations is so great that the procedure must be disapproved for NON-Capital as well as Capital trials."

THIS Florida supreme COURT ruling in DANNY MICHAEL

TAYLOR V. STATE OF FLORIDA established law in the State of Florida to prohibit the practise of separating a jury

IN the midst of Deliberation in all trials. It is the belief of the petitioner that this Court misapprehended or overlooked the fact when it denied Petitioners writ of Certiorari. Petitioner request a hearing for this court to take notice and consider the Florida Supreme Court decision in TAYLOR V. STATE OF FLORIDA Supreme Court decision in TAYLOR V. STATE OF FLORIDA, (December 18, 1986)

(2) This overlooked or misapprehended point would have been controlling.

One of the most fundamental rights guaranteed by the United States Constitution is the right of Equal Protection stipulated by the Fourteenth Amendment.

"THE EQUAL PROTECTION Clause of THE FOURTEENTH Amendment commands that NO STATE SHALL deny to any person within its jurisdiction equal protection of the laws, which is essentially a direction that A person similarly situated

must be treated alike." CITY OF CLEBURNE, TX V.
CLEBURNE LIVING, 423 U.S. 432, 439, 108 S. Ct.
3249, 87 L. Ed. 2d 313 (1985)

simply stated, the Equal Protection Clause embedded in the 14th Amendment requires states to uphold and abide by the laws within its jurisdiction and to afford the protection of all those laws to all persons within its jurisdiction.

ARGUMENT

It is understood that the rules concerning the separation of the jury during deliberations may vary from state to state. Because of this variance a constitutional claim based solely upon these grounds would no merit. However the law in the state of Florida establishes that separation of the jury in the midst of deliberation is prohibited as stipulated by the Florida Supreme Court. Because the petitioner was on trial in the state of Florida he was entitled to Equal Protection of Florida Laws. This same Equal Protection is Inalienable and Guaranteed by the Fourteenth Amendment of the

UNITED STATES CONSTITUTION which COMMANDS STATES TO uphold and extend EQUAL PROTECTION OF THE LAWS within their jurisdiction. For these reasons the Petitioner PRAYS for this COURT to uphold the integrity of THE FOURTEENTH AMENDMENT AND to QUASH its denial of the Petitioner's writ of Certiorari entered on MAY 5, 2025. THE Petitioner seeks for this COURT to enter a ORDER for a NEW TRIAL or to return this matter back to the proper lower tribunal COURT with REMAND for THAT COURT to enter a ORDER for A NEW TRIAL in this case.

CONCLUSION

For the foregoing reasons, Petitioner respectfully request that this COURT grant this Motion for Rehearing.

Respectfully Submitted
Elisab Bankston
Elisab Bankston

CERTIFICATE OF SERVICE

I hereby certify that on 5-19-2025, I served a copy of the foregoing Motion For Rehearing on Counsel for Respondent via U.S. Mail at the following address:

Celia Tarenzio
Office of the Attorney General
1515 N. FLAGLER DRIVE
West Palm Beach, Florida
33401

Elijah Bankston
Elijah Bankston
Black Water River Corr. Facility
5914 Jeffares Road
Milton, FL.
32583

CERTIFICATE OF INTERVENING CIRCUMSTANCES OF SUBSTANTIAL OR CONTROLLING EFFECT

THE PETITIONER demonstrates that his claim of reversible error by allowing the jury to separate in the midst of deliberations was established by the FLORIDA SUPREME COURT from which the CONTROLLING CASE is LIVINGSTON V. STATE, 458 SO.2D 235, 239 (FLA. 1984), which was reaffirmed in DANNY MICHAEL TAYLOR, 498 SO.2D 943; (FLA 1986) and revisited and reaffirmed in THOMAS DEWEY POE, 596 SO.2D 1241 (FLA. 1990). These Florida Supreme COURT CASES are CONTROLLING from which the PETITIONER is entitled to EQUAL PROTECTION OF THE LAW STIPULATED AND guaranteed by the FOURTEENTH Admendment of the United STATES CONSTITUTION, stipulating that he is entitled to a new trial.

Submitted this 13TH day of July, 2025

CERTIFICATE OF GOOD FAITH

I hereby certify that the foregoing Petition has been filed in Good Faith and that I have a reasonable belief that this Petition for Rehearing has been filed in a timely manner for the purpose of deposition on this matter and not intended to delay or interrupt any other related proceeding involving these matters.

Submitted this 13TH day of July, 2025

Ralph Bankston

7-14-25

CMB