

IN THE
SUPREME COURT OF THE UNITED STATES

SAM AUTRY FLETCHER - Petitioner/Movant

VS.

ERIC GUERRERO, Director, Texas Department
of Criminal Justice, Correctional Institutions Division

MOTION FOR REHEARING OF DENIAL OF PETITION
FOR WRIT OF CERTIORARI

To the Hon. Chief Justice and the Associate Justices of the Supreme Court of the United States:

Pursuant to Supreme Court Rule 44.2, the Petitioner, Sam Autry Fletcher, respectfully MOVES this Court for a rehearing on the denial of the petition for writ of certiorari, on the grounds that the Court misapprehended or overlooked substantial and dispositive questions of constitutional and statutory law presented in the petition. The Court's denial was issued on June 30, 2025, and this motion is timely filed within the 25 day limit.

I. INTRODUCTION

This motion is submitted in good faith and is limited to substantial grounds that may have been misapprehended or overlooked by the Court. Specifically, the Petitioner asks the Court to reconsider whether federal courts possess discretionary authority under 28 U.S.C. § 2254 (e)(1), or any other statute or rule, to disregard clear and convincing evidence submitted in support of federal habeas claims—evidence that the federal courts below failed to consider.

This case presents exceptional circumstances involving repeated failure by both the federal district court and the Fifth Circuit Court of Appeals to

consider or address unrebutted, clear and convincing evidence submitted in support of serious constitutional violations in a 28 U.S.C. § 2254 petition. The Court's denial of certiorari may have been based on a misapprehension of these material facts and federal habeas review obligations.

The district court disregarded the factual record and evidentiary support submitted by Petitioner, in violation of §2254 (e)(1), and the Fifth Circuit denied a Certificate of Appellability (COA) without addressing any of Petitioner's actual claims or evidence. The issues presented are of recurring national importance and implicate a petitioner's fundamental Due Process rights and the Integrity of the Feral Habeas Corpus Review.

II. GROUNDS FOR GRANTING REHEARING

A. The Lower Courts Disregarded Clear and Convincing Evidence Under § 2254 (e)(1)

This Court may have overlooked the unprecedented manner in which the federal district and appellate courts declined to review the Petitioner's constitutional claims, in direct contravention of the standards imposed by 28 U.S.C. § 2254 and Supreme Court precedent. The district court denied relief without properly adjudicating any of the claims actually presented by the Petitioner or addressing the voluminous clear and convincing evidence submitted under § 2254(e)(1).

Further, the Petitioner's central question—whether federal courts have the discretion to ignore properly submitted and relevant evidence under § 2254 (e)(1), and may summarily deny a § 2254 petition without properly addressing the actual claims as alleged by Petitioner—remains unresolved and implicates due process and the integrity of the federal habeas process. This is a question of substantial public importance and recurrent significance in habeas jurisprudence, and it warrants this Court's consideration.

The Petitioner submitted substantial audio recording, photographic, and documentary evidence under § 2254(e)(1), clearly demonstrating:

- Ineffective assistance of both trial and appellate counsel;
- Prosecutorial misconduct regarding: Brady violations, Breach of oral dismissal agreement, and Improper closing arguments;
- Police Tampering with and destruction of evidence;
- Violations of the 5th Amendment right to counsel;
- Legally insufficient evidence to support conviction; and
- Trial court error in giving a coercive supplemental instruction after deliberations began and one juror dissented from the verdict.

The state never actually rebutted the supporting evidence submitted by the Petitioner. Nevertheless, the district court denied the § 2254 petition relying solely on the state's reply brief and its own mischaracterizations of what it believed the records and pleadings showed, omitting any reference to the Petitioner's evidence. The 5th Circuit Court of Appeals summarily denied Petitioner's motion for a COA in a single-page order without discussing Petitioner's arguments or the constitutional significance of the evidence presented.

B. Jurists Of Reason Would Debate The District Court's Ruling.

Under Slack v. McDaniel, 529 U.S. 473 (2000), a COA should issue where reasonable jurists could debate the correctness of the district court's resolution of the constitutional claims. The district court's failure to engage with the evidence violated Miller-El v. Cockrell, 537 U.S. 322 (2003), which mandates a "full consideration of the factual or legal bases" in a COA determination. Jurists of reason would find the lower court decision debatable, warranting at least the issuance of a COA under Slack, *supra*. The Petitioner's constitutional claims are neither insubstantial nor unsupported.

C. The Case Raises Constitutional Questions Of Exceptional Public Importance.

Whether § 2254 (e)(1) or any other federal authority allows courts to

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disregard a petitioner's unrebutted, clear and convincing evidence is a question of national importance. The question is not unique to this case—it reflects a broader issue affecting similarly situated habeas petitioners: The practice of federal courts summarily denying petitions without engaging the factual or constitutional substance of the claims.

If federal courts can ignore such evidence without explanation, then the protections of habeas corpus and due process are effectively nullified. Without this Court's intervention, such denials evade meaningful review and result in the loss of constitutionally guaranteed rights, in direct conflict with the precedent set in Harrington v. Richter, 562 U.S. 86 (2011), and Miller-El v. Dretke, 545 U.S. 231 (2005).

This practice disproportionately affects pro se, indigent, and incarcerated individuals and creates a dangerous precedent where constitutional violations go unaddressed due to Judicial Silence or Procedural Short-Circuiting.

D. Summary Of The Errors.

The errors here are clear:

- The district court reworded and misquoted the factual record—out of context—to support its conclusions and denial;
- The district court mischaracterized and ignored the actual claims as as presented by the Petitioner;
- The district court disregarded the Petitioner's §2254 (e)(1) evidence;
- The Fifth Circuit Court of Appeals denied a COA without engaging with the legal basis for the claims or discussing any of the clear and convincing evidence; and
- The lower court actions reflect a pattern of courts insulating themselves from review by refusing to acknowledge the record.

III. LEGAL AUTHORITY AND JUSTIFICATION FOR REHEARING

Petitioner respectfully submits that the Court may not have been fully apprised of the extent to which the lower courts failed to discharge their

obligations under § 2254, *Slack v. McDaniel*, and *Miller-El v. Cockrell*. This Court may have overlooked substantial constitutional and procedural violations arising from the lower courts' refusal to properly review the Petitioner's claims and supporting evidence as presented.

These actions not only violate 28 U.S.C. § 2254 (d) and (e), but also established Supreme Court precedent concerning federal habeas corpus review and due process.

1. Lower Courts Failed To Review Claims And Evidence

Federal courts are not permitted to deny habeas relief without grappling with the merits of properly presented and supported claims. The summary denial of Petitioner's detailed claims and evidence contravenes Supreme Court precedent requiring fair adjudication of federal constitutional violations:

- Miller-El v. Dretke, 545 U.S. 231, 240 (2005):

"A federal court can disagree with a state court's credibility determination when it is objectively unreasonable based on the evidence in the record."

- Panetti v. Quarterman, 551 U.S. 930, 953 (2007):

The Court rejected "a cursory analysis" by lower courts and emphasized the duty to give full and fair consideration to substantial constitutional claims.

- Porter v. McCollum, 558 U.S. 30, 42 (2009):

The Court reversed the denial of habeas relief where the state and federal courts failed to adequately consider critical mitigating evidence and misapplied precedent.

- Andrade v. Attn. General Of California, 360 F.3rd 1078, 1085-86 (9th Cir. 2004)

A federal court may not "adopt uncritically the state court's recitation of facts" where petitioner has submitted contrary evidence under § 2254 (e)(1).

In the Petitioner's case, the lower federal courts issued no meaningful analysis of the record or claims presented. A constitutional habeas

petition supported by audio recordings, witness affidavits, trial transcripts, medical records, photographs, specific evidence and witness subpoena requests, detailed trial notes, client/attorney correspondence letters, among other relevant documents cannot lawfully be disposed of by a summary denial that misstates the claims, facts, and evidence

2. Courts Mischaracterized or Ignored The record

The deliberate mischaracterization or selective quotation of the record by a reviewing court violates due process and is itself grounds for rehearing and reversal:

- U.S. v. Cronic, 466 U.S. 648, 655-57 (1984):

"True adversarial testing is impossible" where courts refuse to confront or address the legal issues actually raised.

- Napue v. Illinois, 360 U.S. 264, 269 (1959):

A conviction obtained through false or misleading evidence, or the government's failure to correct inaccuracies violates the due process clause.

- Taylor v. Maddox, 366 U.S. 992, 1001 (9th Cir. 2004):

"State court factual findings will not stand if they are directly contradicted by the record or based on an unreasonable determination of the facts."

Here, the federal district court misrepresented the Petitioner's claims and did not address any of the supporting habeas evidence. This is not harmless error, but a structural failure undermining the legitimacy of the habeas process. Rehearing is, therefore, warranted.

3. Rehearing Is Necessary To Prevent A Miscarriage Of Justice

The Petitioner raised issues affecting the fundamental fairness of the underlying criminal proceedings, including:

- Ineffective Assistance of Counsel under Strickland v. Washington, 466 U.S. 668 (1984);
- Due Process violations from:

Evidentiary Tampering, in violation of Brady v. Maryland, 373 U.S. 83 (1963);

Breach of Oral Cooperation/Dismissal Agreement, in violation of Santobello v. New York, 404 U.S. 257 (1971);

Prosecutorial Misconduct during closing arguments, in violation of Berger v. United States, 295 U.S. 78 (1935);

Darden V. Wainwright, 477 U.S. 168 (1986);

Donnelly v. DeChristoforo, 416 U.S. 637 (1974); and

Griffin v. California, 380 U.S. 609 (1965)

- Lack of meaningful appellate review, in violation of Douglas v. California, 372 U.S. 353 (1963)

Where courts fail to address colorable constitutional claims, and evidence exists that could clearly establish actual constitutional violations, the denial of relief offends both the Great Writ's purpose and the values enshrined in Article III:

- House v. Bell, 547 U.S. 518, 539 (2006):

"A federal habeas court must consider all the evidence, old and new, incriminating and exculpatory, and make a probabilistic determination about what reasonable jurors would do."

- Slack v. McDaniel, 529 U.S. 473, 484 (2000):

A certificate of appealability must issue where jurists of reason could disagree with the district court's resolution of constitutional claims.

The lower courts' refusal to engage with the record presented, and the misstatement of material facts and claims, create the precise circumstances where this Court's intervention is both warranted and necessary to prevent a fundamental miscarriage of justice.

Rehearing is warranted to consider the constitutional implications of courts refusing to review unrebutted evidence submitted in support of habeas claims.

IV. CONCLUSION

The Petitioner/Movant respectfully requests that this Court GRANT rehearing,

vacate its prior denial, reconsider the petition for writ of certiorari and supporting facts and evidence in light of the fundamental legal questions presented and substantial miscarriages of justice evidenced in the record and, upon rehearing, GRANT the writ of certiorari or Remand to the court of appeals for further proceedings consistent with due process and federal habeas standards.

Respectfully submitted this 25th day of July, 2025.



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RULE 44.2 CERTIFICATE OF COMPLIANCE

I, the undersigned, do hereby certify that this motion for rehearing is presented in good faith and is limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.

I hereby certify that the above-stated is true and correct , under the penalty for perjury, and pursuant to 28 U.S.C. § 1746.

Respectfully submitted this 25th day of July, 2025.



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