

No. 24-7439

ORIGINAL

In The Supreme Court Of The United States

In re Terron Dizzley

FILED
OCT 19 2025

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SUPREME COURT, U.S.

On Petition For Writ Of Habeas Corpus

Petition For Rehearing

Terron Gerhard Dizzley

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Petitioner Pro Se

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Petition For Rehearing And Suggestions In Support

Comes Now Petitioner, Terron Dizzley, Pro Se, and pray this Court to grant Rehearing pursuant to Rule 44, and thereafter, grant him a Writ of Habeas Corpus to review the judgment of the Circuit Court of Georgetown South Carolina entered on August 30, 2012, so far as necessary to ascertain whether the trial judge's ruling was an acquittal for purposes of double jeopardy, to ascertain whether the trial court exceeded its jurisdictional authority in rendering the sentence imposed on Petitioner pursuant to his second trial of 2014 for the same offense and under which Petitioner is held. In support of petition, Mr. Dizzley states the following.

Statement of Facts

In 2012, Mr. Dizzley was tried in a trial by jury in Georgetown South Carolina for the crime of murder. After only three to four hours of deliberations, the Honorable Judge Baxley received a note from the jury foreman that they were unable to reach a decision. Judge Baxley then discharged Petitioner's jury stating the following:

"Now what you've told us is that you can't reach a unanimous decision, and

I would say to you that that's not a failure on your part. That's actually a strong message to the prosecution that they are unable to meet the "burden of proof" to the extent that they can bring back a unanimous verdict. "See Tr. P. 314, L 13-18 (2012 Trial)

According to clearly established United States Supreme Court precedent cases on "judgments of acquittals" for purposes of double jeopardy, U.S. v. Martin Linen Supply Co., 430 U.S. 564 (1977); Burks v. United States, 437 U.S. 1 (1978); U.S. v. Scott, 437 U.S. 82 (1978); Green v. Massey, 437 U.S. 19 (1978); and Hudson v. Louisiana, 46 U.S. 40 (1981), establishes that when a judge discharges a jury on the grounds that the prosecution failed to meet their "burden of proof" or that there was "insufficient evidence" to convict, such as the aboved ruling by Judge Baxley in Mr. Dizzley's case, such rulings are: (1) acquittals for purposes of double jeopardy despite the label that is placed on the ruling as a mistrial; (2) establishes a person's "innocence" and "lack of criminal culpability" to have committed the offense charged, and; terminates the jurisdiction of the case and double jeopardy bars retrial. See also: Evans v. Michigan, 568 U.S. 313 (2013), "Here we know that trial court acquitted Evans, not because it incanted the word, acquit (which it did not) but

because it acted on its view that the prosecution had failed to prove its case."

Despite the fact that the United States Supreme Court established in Burks v. United States, 437 U.S. 1 (1978), that: "The Double Jeopardy Clause precludes a second trial once the reviewing court has found the evidence legally insufficient, and the "only" just remedy available for that court is the direction of a judgment of acquittal." After Judge Baxley made a finding that the evidence was "legally insufficient" to convict Mr. Dizzley by discharging his jury on the grounds that: "That's actually a strong message to the prosecution that they are unable to meet the "burden of proof" to the extent that they can bring back a unanimous verdict" instead of entering a "judgment of acquittal," Judge Baxley declared a mistrial to afford the prosecution another opportunity try Mr. Dizzley a second time for the same offense. According to Burks, the "only" just remedy was for Judge Baxley when he established that the prosecution had failed to meet their "burden of proof" was to enter a verdict of acquittal.

Reasons Meriting Rehearing

The sentence imposed on Petitioner is a violation of the Fifth Amendment's Double Jeopardy Clause, which constitutes an illegal incarceration and a "badge of slavery" in violation of the Thirteenth Amendment.

According to the landmark precedent case of which

Sets forth the standards of the Double Jeopardy Clause, Ex parte Lange, 85 U.S. 163 (1873), establishes that: "A second judgment of the same verdict is, under such circumstance, "void for want of power," and affords no authority to hold the party a prisoner and he must be discharged."

Therefore, according to clearly established United States Supreme Court law, the sentence imposed on Mr. Dizzley holds no legal nor jurisdictional authority for the State of South Carolina to hold him in prison.

Suggestions In Support of Rehearing

According to Ex parte Lange, 85 U.S. 163 (1873), "The United States Supreme Court has authority to issue writs of habeas corpus and to examine proceedings in inferior court so far as necessary to ascertain whether that court exceeded its authority in rendering the sentence imposed on petitioner and under which the petitioner is held."

Lange, also asserts that when a writ of habeas corpus is filed and probable grounds are shown that the party is being held in custody unlawfully, "the habeas corpus then becomes a writ of right which may not be denied."

Mr. Dizzley contends that the Supreme Court's order simply stating denied fails to provide a ruling from a Chief Justice on the merits of his illegal

incarceration. The Supreme Court's order fails to protect Mr. Dizzley's (an American citizen) individual liberties,

Conclusion

For the foregoing reasons rehearing should be granted, and thereafter, grant Mr. Dizzley a writ of habeas corpus and issue an order for his immediate release.

Date October 19, 2025

Respectfully Submitted
S. Dizon
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Certificate of Service

The undersigned hereby certifies that a copy of the foregoing was mailed, postage prepaid, this day of October, 2025, to, Alan Wilson, Attorney General, P.O. Box 11549, Columbia S.C. 29211

S. Dizon

Supreme Court of the United States
11st Street NE

October 19, 2025

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No. 24-7439

Certificate of Service

I Terron Dizzley certifies that on this 19th day of October 2025 filed Petition For Rehearing by placing in U.S. Mail postage pre-paid sent to address below.

Supreme Court of The United States
11st Street NE
Washington DC 20543

No. 24-7439

In The Supreme Court Of The United States

In re Terron Dizzley

Certificate Of Good Faith

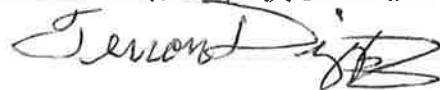
Comes Now Petitioner, Terron Dizzley, and makes certification that his petition for rehearing is presented to this Court in good faith pursuant to Rule 44. Mr. Dizzley further states the following:

1. This Court entered its judgment denying petitioner a Writ of Habeas Corpus on October 6, 2025. Petitioner believes that he presents this Court with adequate grounds to justify the granting of rehearing in this case and said petition is brought in good faith and not for delay.

Furthermore, petitioner believes that based upon the law of this Court and facts of this case, Dizzley is entitled to relief which has been unjustly denied him. The ground petitioner is requesting relief in his petition for rehearing is limited to intervening circumstances of substantial and controlling effect, only asking this Court to determine whether the lower court had jurisdictional authority to impose a sentence on petitioner pursuant to a second trial after discharging petitioner's jury in his first trial on the grounds that "that's a strong message to the prosecution that they are unable to meet the 'burden of proof the extent that they can bring back a unanimous verdict'."

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 19th day of November 2025..



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