

No. 25-5238

IN THE

SUPREME COURT OF THE UNITED STATES

DENNIS GRIFFITH - PETITIONER

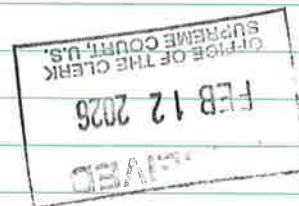
MOTION FOR ENBANC/REHEARING

I, Dennis Griffith, do swear or declare that on this date, Jan., 2026, as required by the Supreme Court, have done my best to comply with all the necessary rules that are needed to file my Motion For En Banc/rehearing.

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

Executed on Jan. 30, 2026

Dennis Griffith  
Dennis Griffith



Cause No. 25-5238

In re Dennis Griffith

In The United States  
Supreme Court

Motion For En Banc Rehearing

To The Honorable Justices of The Supreme Court:

Comes now Dennis Ray Griffith, petitioner in the above-entitled and numbered cause, and submits this motion for rehearing pursuant to Rule of the Supreme Court of the United States 44. and requests that the Court resubmit this cause for further consideration of its opinion of petition for habeas corpus denied.

Ground For Review

The Court erred in denying petition for habeas corpus without a written order as to petitioner being denied his right to a fair trial by: (1) denied effective assistance of counsel; (2) denied time to prepare; (3) county jail materially impeded petitioner's ability to represent himself; (4) denied compulsory process.

Reason For Review

The Court denied Petitioner relief for reason(s) unbeknown to

Petitioner. In Petitioner's petition for habeas corpus filed with this Court, Petitioner shows he was denied effective assistance of counsel by the trial court after standby counsel refused to represent him, and thereafter denied Petitioner any assistance, referring him to the jail law library of which he was denied. (See: R.R. Vol. 7, pg. 4 at 11-19, 19-22).

Proceeding pro-se after Petitioner was denied counsel by the trial court, and standby refused to represent him, Petitioner filed a motion for continuance to gain additional time to find ways or means to gain access to legal research materials, a phone, and obtain witnesses in his favor. See: United States v. Winters, 2024 U.S. Dist. LEXIS 137567.

*Id.* at 6, "If in reality, Mr. Winters faces a six week delay each time he makes a request for legal research materials, Mr. Winters time to prepare a defense for trial would be cut severely short...."

Moreover, Mr. Woodson remains as standby counsel and can be consulted for legal research in the event of delay by the jail." Petitioner in the instant cause was not afforded the assistance as in Winters by his standby counsel Dick Turney, who repeatedly stated he was

appointed to assist at trial only.' Id. at 7. "So long as Mr. Winters has a 'meaningful access' to legal research and supplies to prepare his defense, his Sixth Amendment right to self-representation is fully fulfilled," (emphasis added). Petitioner's was not.

The county jail denied Petitioner access to its law library, free limited phone access, access to any legal research materials, or a runner to assist in the services of subpoenas (compulsory process). See: United States v. Farias, 618 F.3d 1049, 1053 (5th Cir. 2010). "at the minimum, that time to prepare and some access to materials and witnesses 'must be provided'; also see: Milton v. Morris, 767 F.2d 1443, 1446 (9th Cir. 1985) abrogated by Kane v. Garcia Espitia, 546 U.S. 9, 126 S.Ct. 407, 163 L.Ed 2d 10 (2005): (emphasis added). United States v. Winters, (supra) Id. at 4. "In Milton, the Ninth Circuit found that 'a petition for habeas corpus should be granted where the county jail materially impeded a pro-se defendant's ability to represent himself.'" Petitioner as in Winters, was isolated from any means to prepare for trial, in violation of his 6th and 14th Amendment rights.

Petitioner was denied Compulsory Process to call and obtain witnesses in his behalf. Standby counsel informed Petitioner when asked during the pretrial hearing that it was too late to subpoena his witnesses. See: Coleman v. State, 966 S.W.2d 525, 527-28 (Tex. Crim. App. 1998). "The [U.S. Const.] Sixth Amendment right to compulsory process' is in plain terms the right to present a defense, the right to present the defendant's version of the facts....' It guarantees only compulsory process for obtaining witnesses whose testimony would be both material and favorable to the defense."

#### Prayer For Relief

For the reasons herein alleged, Petitioner prays the Honorable Court grant this motion for rehearing, set aside the opinion of petition for habeas corpus denied, resubmit this cause for another hearing before the Court, and reverse the judgment and sentence in Cause No. 25-5238, Tr. Ct. No. F44109.

~~STAYED~~

## CERTIFICATE OF COMPLIANCE

This is to certify that the forgoing motion for rehearing complies with Rule of the Supreme Court of the United States 44.2 in the following respects: (1) the grounds on which the <sup>forgoing</sup> ~~above~~ motion is based are limited to intervening circumstances of substantial or controlling effect; and (2) this motion is presented in good faith and not for delay.

Respectfully,

Dennis Ray Griffith 1714179  
Petitioner

### Unsworn Declaration

My name is Dennis Ray Griffith, my date of birth ~~day~~ is 10-18-56,

and my inmate identifying number is 1714179. I am presently

incarcerated in C.T. Terrell in Rosharon, Brazoria County, Texas, 77583.

I declare under penalty of perjury that the certificate herein is true

and correct.

Executed on the 30 day of January, 2016.

Signature of Declarant: Dennis Griffith