

No 25-6033

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

BRIEF

Pro Se: Willie Frank Nelson, Petitioner
Petition for Rehearing. No phone #.

v

Tanya Demers, Respondent

for a merits brief on Petition for
Writ of Certiorari to the United States Court of
Appeals for Second Circuit

Petition for Rehearings

Willie Frank Nelson

94B2135 NI-48 - Date: April 3, 2026
Franklin, Corr Fac, Malone, N.Y.

Cover

Petitioner, Willie Frank Nelson, respectfully moves this Court for an order vacating the denial of his petition for a writ of Certiorari entered on January 12, 2026.

This motion is made upon the ground that there is now a square and open conflict between the Second Circuit Court of Appeals, decision and judgment, with this Court's Majority decision and judgment in *Wood v. Milyard*, No 85-6790, argued Feb 24, 1987, Decided April 21, 1987. See: Exhibit L

Point I, district Court's decision to override a defendant's deliberate waiver of a limitations defense was ruled an abuse of discretion, and is here raised as a factor of consideration for a rehearing.

Point II. The One-year clock may also be stopped - or "tolled" - for equitable reasons, notably when an "extraordinary circumstance" prevents a Prisoner from filing his federal petition on time.

Point III. The AEDPA statute of limitation was to help promote Judicially imposed Sentences to Safeguard the "accuracy of State Court Judgments" not present in this Case, and should be a factor for Reconsideration for Rehearing, As the Final Judgement was Entered by DCCS.

Argument

The grounds for rehearing require and are limited to intervening circumstances of Substantial or controlling effect or to other Substantial grounds not previously presented, Should not at the same time be used to exclude or bar Petitioners evidence that Substantially Show intervening Circumstances or Substantial evidence that Support his claim. This Courts holding in Day, deliberate Waiver of a Limitation defense, 126 S.Ct. 1675 The Tenth Circuit, we accordingly hold, abused its discretion by resurrecting the limitations issue instead of reviewing the District Courts disposition on the merits of wood's claim.

Factors that must be addressed to reach this court's requirements. First proof of Interference. DOCCS Employees on numerous occasions made Corrections modifications, and ultimately changed and Entered the Final Sentencing on record, records reflect that the actual Sentences imposed by the Sentencing Court occurred in 1994. after that any and all Corrections modifications, alterations, Enhancements were made by Doccs Personnel. This Court has to Consider "what happened" - these are not hypothetical examples, this is what is recorded. The Western district Court gave a faulty and erroneous version of the records of Petitioner's Complaint Petition. However; the grounds for a rehearing according to the required standard are present as with support from Woods, Granberry v Greer and Day. I am obligated to make no Further Complaint under Federal or State statutes or Constitutions anywhere in America.

All of the activities done by the Daccs personnel on behalf of the Judicial branch, of Monroe County mainly the Late Honorable Justice, Judge Bristol William, H. This Court is obligated to the U.S. Constitution to protect the intangible right accorded to all Citizens especially a protected class that this petitioner is a class, I am african american. an individual and protected class from any government intrusions, 14th amendment violations. Both Due process violations of Court Justices and Correspondingly Protections Under the Due process under Substantive Due Process. Against government Employees who violates the protected class of afro-americans who show clear Due Process and Substantive Due process on both levels of government as here Claimed and Complaint made. To the United States 9 Supreme Court Justices of the United States of America made on this Day of April 3rd 2026.

Conclusion

In order that this Case may receive the full Consideration that Justice requires, and i respectfully Submit that this petition for a rehearing should be granted and that a rehearing of this Case should be had before a full bench.

Willie Frank Nelson

Pro Se: Willie Frank Nelson 94B2135
Franklin Correctional Facility
P.O. Box 10, 62 Bare Hill Road
Malone, NY 12953

(NO phone #).

CERTIFICATE

of

COUNSEL

Date: April 3, 2026

Pursuant to Rule 44.2, I hereby Certify that the foregoing Petition for Rehearing is presented in good Faith and not for delay, and is limited to the grounds specified in Rule 44.2. Willie Frank Nelson
94B2135

AFFIDAVIT OF SERVICE

SUPREME COURT OF THE UNITED STATES

NAME OF DOCUMENTS: Brief for rehearing 5 pgs w/ cover sheet/Rule
Exhibit L & Exhibit M - See Division of Criminal Justice
2 pgs each.

I, Willie Frank Nelson, being duly sworn, depose and say:

That I have on this 4 day of April, 2026, placed and submitted the copies of the within documents and or moving papers as indicated above, to be duly mailed via the US Postal Services, through the institutional mailroom here at Franklin Correctional Facility, 62 Bare Hill Rd. P.O. Box 10, Malone, New York 12953, in a pre-paid first class wrapper to the following parties:

Supreme Court of the United States
Office of the Clerk/Scott S. Harris
WASHINGTON D.C. 20543-0001

Respectfully Submitted,

Willie Frank Nelson

94B2135 # N1-48bed

Franklin Correctional Facility
62 Bare Hill Rd. P.O. Box 10
Malone, New York 12953

No. 25-6033

IN THE
SUPREME COURT OF THE UNITED STATES

WILLIE FRANK NELSON

— PETITIONER

(Your Name)

VS.

TANYA DEMERS

— RESPONDENT(S)

PROOF OF SERVICE

I, Willie Frank Nelson, do swear or declare that on this date, Feb. 4, 2026, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A **REHEARING** on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

TO : SCOTT S. HARRIS , CLERK OF THE SUPREME COURT OF THE UNITED STATES

U.S. SUPREME COURT BLDG. 1 FIRST ST. N.E. WASHINGTON D.C. 20543 .

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

Executed on Feb, 4, 2026

Willie Frank Nelson
(Signature) 2/4/2026

No. 25-6033

IN THE
SUPREME COURT OF THE UNITED STATES

WILLIE FRANK NELSON — PETITIONER
(Your Name)

VS.

TANYA DEMERS — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

Art. 78 / Albany N.Y. - Appellate Division/N.Y.C. - New York Court of Appeals
N.Y.C. - W.D.N.Y. Federal court - and Supreme Court Circuit Court of Appeals

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☒ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: _____

☐ a copy of the order of appointment is appended.

Willie Frank Nelson
(Signature) 2/4/2020

The Petition also contains documents reflecting that Petitioner was denied parole in and around 2019 and that he filed an appeal from that denial. Docket Item 1 at pp. 18-19.

ORDER

IT IS HEREBY ORDERED that Petitioner's request to proceed *in forma pauperis* is granted; and it is further

ORDERED, in accordance with Rules 4 and 5 of the Rules Governing § 2254 Cases in the United States District Courts, that Respondent shall file and serve an **answer**¹ responding to the allegations in the Petition within **90 days of the date of this Order**. The Answer shall state whether a trial or any pre-trial or post-trial evidentiary proceeding was conducted. If so, Respondent shall provide the Court with a transcript of the relevant proceedings, together with any records and documents relating to them, so that the materials can be filed in the official record of this case; and it is further

ORDERED that, in addition to his answer, Respondent shall file and serve, within **90 days of the date of this Order**, a memorandum of law addressing each of the issues raised in the Petition and including citations to supporting authority; and it is further

ORDERED that within **30 days of the date this Order**, Respondent may file a motion for a more definite statement or a motion to dismiss the Petition, accompanied by appropriate exhibits demonstrating that an answer to the Petition is unnecessary. The timely filing of such motion shall extend the time for filing an answer by **14 days**. This deadline will not be

See: Subscript



→ ¹ The Court recognizes that a number of issues are raised by the Petition, including but not limited to timeliness, whether the Petition is a second or successive petition under 28 U.S.C. § 2244(b)(1) and whether Petitioner has exhausted his state remedies. The answer (or motion to dismiss) shall therefore address any and all issues that may be raised by the Petition.

(Exhibit L):

Is petitioners Exhibit to show that not only was the issue raised in 2019, when petitioner first filed his Habeas Corpus petition, it can be used by this Court to determine that through 2019, 2020, 2021, 2022, 2023, and 2024, not only did the District Court (Western) have an obligation to address the time limitation issue as it did in 2019, but it had 6 years to ~~Exhaust~~ the issue. Lastly in those six years, the respondents deliberate waiver must be acknowledged by this court as the Exhibit L, Exposes a deviation from the rule and obligation to address the issue, by the Court and Defendant/Respondents Doccy and Parole. (deliberate waiver present), violates this Courts holding in "Woods v. Milgards."

Exhibit L



Division of Criminal Justice Services

ATT: Your records Expunged Criminal Resentencing procedures
dated below

Date: Fri April 3, 2026

INMATE CHALLENGE FORM

New York State Division of Criminal Justice Services
Office of Criminal Justice Records—Challenge Unit

04804928L

Inmate Name: (Last, First, Middle): Nelson, Frank Willie	Sex: MALE	NYSID #: 94B2135
Facility Name: Franklin Correctional Facility	Date of Birth: 8-21-65	Inmate #: 94B2135
Facility Address: P.O. Box, 10, 62 Bare Hill Road, Malone, New York 12953		

Arrest Date: **November 12, 1993 - 11:57am** Page **2/20** / Conviction Reversed pg **5/26**

Arrest charge, disposition or incarceration data being challenged:

↑ ↑ ↑

Grand Larceny - Auto 4th E - 1-4-0/4-0-0 7/25/94 - verdict (monroe county)? erroneous

Entry on DOCCS records to date (April 3, 2026) Rape- 1st Degree PL-130.35/Sodomy- 1st Degree PL-130.50

Per documentation enclosed, record should read: **ATT: No Resentencing Documented** → **Robbery- 2nd Degree PL-160.10**

Your records fail to records local resentencing procedures in doccs files, dated for the

1st Sentence and Commitment 7/25/94 - 2nd Sentence and Commitment ^{resentencing} 1/21/97 and 3rd ^{resentencing} 4/11/97

Sentence and Commitment, Here are three Sentences where the 2nd and 3rd are

resentences that your office expunged from its records. As so, I'm

requesting for unsuppressed (unsealed) Copies of my records whether

it reflects these 2 resentencing procedures or not? But your office should

answer for expungment of these resentencing procedures and Sentences

that have the "Court Seals" on them, even though the Court wasn't present? DOCCS
has these documents. NO Court papers.

Signature: **Willie Frank Nelson** ?

Please see the reverse side and read all the information
before filing a Criminal History Report Challenge.

Pg 2

Date April 3, 2026

Willie Frank Nelson
Franklin Corr Fac.
P.O. Box, 10, 62 Bare Hill Rd.
Malone New York 12953

NYSID # 04004928L

Inmate # 9482138

Date of Birth - 8-21-65

Sex - Black Male

Arrest Date: 11, 12, 1993

ATT: Inmate challenge Form

Your office recorded when the Appellate courts
4th department returned the Case back to Hon.
Judge William H. Bristol, but you Expunged
The resentencing from my rap sheet.

lastly Doccs has False Entries supported
by your office, The Expungement of

The resentencing Needs to be addressed

by your office, Doccs has the Documents

you should have recorded this also!!! Thank you for
your Time & Attention