

1 MELVIN CLARK, #K40450

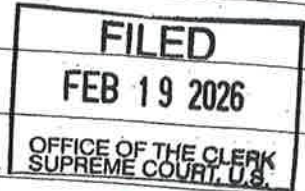
2 E24-C105-3L

3 RICHARD J. DONOVAN CORRECTIONAL FACILITY

4 480 ALTA ROAD

5 SAN DIEGO, CA 92179

ORIGINAL



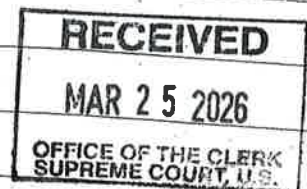
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10 SUPREME COURT OF THE UNITED STATES

11 RE: MELVIN CLARK

12 V. RAFAEL ACEVEDO, ACTING WARDEN

13 NO. 25-6227

14
15
16 PETITION FOR REHEARING



19 PETITIONER, MELVIN CLARK, IN THIS CAUSE, PETITIONS THE COURT FOR REHEARING
20 OF THIS CASE AND TO RECONSIDER AND SET ASIDE THE ORDER DENYING WRIT OF
21 CERTIORARI ON 2/26/2026.

22

23 REHEARING SHOULD BE GRANTED BECAUSE PETITIONER WAS ENTITLED TO DUE PROCESS
24 PROTECTION, WHICH PROTECTS AGAINST CONVICTION EXCEPT WHEN THERE IS EVIDENCE
25 THAT IS SUFFICIENT TO SUPPORT A CONCLUSION THAT EVERY ELEMENTS OF THE CRIME
26 HAS BEEN ESTABLISHED BEYOND A REASONABLE DOUBT. A NONCRIMINAL OFFENSE DOES NOT
27 HAVE ELEMENTS. THE PROSECUTION MUST PROVE THE ELEMENTS OF A CRIME TO SUSTAIN
28 A CONVICTION. PETITIONER ALSO WAS ENTITLED TO EX POST FACTO PROTECTION,

1 THAT PROTECTS PETITIONER AGAINST EVERY LAW THAT MAKES AN ACTION DONE BEFORE
2 THE PASSING OF THE LAW, AND WHICH WAS INNOCENT WHEN DONE, CRIMINAL; AND
3 PUNISHES SUCH ACTION, IN ORDER TO CONVICT. APPLYING THE 1997 AMENDMENT OF
4 PENAL CODE SECTION 290 (A)(1) TO PETITIONER THAT DID NOT EXIST IN 1996 CREATED A
5 CRIMINAL OFFENSE THAT WAS USED TO TRIGGER THE THREE STRIKES LAW TO IMPOSE A
6 25 YEARS LIFE PRISON SENTENCE. THIS COURT HAS REPEATEDLY ENDORSED THE FIRST
7 CATEGORY OF THE EX POST FACTO CLAUSE. THUS, NO COURT CAN HAVE CONFIDENCE IN THE
8 OUTCOME OF PETITIONER TRIAL.

9
10 THE GROUNDS STATED ABOVE ARE CONFINED TO INTERVENING CIRCUMSTANCES OF
11 SUBSTANTIAL AND CONTROLLING EFFECT.

12
13 FOR THE REASONS SET FORTH ABOVE, PETITIONER REQUESTS THAT THE COURT SET ASIDE THE
14 ORDER OF DISMISSAL AND HEAR THE PETITION FOR THE ISSUANCE OF A WRIT OF CERTIORARI.

15
16 DATED: MARCH 17, 2026

17 Melvin Clark

18 MELVIN CLARK / PETITIONER

19
20 CERTIFICATE OF PETITIONER

21
22 I CERTIFY THAT THE ABOVE PETITION IS PRESENTED IN GOOD FAITH AND NOT FOR DELAY
23 AND IS RESTRICTED TO GROUNDS SPECIFIED IN PARAGRAPH 2, RULE 44, RULES OF THE
24 SUPREME COURT.

25
26 DATED: MARCH 17, 2026

27 Melvin Clark

28 MELVIN CLARK / PETITIONER

PROOF OF SERVICE

I, MELVIN CLARK, am a resident of Donovan State Prison in the County of San Diego, State of California. I am over the age of 18 years, and I am/am not a party to this action.

My prison number is: K40450.

On: MARCH 17, 2026, I served a copy of the following document(s):

PETITION FOR REHEARING

On the following parties by placing the document in a sealed envelope with postage fully paid, in the United States Mail, in a deposit box so provided at R.J. Donovan State Prison (Mail Box Rule), San Diego, California, addressed as follows:

SUPREME COURT OF THE UNITED STATES DEPUTY ATTORNEY GENERAL JONATHAN KRAUSS

OFFICE OF THE CLERK:

WASHINGTON, DC 20543-0001

DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

300 SOUTH SPRING STREET, SUITE 1102

LOS ANGELES, CA 90013

There is delivery service by the United States Mail at the place so addressed, and/or there is regular communication by mail between the place of mailing and the place so addressed.

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

EXECUTED: MARCH 17, 2026, at San Diego, California

/s/ Melvin Clark