

No. 25-7205

IN THE
Supreme Court of the United States

HUMPHREY DANIELS III,
Petitioner,

v.

UNITED STATES,
Respondent.

PETITION FOR REHEARING

Petitioner received the Clerk's letter dated June 12, 2026 on June 29, 2026 and submits
this corrected filing in response.

Petitioner Pro Se:

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Petitioner respectfully seeks rehearing under Rule 44 of this Court's order dated May 18, 2026, denying certiorari. This petition does not reargue the merits. It identifies a narrow procedural error: a constitutional claim has *never been meaningfully reviewed* because the facts requiring judicial inquiry were not disclosed and no factual record was developed. There was no disclosure, no on-the-record inquiry, no waiver, and no record on the issue.

No military court—trial or appellate—has ever conducted the inquiry contemplated by Rule for Courts-Martial 901(d) because the alleged disqualifying circumstances were not disclosed before trial. The military appellate court later denied record development after discovery of the issue. As a result, the Court's Sixth Amendment framework has never been applied on a complete record, even though Congress authorized an on-the-record inquiry safeguard governing courts-martial.

This Court's decision in *United States v. Briggs*, 592 U.S. 69 (2020), gave effect to Congress's Article I judgment embodied in Article 43, UCMJ; this case concerns Congress's Article I judgment embodied in Article 36, UCMJ (10 U.S.C. § 836), authorizing binding procedural safeguards governing courts-martial. One such safeguard, R.C.M. 901(d), requires an on-the-record judicial inquiry into matters that may disqualify counsel. Petitioner's claim is that this safeguard was never triggered

because the alleged disqualifying circumstances were not disclosed before trial, resulting in no on-the-record inquiry, no waiver, and no record sufficient for meaningful judicial review of the Sixth Amendment conflict claim.¹

Rehearing is warranted because the denial may rest on the premise that the Sixth

¹ See Petition Appendix F-1 at App. 21–22 (PCS orders reflecting May 2017 assignment to the Government appellate division and Item 22 reflecting a binding 24-month Active-Duty Service Commitment *before* trial).

Amendment claim presented has already received meaningful judicial review, yet *it has never been adjudicated on a developed record* sufficient for the Court's Sixth Amendment framework to be applied.

Rehearing would permit consideration of a call for response (CFR) concerning whether the triggering materials existed outside the operative appellate record, whether the congressionally authorized inquiry contemplated by R.C.M. 901(d) ever occurred, and whether the resulting absence of disclosure prevented creation of the factual record that R.C.M. 901(d) was designed to generate for meaningful judicial review.

Petitioner certifies that this Petition for Rehearing is presented in good faith and not for delay, and that it is restricted to the grounds specified in Supreme Court Rule 44.2.

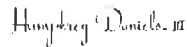
Respectfully submitted,
/s/ Humphrey
Daniels III Pro
Se Petitioner

CERTIFICATE OF SERVICE

I certify that on this 9 day of June, 2026, I served a copy of this Petition for Rehearing and its accompanying Appendix by first-class mail, postage prepaid, on:

Solicitor General of the
United States United States
Department of Justice 950
Pennsylvania Avenue, NW
Washington, DC 20530-0001

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



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