

*** CAPITAL CASE ***

No. 24-517

In the Supreme Court of the United States

LANCE SHOCKLEY,

Petitioner,

v.

DAVID VANDERGRIFF,

Respondent.

On Petition for a Writ of Certiorari to the
U.S. Court of Appeals for the Eighth Circuit

PETITION FOR REHEARING

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PETITION FOR REHEARING

Pursuant to Rule 44.2, Petitioner Lance Shockley respectfully requests that the Court grant the alternative relief that was sought in his Petition for Writ of Certiorari, which this Court's denial did not resolve. This Petition for Rehearing is presented in good faith and not for delay, as the Certificate of Counsel appended to this Petition for Rehearing attests.

In his Petition for Writ of Certiorari, Shockley sought two forms of relief: a "writ of certiorari to review the judgment of the United States Court of Appeals for the Eighth Circuit or, alternatively, for an order granting a certificate of appealability." Pet. 1. In his conclusion, Shockley argued that the "Court should grant the petition or enter an order granting petitioner a certificate of appealability." *Id.* 35; *see also* Cert. Reply 12 ("This Court should grant the petition or enter an order granting petitioner a certificate of appealability.").

On March 31, 2025, this Court denied the Petition but did not resolve Shockley's alternative request for an order granting him a certificate of appealability. The docket reflects: "Petition DENIED. Justice Sotomayor, with whom Justice Jackson joins, dissenting from the denial of certiorari." The detached opinion then reflects: "The petition for a writ of certiorari is denied." Slip Op. 1. And "Justice Sotomayor, with whom Justice Jackson join[ed]," only dissented "from the denial of certiorari." *Ibid.* Justices Sotomayor and Jackson "would have granted certiorari to resolve the split," *id.* 1, the only question on which, "[u]nfortunately, the Court leaves ... for

another day,” *id.* 6. Neither this Court’s resolution of the Petition nor Justice Sotomayor’s dissent spoke to how the alternative request should be resolved. *Compare Newman v. United States*, No. 23A866 (U.S. Apr. 25, 2024) (Order) (“Application (23A866) for a certificate of appealability is denied without prejudice to the filing of a petition for a writ of certiorari seeking review of the December 8, 2023 decision of the United States Court of Appeals for the Tenth Circuit, case No. 23-3120. *See Hohn v. United States*, 524 U. S. 236 (1998).”).

For the reasons set forth in the Petition and Justice Sotomayor’s dissent, Shockley respectfully requests that this Petition for Rehearing be granted and an Order granting a Certificate of Appealability pursuant to 28 U.S.C. § 2253(c) be entered.

CONCLUSION

This Court should grant the Petition for Rehearing and enter an Order granting Petitioner a Certificate of Appealability pursuant to 28 U.S.C. § 2253(c).

Respectfully submitted,

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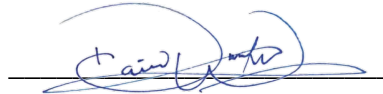
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April 1, 2025

CERTIFICATE OF PETITIONER'S COUNSEL

I hereby certify that this Petition for Rehearing is presented in good faith and not for delay and is restricted to the grounds specified in Rule 44.2.



Daniel Woofter

April 1, 2025