

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

CARL ANTHONY WEBB - PETITIONER

VS.

LORIE DAVIS - RESPONDENT(S)

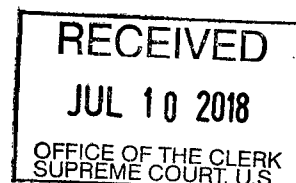
ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FIFTH CIRCUIT
PETITION FOR WRIT OF CERTIORARI

CARL ANTHONY WEBB

Jester IV 4 Jester rd.

Richmond, TEXAS 77406



QUESTIONS

PRESENTED

1. Would the Trial Court be in violation of the 14th Amendment if his finding of fact and conclusion of law be found to be manifested in bias and abuse of discretion against the petitioner.?
2. Would it be a 14th Amendment violation if Trial Court, Prosecutor, and other State Officials are shown to have acted under the color of law?
3. Would the arresting Officer be in violation of the 14th Amendment for testifying that the video of the arrest was Never Downloaded but her DWI Case Report reveal that it was?

LIST OF PARTIES

The parties to the proceeding in the United States Court of Appeals for the 5th Circuit were petitioner Carl A. Webb and Respondent Lorie Davis

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Judgment Webb motion for a COA is
denied April 16, 2018

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OPINIONS BELOW

For cases from Federal courts:

The opinion of the U.S. court of appeals at Appendix A to the petition citation is unknown.

The opinion of the U.S. District Court appears at Appendix A to the petition citation is unknown.

For cases from State courts:

The opinion of the highest state court to review the merits appears at Appendix C to the petition citation is unknown.

The opinion of the 11th Court of Appeals court appears at Appendix A to the petition citation is unknown:

JURISDICTION

The date on which the United States Court of Appeals decided petitioner case was April 16, 2018.

The jurisdiction of this court is invoked under 28 U.S.C. § 1254 (1).

The date on which the U.S. Northern District Court decided petitioner case was March 23, 2017.

The date on which the highest state court decided petitioner's case was May 7, 2014.

A copy of that decision appears at Appendix C

A copy of the order denying rehearing appears at Appendix D

The jurisdiction of this court is invoked under 28 U.S.C. § 1257 (a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

18 U.S.C. § 242 provides

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, commonwealth, possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year or both, and if bodily injury results from the acts committed in violation of this section or if such acts include the use, or threatened use of a dangerous weapon, explosives, or fire shall be fined under this title or imprisoned not more than 10 yrs. or both.

14th Amendment Sec: 1

All persons born or naturalized in the U.S. and subject to the jurisdiction thereof, are citizens of the U.S. and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the U.S. nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the law.

6th Amendment

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed which district shall have been previously ascertained by law and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

STATEMENT OF CASE

Petitioner was convicted of a DWI in 35th Judicial District Court and sentenced to 99 yrs. by a jury not of his peers.

Petitioner submitted a "11.07 Writ to the Court of Crim. Appeals of Tx." Petitioner contends that he was rendered I.A.C. from both trial and appellate attorney that he was subject to prosecutorial misconduct, and that he is Actual Innocence submitted 10-24-13, and denied without a written order on the findings of the trial court without a hearing 5-7-14.

Petitioner submitted a Writ of Habeas 2254 to the Northern District Court of Tx. "8-22-14 and a Motion to Stay to exhaust state claim after obtaining several gov't documents from various sources that would substantially show that the DWI of 1987 that the State used for enhancement never was a conviction and petitioner also submitted a subsequent 11.07 Writ "8-23-14 to give the State a chance to resolved the claim but the District Court denied the Motion to Stay "9-4-14" and the State dismissed without written order the 11.07 "9-10-14".

Petitioner was allowed to amend the petition and proceed with the "2254 Writ" claiming the above issues, and that the whole-ness of the charge revolved around the arresting Officer who Counsel failed to impeach due to a video that the Officer's Case Report revealed was Downloaded at the police dept. contrary to the Officer's testimony.

Counsel's affidavit state he used the Case Report however, he failed to impeach the Officer who also had the blood drawn from petitioner in her custody for 25 days before the Forensic Scientist received it.

The D.A. commit P/M vouching for the witnesses and conspiring with the officer for Ex. He ask the Officer Did You Do Anything To Delete The Video? and the Officer said "NO" then he said. "As A Matter Of Fact Did We Try To Retrieve That Evident Recently? the Officer said "Yes" The D.A. said she the Officer was "Brutally Honest."

Appellate Counsel render I.A.C. by presenting several wrong references in his brief to the 11th Court of Appeals.

The Dir. of Brownwood Probation Dept. committed perjury testifying that petitioner was supervised by her office for a period of time and came into her dept. monthly but the documents previously mention contradict her testimony. Petitioner again attempted to exhaust State issues by a Motion for leave To Exhaust Claim In State Court 4-18-16 but the District Court denied it 9-28-16.

Petitioner's "2254 Writ" was denied by District Court "3-23-17".

Petitioner appeal to the U.S. Court of Appeal 5th Cir. for a C.O.A. regarding the above claims because it would be a miscarriage of Justice because a reasonable jurist could debate or agree that the petition should have been resolved in a different manner the Circuit Judge Edith H. Jones denied the Motion for C.O.A.

The foregoing proceeding was a violation of the 6th and 14th Amend of the QUESTION PRESENTED.

REASONS FOR GRANTING THE WRIT

The Court should grant the writ because the video of the arrest interaction support petitioner claim of innocence and the arresting Officer committed perjury concerning the video when she testified that it was Never Downloaded and Recorded and that the Evidence Person Deleted it, but her DWI CASE REPORT/PEACE OFFICER SWORN REPORT revealed she did in fact Download the video at the Brownwood Police Dept.

The U.S. Supreme Court in a 2007 case of Scott v. Harris, the court concluded that where a party's version of events is so utterly discredited by a video that no reasonable jury could believe him, the court should view the facts in the light depicted on the video. A video as evidence it tends to take center stage at a trial or hearing and overshadow other evidence. As Professor Silbey says: Every film can tell more than one story and less than the whole story.

The Court should grant the writ regarding the 2nd and 3rd questions due to the State fabrication of DWI convictions to subject petitioner to Felony Jurisdiction. Petitioner's attorney spent an average of 30 minutes on the case, he wanted petitioner to plea to this Felony Conviction the same day he met petitioner and stated if petitioner did not he would get a Life Sentence.

Counsel admitted he didn't look at the Pen Packet exhibits that would have disproved the fabricated DWI.

The 11th Court of Appeals gave notice of the insufficiency of the DWI and the District Court stated that petitioner documents question the validity of one DWI, however the evidence show petitioner residing in Austin, and T.D.C.J. concerning one DWI so does it for the other since both DWI allegation were on the same date.

The convicting court officials shouldn't be allowed to fabricated 2 DWI that the State claim were pled guilty to the same date and used them to enhance a misdemeanor charge into a Felony to subject a person to such a harsh penalty that's destroying the person this type of judicial misconduct, P/M, ineffective asst. of Counsel, perjury, and forging the signature of petitioner on documents if allowed to prevail will only reinforce these officials to exert confidence to exercise it again against other public citizens.

So I plead with this Honorable Court to "if nothing else," LOOK INTO THE FALSE CONVICTION OF "3-27-87" which would be a strong reason for granting the Writ, because this Court primary concern is not to correct errors in lower court decisions but to decide cases presenting issues of importance "Beyond The Particular Facts and Parties INVOLVED, so I ask this Court to give particular notice to page 20, 30, 31, and 32" because only this Court would recognize it as a conspiracy or misconduct, especially when the Court consider the missing video that the arresting officer testified falsely about downloading not taking place, about petitioner's conduct of the sobriety test that's contrary to her Case Report, the false information she indicated about petitioner having a DWI conviction "5-19-87", and the unusual time of 25 days before the blood that was drawn from petitioner was received by the Forensic Scientist.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully Submitted,

Carl Anthony Webb

Date: July 2 2018