

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

~~Jermaine Dewitt Chaney~~ — PETITIONER
(Your Name)

vs.

Lorie Davis Director TDCJ — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

~~U.S. Court of Appelas for the Fifth Circuit~~
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jermaine Dewitt Chaney #1496462
(Your Name)

3060 FM 3514 Stiles Unit
(Address)

Beaumont, Texas 77705
(City, State, Zip Code)

n/a
(Phone Number)

QUESTION(S) PRESENTED

Question No. 1: Did the fifth Circuit Court of appeals err by reaching the merits of the case and denying certificate of appealability ?

Question No. 2: Did the Federal District court misapply the standards established by the US Supreme Court for actual innocence claims in denying petitioners sec. 2254 application.?

Question No. 3: Did petitioner receive the effective assistance of counsel by failing to properly claim that another individual had confessed to the crime for which petitioner is currently incarcerated ?

LIST OF PARTIES

☒ All parties appear in the caption of the case on the cover page.

☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Buck v. Davis 137 S.Ct. 759 (Feb. 22, 2017)	3
House v. Bell, 126 S.Ct. 2064 (2006)	3

STATUTES AND RULES

28 U.S.C.S. Sec. 2253(c)(1)(a); (C)(2)

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was Dec. 26, 2017.

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

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

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

28 USCS Sec. 2253 c,1,a provides that applicant obtain a COA asnd that a coa may issue only after a substantial showing of the denial of a constitutional right, however, until an applicant secures COA, the court of appeals may not rule on the merits of the case. A court of appeals should limit its examination at the coa stage to a threshold inquiry ...asking only if the district courts decision was debatable. In the case at bar, another offender did confess to the crime for W^hich he was sentenced to prison. This is clearly debatable for if another committed the crime for which applicant is incarcerated, then not only is the cause debatable, but should not appear as a question of law before the Supreme court. Bucvk v. Davis 137 S.Ct. 759; House v. Bell, 126 SCT 2064.

STATEMENT OF THE CASE

Before the court, is a question of law which may affect a large number of petitioners in the US Court of appeals for the 5th Cir. as the 5th Cir. consistently reaches the merits of a case in review for COA issuance .

Petitioner would assert a claim of actual innocence. Another has come forward and told the truth about the crime for which petitioner is incarcerated. It would be a manifest injustice to further hold a man who is in fact innocent of the offense for which he was tried.

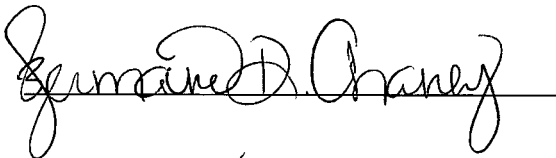
REASONS FOR GRANTING THE PETITION

To maintain the integrity of the judicial process.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Suzanne D. Chaney", is written over a horizontal line.

Date: 2-22-18