

No. \_\_\_\_\_

\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_

Richard Blake Ray — PETITIONER  
(Your Name)

vs.

Lorie Davis/Dir. TDCJ — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Fifth Circuit Court of Appeals

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

  
Richard Blake Ray

(Your Name)

James V. Allred Unit

(Address)

2101 FM 369 N.

Iowa Park, Texas 76367

(City, State, Zip Code)

N/A

(Phone Number)

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SUPREME COURT, U.S.

### QUESTION(S) PRESENTED

Ray had a claim that was "reasonably debatable" by "jurists of reason".

Since a reasonable legal argument could have been made. The district court and 5th circuit court of appeals were wrong in denying Ray a certificate of appealability. The circuit court exceeded the scope of COA analysis and ruled directly against Supreme Court law in Buck v. Davis, 137 S. Ct. 759(2017) in which a previous 5th circuit denial of a COA was reversed by this Court which also had a denial of effective assistance of counsel claim, like Ray.

## 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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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 B-C 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☒ is unpublished.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 A 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☒ is unpublished.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☐ is unpublished.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 4-13-18.

☐ ] 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: 6-1-18, and a copy of the order denying rehearing appears at Appendix C.

☐ ] 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

- The 14th Amendment to the United States Constitution Equal Protection of the laws as Supreme Court precedent was not followed.
- 1. Buck v. Davis, 137 S.Ct. 759(2017).
  - 2. Strickland v. Washington, 466 U.S. 668, 104 S Ct. 2052, 80 L. Ed. 2d 674(1984).
  - 3. Pichard v. Conner, 404 U.S. 270, 278 92 S.Ct. 509, 513-14, 30 L. Ed. 2d 438(1971).



## STATEMENT OF THE CASE

Ray was wrongly denied a certificate of appealability on his ineffective assistance of counsel claim by both the federal district court and again by the 5th circuit court of appeals. His COA claim was in fact reasonably debatable and the denial was against S.Ct. precedent in *Buck v. Davis*, 137 S. Ct. 759 (2017). This held that the initial determination as to whether a COA should be granted is simply "whether a claim is reasonably debatable, and if so, an appeal is the normal course."

Ray's direct appeal counsel and also his Petition for Discretionary Review Counsel was ineffective under *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed. 2d 674 (1984). (the same attorney) How? Ray's counsel failed to present to the state court the "substantial equivalent" of the claim presented in federal court. see *Picard v. Connor*, 404 U.S. 270, 278, 92 S. Ct. 509, 513-14, 30 L. Ed. 2d 438 (1971). Thusly, Ray was procedurally barred from bringing his claims of self-defense instruction and other good claims on federal habeas corpus and really had nothing to bring forth on his state 11.07 except to try and repeat those claims again he was procedurally barred. Appeal counsel and P.D.R. counsel (the same) failed to mention one federal case cite or constitutional (U.S.) violation on his Direct Appeal or P.D.R. procedurally barring Ray and effectively stopping him from going any further in his habeas corpus actions both federal and state, as he used all claims with merit up. Ray was wrongly denied a COA for ineffective assistance of counsel. Ray was denied "equal protection" under the laws under the 14th amendment to the United States Constitution as Supreme Court law was not followed.

## **REASONS FOR GRANTING THE PETITION**

The denial of a COA in Ray's case is in direct contrast to Supreme Court law and the ineffective assistance of counsel Ray was subjected to and the resulting procedural bar should have been explored by the lower court's decision making process rather than just denying another inmate any relief.

Ray is entitled to the constitutional protection of the laws under the 14th amendment to the United States Constitution and this case should be remanded and a COA granted to allow Ray to proceed. The fifth circuit should be made an example out of for failing to follow the law and thinking, well this was just another inmate and no one will hold us accountable.

How many other inmates have they done this to even after they were reversed by this Supreme Court for doing it in 2017?

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Richard Blake Ray

Date: 7-29-18