

# QUESTIONS

- The 5th Circuit Court of Appeals has the usual course of judicial proceedings the AEDPA to defer to the state acts performed by the state court initiated against state court off conviction of question in regards conviction.
- The 5th Circuit Court of Appeals me of my counsel at trial.
- The 5th Circuit court of Appeals ability of the fact that I've been was not charged under the subs insufficient to prove any of the and Jackson V. Virginia.
- The 5th Circuit court of Appeals n that the lone stab wound I infl of the complainant according which clearly creates consideration
- The 5th Circuit Court of Appeals n of the claim that the 14th Cou upon a charge not made and u that court questions the impact
- The 5th Circuit Court of Appeals c that my appellate counsel did not at direct appeal per the subst
- Criminal prosecutions have been against officials of the state co and record that gained AEDPA de prosecution filed by Arthur Sm Certified mail # 7016075000009 Supervisory power.

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

## IN THE SUPREME COURT OF THE UNITED STATES

Thomas Lee Swan — PETITIONER  
(Your Name)

vs.

Lorrie Davis — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Southern District of Texas  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Thomas Lee Swan  
(Your Name)

1391 F.M. 3328 Tennessee Colony, TX 75880  
(Address)

Tennessee Colony, TX 75880  
(City, State, Zip Code)

N/A  
(Phone Number)

## 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

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## STATUTES AND RULES

Texas Code of Criminal Procedure Article 52.01(a) - 52.09

## 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☒ is unpublished.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 \_\_\_\_\_ 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 4.10.2018.

[ ] 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: 5.4.2018, 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

### Federal

28 U.S.C. 2253

U.S. Const. Amend. 6

U.S. Const. Amend. 14

### State

V.T.C.A. Tex. Const. Article 1 §10

V.T.C.A. Penal Code § 6.04 (c)

V.T.C.A. Penal Code § 19.01

V.T.C.A. Penal Code § 19.04

V.T.C.A. Code of Criminal Procedure art. 52

V.T.C.A. Penal Code § 39.03 - § 39.06

V.T.C.A. Penal Code § 37.02 - 37.03, 37.10, 37.13

V.T.C.A. Penal Code § 71

## STATEMENT OF THE CASE

The substantive state law of *Cada v. State* and the federal standard articulated by this Court in *Jackson v. Virginia* both agree that the state is bound to prove every element of its allegation beyond a reasonable doubt. Here, the state did not allege the offense of manslaughter per T.C.A. precedent in *Cada v. State* 334 S.W. 3d at 776. See Also *Jackson v. Virginia* 99 S.Ct. 2789-2792 Note 16. Further the States expert witness Roger Milton testified at trial that the lone stab wound I inflicted did not cause the death of the Complainant which creates considerable doubt as to the sufficiency of the evidence to prove homicide. See *Groth v. State* 273 SW273. Then there is the fact that the 14th Court of Appeals (Houston) violated this Courts precedent by affirming the conviction based upon an offense not alleged and upon a theory unanimously rejected by the trial jury. see *McCormick v. U.S.* 500 U.S. at 270. note 8. My trial counsels at trial and at direct appeal were wholly ineffective at preserving my rights. The U.S. Court of appeals for the Fifth Circuit made no determination as to the debateability of these claims made in the District Court because clearly they offend the most basic notions of due process. The 5th Circuit Court of Appeals and the District Court have "deferred" to a state court judgement that was obtained via the state offenses of official oppression, violation of the civil rights of an incarcerated person, tampering with a governmental record, perjury, aggravated perjury, abuse of office, all of which are penal offenses currently being investigated by Arthur Simpson in Harris County (Houston) initiated on 5.31.18 and another investigation of criminal acts currently pending in Anderson County, DCCR-369-375, in which allegations of criminal misconduct by State officials in regards to the conviction in question are being reviewed. Every Constitutional right as articulated by SCOTUS and the state court system must be given credence by the state courts and must not be denied otherwise official oppression has taken place. see VACA Pen. Code §39.03(a)(2). These offenses have been initiated pursuant to T.C.C.P. article 52.01(a) to investigate criminal acts by State officials in regards to state and federal law. This same Court in *Miller-Ell v. Cockrell* 123 S.Ct. 1029 that a petitioner must make a substantial showing of a denial of a constitutional right. The constitutional right asserted here is the right to a trial free of criminal offenses performed by the trial Court.



## REASONS FOR GRANTING THE PETITION

Supreme Court interest in ensuring compliance with proper rules of Judicial administration is particularly acute when those rules relate to the integrity of the judicial process. The state court record in this case has clearly been illegally obtained and modified via criminal actions by the state court when then, the Federal District Court utilized 28 U.S.C. § 2254 as modified by the AEDPA to defer to the state court record and judgement and that fact has denied me the ability to meet the burden of § 2254 (d)(1), (d)(2), (e)(1). IF SCOTUS allows the states to break and/or circumvent its own penal statutes to obtain convictions against U.S. citizen and the corresponding records and further defer to those determinations, It will have allowed the states to utilize their capacities as Sovereigns to commit acts of domestic terror against U.S. citizens such as myself and against the living breathing document known as the U.S. Constitution. This Truth calls for an exercise of SCOTUS supervisory power to ensure that the state officials who commit penal offenses to obtain convictions are punished. Further I need the opportunity for my claims to be heard directly by the Court of their origin.