

18-6960 ORIGINAL

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

FILED

OCT 11 2018

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

OF AMERICA

Craig Mack — PETITIONER  
(Your Name)

vs.

LORIE DAVIS — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The United States Court of Appeal For the Fifth Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Craig Mack #612010

(Your Name)

MARK W. MICHAEL UNIT  
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(City, State, Zip Code)

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QUESTION(S) PRESENTED

1. Did denial of effective assistance of counsel deny Petitioner Sixth Amendment Right to a Fair and impartial trial and conflicts with the United States Supreme Court Precedence? *Gideon V. Wainwright*; *Strickland V. Washington*; *U.S. V. Chronic*; *Davis V. Alaska*; *Craig V. Maryland*; *Ky V. Stincer*; *Thomason V. US*; *Hill V. Lockhart*; *Washington V. Texas*; *Bell V. Cone*; *Smith V. Illinois*; *Brookhart V. Janis*; *Roe V. Flores-Ortega*; *US V. Gonzalez*; *Kane V. Garcia-Espitia*, and *BANK V. Dretke*. "Structure Error" (Sixth, Eighth and Fourteenth Amendment).
2. Did denial of right to self-representation and Counselor of choice deny Petitioner rights to Equal Protection, Due Process of Law, and a fair and impartial trial? *Faretta V. California*; *Dobbert V. Florida*; *Schneider V. Rusk*; *Wienburger V. Wiesenfeld*; *Campbell V. L. A*; *US V. Gonzalez - Lopez*. "Structure Error." (Sixth, Eighth and Fourteenth Amendments).
3. Did denial of right to be heard in the trial deprive Petitioner right to a fair and impartial trial and adversarial testing procedure? *U.S. V. Chronic*; *Powell V. Alabama* (first, fifth, sixth, eighth and fourteenth amendments). "Structure Error", Also "Effective Assistance of Counselor".
4. Did denial to disclose Police Reports used by the State - Prosecution deprive Petitioner of Due Process of Law, a fair and impartial trial and the Confrontation of State witness? *Brady V. Maryland*; *Fyles V. Whitley*; *Napue V. Illinois*; *Davis V. Alaska*; *U.S. V. Bagley*; and *Giglio V. U.S.* (6<sup>th</sup>, 8<sup>th</sup> & 14<sup>th</sup> Amend)
5. Did an involuntary Plea deprive Petitioner's right to a fair and impartial trial? *Brady V. US*; *EX PARTE TOWNSEND*; *Thomas V. Betts*; *Diaz V. Martin*. "Sixth, Eighth, Fifth and Fourteenth Amendments Violations".
6. Did the denial of an impartial, unbias and Prejudice Judge deprive Petitioner of the Constitutional Right to a fair and impartial trial? *ARIZONA V. FULMINANTE*; *CHAPMAN V. CALIFORNIA*; *Ross V. U.S.*
7. Did the denial of defense counselors to file requested Pretrial motions for Petitioner's defense deprive him of the required adversarial testing of said tribunal and rendered counselors performances a "constructive" denial of effective assistance of counsel, and an unfair and partial trial? "Structural Errors". (Sixth, Eighth and Fourteenth Amendment Violations).

## 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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APPENDIX C	Petitioner's Request For Certificate Of Appealability NO: 17-50770; USDC NO: 6:15-CV-236 (15 Pages) (13 Pages)
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### CASES

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### 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 17-50770 Document # 00514497473 (2PGS); 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 6:15-CA-0236-RP Document # 20 & #21 (17PGS); 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 June 01, 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: \_\_\_\_\_, 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

- 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>, 13<sup>th</sup> & 14<sup>th</sup> Amendments, Article I, §2, Article VI of the Federal Constitution. Article I, §9

Federal Rules Of Evidence 403 & 609.

- Article I, Sections §3, §3a, §9, §10, §12, §13, §19, §27 & §29 of The State Constitution.
- Section §9, Texas Disciplinary Rules Of Professional Conduct, 1.03(a-b), 3.09(a-e), 1.01(a-c); 1.02(a-c), 2.01; 3.02; 3.03(a)(1-5)(b-c); 3.04(a-b).
- Judicial Codes Of Conduct, Canons 2(a-c); Canons 3 (A)(B)(5-9), (C) (1-2, 4-5); Canons 4; Canons 6(A-H) and Canons 8.
- Title 28 U. S. C. Sections §241, §242, §243, §245, §249, §286, §371, §402, §1001, §1002, §1028, §1031, §1038, §1341, §1346, §1349, §1505, §1509, §1510, §1621 & §1623.
- See: Petitioner's Request For Certificate Of Appealability, Page # 11, The #90<sup>th</sup>, #92<sup>th</sup> and #94<sup>th</sup> Paragraphs which lists all Provisions Involved.

### STATEMENT OF THE CASE

1. On 08/14/2013, Petitioner arrested under a fraudulent, illegal and unlawful wantonless arrest, detention and restraint of his life, liberty, property and his Person "without Probable cause."
2. The defense counselors refused to file any of the requested nine pretrial motions for Petitioner's defense and of which were filed by the Petitioner and not ruled on ~~by~~ by the bias and prejudice tribunal.
3. Petitioner requested of the first two defense counsels for the State-prosecution to disclose the dashcam videos of the two alleged Evading Arrest In A Motor Vehicle; of which the State "did not" possess because these officers racial profiled and racial discrimination against all black citizens.
4. Please view the "nineteen" exhibits filed with the Petitioner's Request for Certificate of Appealability in the Fifth Circuit Court of Appeals.
5. The trial Judge was "bias and Prejudice" against Petitioner and refused Petitioner's right of self representation and counselor of his choice, and refused to conduct the independent hearing to assure Petitioner of the right to represent himself.
6. The trial Judge was "bias and Prejudice" in his denial to rule on the Petitioner's motion for change of venue; Motion for continuance; Motion to Suppress Illegally Obtained Evidence; Motion for Discovery; Motion to Inspect Grand Jury Minutes And Dismiss Indictment; Motion to Vacate Indictment and Motion to Dismiss charges for Constitutional and Statutory Violations all timely filed by Petitioner.
7. This is clearly a denial of Petitioner's rights to be heard by himself, counselor or both, sixth amendment and this court's ruling under Powell VS. ALABAMA: 287 US 45, 68-69; 53 SCt 55 (1932).
8. Petitioner is a black citizen-prisoner whom has been deprived hindered and abridged of the rights of "in bias, unprejudice advocate"

if the State of Texas to present his cause to an unbiased and unprejudiced tribunal for a "fair and impartial trial".

9. All of the language spoken of by this Honorable Court Under Gideon VS. Wainwright, 372 U.S. 335, 344; 83 SCt 792 (1963), has not been afforded nor applied to the Petitioner's cause. Denial of Equal Protection Clause (Discrimination).

10. The United States Constitution, Laws, Statutes, Ordinances has <sup>NOTE</sup> provided nor guaranteed Petitioner any rights, Privileges, Immunities nor Entitlements; that are "guaranteed" to "all" similar-situated citizens - Prisoners.

11. Petitioner is a laymen of the law and he has never, ever filed a Petition for Writ of Certiorari and there is no one trained or versed in the law; that works in this facility law library whom can assist Petitioner with said Writ.

12. Petitioner has read all of the forms sent him by this Court to assist with the filing of said Writ of Certiorari; however Petitioner still does not clearly understand the process and complex procedures.

13. Petitioner do assert and acknowledge the "facts" that the trial and the Appellate Courts in concert refuses to apply the applicable Laws, Statutes, Ordinances and the Constitution Provisions to Petitioner's cause; him any and all rights, Privileges, immunities and entitlements.

#### REASONS FOR GRANTING THE PETITION

1. The Constitution guarantees all of its citizens Equal Rights; Equality Under The Law; Equal Protection Clause; Due Course of Law and Due Process of Law.
2. Petitioner has been denied, deprived, hindered and abridged "any and all" rights, Privileges immunities and entitlement of the State of Texas and the United States of America.
3. Petitioner nor any other black citizen-Prisoner can not receive a "fair and impartial trial" in any of the tribunals and appellate courts in this State or the United States of America.
4. All constitutional and statutory provisions has been denied to Petitioner whom "timely" filed nine Pretrial motions - Objections for his "own" defense of which the States' Court-appointed bias and Prejudice defense counsels refused to file and present to the Partial bias and Prejudice tribunal.
5. Denial of Petitioner's rights to be heard by himself, counselor or both; Adversarial testing; to present ~~for~~ his own defense; to have evidence to be used disclosed; right to confrontation of the States' witness and or the accused - ~~ad~~users; right to change venue; to continuation; to suppress illegal evidence; to Discovery; right to self representation; right to counselor of choice; right to be heard by himself, counselor or both; right to an impartial Judge and tribunal; right to a fair and impartial ~~from~~ trial.
6. The Judges of State District Court, State Court of Criminal Appeal and the Fifth Circuit Court of Appeals has refused to interpret and apply the Constitutional Laws, Statutes and or Ordinances to Petitioner's cause; that are applied and made applicable to "all" similar situated citizens, Prisoners and or defendants.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Chay M. S.

Date: October 15, 2018