

No. 18-20075

IN THE
SUPREME COURT OF THE UNITED STATES

MERIA JAMES BRADLEY — PETITIONER
(Your Name)

vs.

WARDEN LORIE DAVIS — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FIFTH CIRCUIT
OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MERIA JAMES BRADLEY

(Your Name)

ALLAN B. POLUSKY UNIT

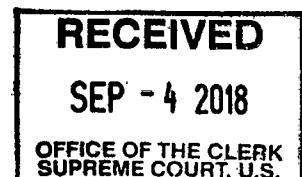
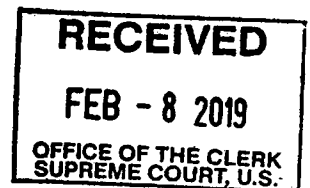
(Address)

3872 FM 350 South

(City, State, Zip Code)

LIVINGSTON, TEXAS 77351

(Phone Number)



QUESTION(S) PRESENTED

(1) Whether defense counsel withheld evidence for the jury that shown that the petitioner was actually innocent, but for a reasonable probability that the outcome of the trial would have been different.

(2). Where any person may be restrained of his Liberty in Violation of the Const.

(3), Whether this claim rests on a New Rule

(4). Whether a petitioner seeks to apply a rule of law that was clearly established at the time his state court conviction became Final.

(5). Whether state court or the federal court applied the federal law established by those case unreasonably.

(6). Whether the state court relied on adequate and independent state ground of decision to trial counsel was constitutionally ineffective.

(7). Whether the result was dictated by past case or Whether it is susceptible to debate among reasonable Minds.

(8). Whether petitioner denied an opportunity for A Full and Fair adjudication his ineffective assistance of counsel at trial or denied his Due Process to develop a record outside the trial records for his 2254 federal habeas writ.

(9). Whether the state habeas court was biased and objectively unreasonable impartial in its failure to review and excise a Finding of Fact and Conclusion of Law.

(10). Whether the AEDPA is Notorious for its poor drafting or The Act is replete with vague and ambiguous language apparent inconsistent and plain Bad Grammar that denied the petitioner his right to Due PROCESS

(11). Whether the Judgment was erroneous?

(12). Whether the petitioner denied a Fair Trial in the state court.

(13). Whether State court's findings were unreasonable in light of the evidence the state court considered.

(14). Whether 2254 (d). is difficult to identify that it denied the petitioner Due Process or Statute alters the standard of review that federal habeas court's bring to Bear when they examine state court judgment on Federal Claims.

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:

A. The Lower Court Opinion(s) . one.page.

B. Respondent Davis's Motion For Summary Judgment with Brief In Support 25 pages.

C. The Report and Recommendation of the Magistrate opinion(s) 17 pages.

D. United State District Court Opinion(s). 4.pages.

E. United States Court Of Appeals opinion(s). one pages.

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
EXPARTE BANKS 769 SW.2d,	539
EXPARTE BUSH 313 Sw.2d	287
BRECHT V. ABRAHAMSON 507 US.	619
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CHAPMAN V. CALIFORNIA 386 US.	24
LOAN V. ZIMMERMAN BRUSH CO. 102 S. Ct. 1309 ExpARTE McCARDUIE 73 US. 6WALL #!*	
SCHLUP V. DELO 513 US. 298 3291 115 S Ct.	851
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STATUTES AND RULES

1867 Habeas Corpus Act. Granted federal court's including the Supreme Court Jurisdiction in addition to the authority already conferred by law to grant writ of habeas corpus in "all cases where any person may be restrained of his or her LIBERTY in violation of the constitution or of any treaty or law of the United States . one provision of the Act entitled prisoners who failed to win their FREEDOM in the lower courts to appeal the judgment against them to the Supreme Court.

AEDPA 28 USC.2254 (e) (2). Which instruct federal court regarding the availability of federal evidentiary hearing. 2254 (d) contemplates that prisoners claims are to be judged against federal law as it was clearly established.

Rule 41 (b) Federal Rules Of Civil Procedure, employs the phrase only to mean the opposite of a dismissal without prejudice to refiling a claim in the same court,

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 **E.** to the petition and is

[] reported at **Denied on April 19, 2018**; 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 **D.** to the petition and is

[] reported at **Denied 6, of July 2017.**; 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 **A** to the petition and is

[] reported at **Denied March 23, 2016.**; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the **Texas Criminal Court Appeals.** court appears at Appendix **AA** 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 April 19, 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 3-26-2016.
A copy of that decision appears at Appendix A.

☐ 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

Sixth Amendant: 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 where in 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 defence.

FOURTEENTH AMENDANT"Section I All person born or NATURALIZED IN THE United States and subject to the jurisdiction there of are citizens of the United States and of the state where in then reside. no state shall made or enforce any Law which shall abridge the privileges or immunities of citizens of the United States. nor shall any state deprive any person of Life. Liberty or Property without Due Process of Law. nor deny to any person.

1867 Habeas Corpus Act granted federal courts, including the Supreme jurisdiction. Federal Constitution Rrticle I Reveal Fundamental Defects that inherently result in complete MisCarriage Of Justice.

STATEMENT OF THE CASE

Here the Court shall see that this Case is a Fundamental MisCarriages of Justice by The 183rd district state habeas court, The Texas Criminal Court of Appeals and The United States Magistrate Judge Deprived the petitionuoner of his Rights To Due Process by Arbitrary use of there power, making there decisions without appropriate safeguards violating petitioner rights to due process denying the petitioner an opportunityfor a hearing appropriate to nature of the case. Nevertheless the about courts has entered a decision in conflict with decisions of The Supreme Court of The United States on the same important matter has decided an important federal QUESTIONin a way that conflicts with adecision by a state court of last resort has departed from the accepted the usual course of Judicial Proceeding to sanctioned such a departure by the Lower Courts as to call for an exercise of this Court's Supervisonory power, Whether Trevino V. Rick Thaler 133 S.Ct.1911.185 L.Ed.2d.1044 2013 US.Lexis 39.80 91 US L.W.433624.Flal , Holding that a procedural default will not bar a federal habeas court from hearing a **SUBSTANIAL CLAIM OF INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL CLAIM. IF IN THE [STATE'S[INITIAL REVIEW COLLATERAL PROCEEDING THERE WAS NO COUNSEL OR COUNSEL IN THAT PROCEEDING WAS INEFFECTIVE** Id at 132 S.Ct.1309.182.L.Ed.2d.272.278.288)

Nevertheless In Fitzgerald V. Estell 505 F2d 1334 (5th.Cir.1994. enbanc) The court stated that due process of the Fourtent amendment standing alone and unaided by incorporation of the sixth amendment is violated when ineffectivenessl pf counsel has rendered a trial fundamentally unfair.

REASONS FOR GRANTING THE PETITION

Because this case reveal fundamented defects that inherently that result in a complete MisCarriage of Justice 7 Because the Lower Courts decision was based on an unreasonable determination of facts in of the evidence presented in the Lower Courts proceeding. Here the 183rd State habeas court denied the petitioner Due Process to have a Full and Fair opportunity to litigate his claims in state court to hear a Substantial Claim of ineffective assistance of trial counsel at trial. Because the Petitioner was denied his right to Due Process and his right to a Fair Meaningful opportunity to Develop, a record outside the trial record for a Federal Habeas court 2254 writ. Because the state habeas court Refusing to have a State's Proposed Finding of fact Conclusions of Law and Order, Moreover the trial record ordingrily does not reflect counsel reasons for doing or failing to do actions of which the petitioner complains, withholding evidence from the Jury that would shown the Jury that the petitioner was actually innocent.

Because the texas criminal court of appeals decision was the result in a complete MisCarriage of Justice based on an unreasonable determination of facts in of evidence denying the petitioner Due Process to A Full and Fair opportunity to Litigate his claims in the criminal court of appeals .Because Federal Habeas court was contrary to and an objective unreasonable manner that it conflicts with decisions of the Supreme Court of The United States on the same important matter has decided an important federal Question in a way that conflicts with a decision by a This Supreme Court of last resort whether Trevino V. Rick Thaler 133 S.Ct.1911 185.L.Ed 2d. 1044.2013 US.Lexis 39.80.81 US.L.W.433624 Flal HHolding A Substantial Claim of ineffective assistance of trial counsel that a procedural default will not bar a federal habeas court from hearing that claim if in the]State's[initial review collateral proceeding there was no counsel or counsel in that proceeding was ineffective id at 132 S.Ct1309 182. L.Ed 2d. 272.279.288)

Because Due Process of **FAIRNESS**.of the Fourteenth Amendment by incorporation of the sixth amendment is Violated when Ineffectiveness of counsel has rendered a

trial fundamentally unfair. See *Fitzgerald v Estelle* 505 F.2d.1334 (5.Th.Cir.1994

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Meria James Bradley

Date: *August 21, 2018*