No. ____________________

18-8850

IN THE

SUPREME COURT OF THE UNITED STATES

Oscar L. Shaw — PETITIONER
(Your Name)

vs.

Lorie Davis — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals Fifth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Oscar L. Shaw - TDCJ # 646048
(Your Name)

Estelle Unit - 264 FM 3478
(Address)

Huntsville, Texas 77320
(City, State, Zip Code)

None
(Phone Number)

QUESTION(S) PRESENTED

1) In A Rule 60(b)(6) Motion that present's clear an convincing evidence of Misconduct by A State Judge, two State Prosecutor's, and A Court appointed Attorney.

Who had trial record's alter, by changing the trial date's so that all the error's could be taken out. Then not file the original indictment or any document's with the indictment case number with the trial record's submitted to the Appellate Court for the direct appeal. Would that not meet the "extraordinary circumstances" criteria?

2) When the State file's A Motion to Dismiss and the trial Court grant's the Motion and dismiss the original indictment and the State do not file a reindictment after the dismissal.

Would the Trial Court have jurisdiction after the dismissal, to conduct A jury trial and enter A judgment of conviction?

3) If trial record's have been altered, and those altered record's had been submitted in Federal Court, in A Section §2254, habeas corpus proceeding.

Would that not be "Fraud" on the Federal Court, and meet the Rule 60(b) requirement, in order to justify reopening A case?

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:

LORIE DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION - RESPONDENT

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TABLE OF AUTHORITIES CITED

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 B 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 JANUARY 04, 2019.

[✓] 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).

§ 1254 (1)
§ 1251 (a)(2)

[ ] 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

1st Amendment to U.S. Constitution
5th Amendment to U.S. Constitution
6th Amendment to U.S. Constitution
8th Amendment to U.S. Constitution
14th Amendment to U.S. Constitution

28 § 2254 (a)(b)(1)(A)(B)(i)(ii)(d)(1)(2)

STATEMENT OF THE CASE –

D

I.

On "12/02/1997" Petitioner filed his Federal writ of habeas corpus, Section § 2254, attocking his illegal State conviction, In the United States District Court Western District of Texas (Midland), under cause number# 7:97-CV-00176-DC.

On "05/18/1998" U.S. District Court received the State Court record's in the case (3 folders). The Court reviewed the State trial record's an issued an Order "05/26/1998" granting the State Motion to dismiss due to the Petitioner failure to exhaust his State Court remedies.

On "06/25/1998" Petitioner filed a notice of appeal; and a Motion for certificate of appealability. On "07/02/1998" the U.S. District Court entered an Order denying motion for certificate of appealability.

On "07/13/1998" Motion for certificate of appealability was filed in the U.S. Court of Appeals for the Fifth Circuit, under appeal cause number# 98-50624. On "07/23/1998" An Order granting leave to proceed in forma pauperis status.

On "08/06/1998" A copy of the record was filed on appeal to the U.S. Court of Appeals Fifth Circuit, that was sent from the U.S. District Court, Western District of Texas, of all the document's filed in the Federal writ proceeding under Section § 2254.

On "10/30/1998" the U.S. Court of Appeals Fifth Circuit, entered a judgment denying Petitioner Motion seeking a Certificate of appealability, and thereafter dismissed said appeal.

On "02/10/1999" the State trial record's was returned back to the U.S. District Court Western District of Texas (Midland).

II.

BRIEF STATEMENT OF THE FACT'S IN CHRONOLOGICAL ORDER

A.

NEWLY DISCOVERED EVIDENCE

"November, 2016" Petitioner discovered an indictment with cause number # CRA-18,575, in which he had never sew prior to "2016". Due to it not being reflected in his trial record's under cause number # CRA-18,925, and because the Prosecutor's and Petitioner trial Attorney kept it hid from Petitioner.

The indictment with cause number # CRA-18,575, had been presented at Petitioner parole revocation hearing where the number had been read into the hearing record. At the time the hearing officer didnt Know if it was a "complaint" or "indictment", Petitioner never actually sew it, he only heard the number when he had the hearing tape transcribed to paper form and made apart of the appellate record.

The indictment under case number# CRA-18,575, was for the felony offense of "aggravated robbery", the Clerk [redacted] stamp reflect that it was filed "March 12, 1992". The only reason why the Prosecutor's obtained the indictment so that it could be presented at Petitioner parole revocation hearing so that A hold would be placed on Petitioner, so that he would be unable to make bail. The parole hearing was held in "April, 1992", and the indictment disappeared and there was no reflection in the trial record's of it. Petitioner only learned of the number# CRA-18,575.

The indictment under case NO.# CRA-18,575, didnt materialize until "November, 2016", when Petitioner discovered the actual document through the discovery stage of another criminal proceeding out of EL Paso, Texas. The district Clerk stamp with the date of "March 12, 1992" showed that it was the original indictment. Because the indictment which he was convicted under wasnt filed until "July 3, 1992". It to was for the offense of "aggravated robbery", but it had two prior enhancement felony conviction's. Which caused the punishment level to be increased, from that in the first indictment.

Shortly after Petitioner [redacted] made the discovery of the indictment under case NO.# CRA-18,575, he filed A State writ of habeas corpus pursuant to Article 11.57. Petitioner filed the writ in "January 2017", the trial Court "Order" responding to it, had the Clerk stamp reflecting "June 26, 2017". But the Texas Court of Criminal Appeals "white card" had the date of that Court's denial as "4/5/2017". Attached to the trial Court's reply (Order) was a copy of the

State's alleged "Motion to Dismiss" the indictment with case No.# CRA-18,575. This was also "Newly Discovered evidence" because it was never apart of the trial record's filed with the Eighth Court of Appeals during Petitioner direct appeal, nor had Petitioner ever sew the document prior to getting the Court's "Order". The date it was alleged to be filed was stamped filed "January 7, 1993".

At the time that the trial Court was attempting to discredit Petitioner writ by way of the "Motion to Dismiss". The Court fail to realize that Petitioner had already been to one trial prior to the "January 7, 1993" date, under the reindictment with case number# CRA-18,925, on "August 18, 1992", while the original indictment under case No.# CRA-18,575, was still pending and active. The first trial ended in a "Mistrial" due to Petitioner trial Attorney realizing that one of the key State's eye witness ("Jimmy Abney") identification of Petitioner had been discredited. Due to the eye witness identification being based on seeing Petitioner at his parole hearing, so Petitioner Attorney manipulated the mistrial, in order to make sure the new jury would'nt here how the eye witness really came by being able to pick Petitioner out of the last line-up (sixth one) when he nor any of the other eyewitness's could pick Petitioner out any of the "Photo array line-up's" held the day after the offense. Nor could any of them pick Petitioner out of the five live line-up's held prior to the sixth one.

Petitioner writ was dismissed due to "Fraud" and "misrepresentation" of the fact's by the trial Court, and by presenting document's that had not been filed in the case until after the filing of said writ of habeas corpus was filed. After Learning of the "Motion To Dismiss" (Newly discovery evidence), he (Petitioner) discovered even more new evidence.

B.

TRIAL COURT JUDGE ATTEMPT TO COVER-UP MISCONDUCT ONLY TO PROVIDE MORE NEWLY DISCOVERED EVIDENCE

On "August 7, 2017" Petitioner filed his forth State writ of habeas corpus, pursuant to Article 11.07 (Tex. Code of Crim. Proc.) bringing a claim of "Newly discovered evidence", Which was under cause number# CRA-18,925(2)-D. On "August 10, 2017" the trial Court filed it's "findings" within it's "Order", the Court directed the Clerk to prepare a transcript to include more document's which had never been apart of the trial record's, that had been filed in Petitioner direct appeal. The document's are; (indictment in cause number# CRA-18,575) (the return on the service of the indictment in cause number# CRA-18,575) (State Motion to Dismiss cause number# CRA-18,575, and the Court's Order dismissing cause number filed on January 7, 1995)

C.

On "8/14/2017" the writ (Tr. Ct. No.# CRA-18925-D) was presented to Texas Court of Criminal Appeals, under "WR-18,042-07". On "8/23/2017" the Court dismissed Petitioner writ of habeas corpus without written Order for non-compliance.

On "October 19, 2017" the State filed A "State's Suggested Order for the Court" (under cause number# CRA-18,925(2)-E) Along with the "State's Suggested Order", Assistant District Attorney Ralph Petty (one of the Prosecutor's who committed some of the misconduct in the case at bar). The Prosecutor submitted five document's (which can be seen hereto attached as exhibit # 3) that had never been apart of the trial record's submitted in Petitioner direct appeal that was filed in the Eighth Court of Appeals.

On "November 7, 2017" the Court (designated Judge due to Petitioner filing a recual Motion) filed an "Order Adopting the State's Suggested Order". ([redacted] Please note that Petitioner Constitutional claim's was not addressed). On "11/13/2017" the writ of habeas corpus was presented in the Texas Court of Criminal Appeals, under writ No. # WR-18,042-08 (Tr. Ct. No. CR18925 E). On "1/24/2018" said writ was dismissed by the Court without written Order.

D.

RULE 60(b) MOTION [redacted]

(1)

Petitioner filed A Rule 60(b), Motion seeking to reopen his § 2254 Federal writ of habeas corpus "03/28/2018", due to "Newly Discovered Evidence". Petitioner newly discovered evidence showed proof of "Fraud", "Misrepresentation" and that the Judgment was "Void", due to the trial Court lack of [redacted] Jurisdiction. Petitioner newly discovered evidence also showed proof that his case was "unique" and presented "extraordinary circumstances", due to a "State Judge", "two State Prosecutor's" and an "Attorney" (Court appointed) all working together in a "conspiracy" to make sure Petitioner was found guilty and sent to prison, irregardless of the fact that Petitioner was innocent.

(2)

Petitioner new evidence showed proof that his trial record's had been altered, which caused any decision made by any Court (State or Federal) that reviewed those record's, to be in error. Thereafter violating his right's (to "Due Process" and "access to the Court's") secured to him under the U.S. Constitutional Amendment's (1st, 5th and 14th). Petitioner also showed that after he first discovered the indictment under case NO.# CRA-18,575, and filed his State writ of habeas corpus pursuant to Article 11.57. The trial Judge and one of the Prosecutor's injected document's that had never been apart of the trial record's during the direct appeal stage.

(3)

The U.S. District Court, Western District of Texas (Midland) issued an "Order Denying Rule 60(b) Motion and A Certificate of Appealability", on "April 5, 2018. The reason's used by the Court was [redacted]; 1) untimely; 2) used to collaterally attack State Conviction; 3) successive. Petitioner appealed that decision to the U.S. Court of Appeals Fifth Circuit. The Fifth Circuit denied Petitioner a COA (Certificate of Appealability), on "January 4, 2019.

III.

ARGUMENT INSUPPORT OF WRIT OF CERTIORARI

A.

There was sufficient evidence insupport of Petitioner Rule 60 (b) Motion to show "Prosecutor's misconduct", "Judicial misconduct" and "Attorney misconduct". Which deprived Petitioner of many of his Constitutional right's on the State level, in which caused a "Miscarriage of Justice". Because Petitioner was taken through two jury trial's under an indictment (#CRA-18,925) [redacted] that didnt invoke the 142 District Court jurisdiction. Therefore causing Petitioner a innocent Man conviction to be false. See Schlup v. Delo, 513 U.S. 298 (1995).

B.

Petitioner Rule 60(b) Motion presented clear and convincing evidence insupport of the fact that the newly discovered indictment under case number #CRA-18,575, nor any of the other document's filed in his State writ proceeding's in "2016" and "2017", by the trial Judge and Prosecutor, had never been made apart of the trial record under case No. # CRA-18,925. When said document's should have been because indictment under case No. #CRA-18,575 was the original indictment, and the start of the criminal case, and indictment under case No. # CRA-18,925, was a reindictment.

C.

Petitioner showed how the trial Judge and Prosecutor both injected document's into the State writ proceedings which hadnt been apart of Petitioner direct appeal record's. That had been filed in the Eighth Court of Appeals, in EL Paso, Texas, in cause number 08-93-00155-CR. The document's can be seen listed on page -37- of the Prosecutor Ralph Petty "State's Suggested Order for the Court on the Applicant's Application for Post-Conviction Writ of Habeas corpus under Article 11.07, C.C.P." (please see attached hereto exhibit # 3). Those document's formed the basis of Petitioner's claim's, at the sametime met the requirement of "Newly Discovered" evidence under Rule 60(b).

D.

TRIAL COURT LACK OF JURISDICTION

Under Rule 60(b)(4)(6), Petitioner showed in his Motion how the 142nd District Court lacked jurisdiction to hold a jury trial and issue a final conviction. By showing that indictment under case no.# CRA-18,575, was the original indictment, due to it being filed first for the felony offense of "aggravated robbery". Petitioner also showed how the State filed a "Motion to Dismiss" the indictment under case no.# CRA-18,575. Petitioner went on to show how the trial Court granted the State Motion, and thereafter dismissed said case under cause no.# CRA-18,575. The Court in Lowery v. Estelle, 696 F.2d 333 (5th Cir. 1983), ruled; "Under Texas Law the dismissal of an indictment conclusively ousts the trial Court of jurisdiction. A subsequent order purporting either to reinstate the cause or enter judgment thereon is void ab initio. The defect cannot be waived, but can be raised at any point in direct or post-conviction proceedings". Id.

E.

The United States Supreme Court, ruled in "United States v. Cotton, 122 S.Ct. 1781 (2002) (Because subject-matter jurisdiction involves court's power to hear a case, it can never be forfeited or waived. Thus, defect's require correction regardless of whether the error was raised in district Court. See, e.g., Louisville & Nashville, R. Co v. Mottley, 211 U.S. 149, 53 L.Ed. 126, 29 S.Ct. 42 (1908)). Also see U.S. v. Gatewood, 123 F.3d 983, 986 (6th Cir. 1999) (jurisdictional challenge to indictment may be raised at any time). Petitioner would also like to direct this Court's attention to the fact that in the State of Texas the Prosecution can obtain after an indictment is dismissed a subsequent indictment. Please see Garcia v. Dial, 596 S.W. 2d 524 (Cr. App. 1980), also see Hughes v. State, 16 S.W. 3d 429 (Tex. App.—Waco 2000) (State may dismiss a criminal action at any time as long as the judge presiding over the action consents to the dismissal, and the dismissal of cause does not prevent the grand jury from returning a subsequent indictment charging the same transaction, especially when the dismissal does not indicate that the cause was dismissed with prejudice. Vernon's Ann. Texas C.C.P. art. 32.02.).

F.

Herein the case at bar Petitioner clearly presented convincing evidence in his Rule 60(b)(4) Motion, that when the State" Motion to Dismiss" was granted by the trial Court, and the Court dismissed cause no.# CRA-18,575, for the felony offense of "aggravated robbery" and the State did not file a subsequent indictment. Petitioner should have been discharged, instead of taken to another trial and convicted. Therefore the U.S. District Court abused it's discretion by failing to grant Petitioner Motion. Which caused the U.S. Court of Appeals, Fifth Circuit denial of Petitioner" COA" to be in error. Because the U.S. District Court ruled that Petitioner Motion was untimely. That ruling was contrary to clearly established Supreme Court case law. See, e.g. Gonzalez v. Crosby, 125 S.Ct. 2641 (2005) (Rule 60(b)(6) contains no spectific time limitation on filing). Id at Footnote #3. Also see Balentine v. Thaler, 626 F.3d 842 (5th Cir. 2010) (A Rule 60(b) Motion, filed several years after an inmate's Section § 2254 application had been denied, is in some circumstances an available option. Citing, Gonzalez v. Crosby, 545 U.S. 524, 528–29, 125 S.Ct. 2641, 162 L.Ed. 2d 480 (2005)).

[redacted] G.

EXTRAORDINARY CIRCUMSTANCES UNDER RULE 60(b)(6) FED.R.CIV.PROC.

1.

The case at bar is a "unique" case, due to the fact that it consist of a very "elaborate conspiracy", in which the main member's were a "State Judge", "two State Prosecutor's", and a Court appointed "Attorney". Petitioner Motion Rule 60(b)(6), showed how they all worked together in order to alter Petitioner trial record's, by failing to place indictment with case number # CRA-18,575 in to the appellate record's of criminal case under the indictment number, # CRA-18,925, along with all the other document's that had been filed in cause No # CRA-18,575. They also altered the record's (trial) by changing the date's, Petitioner presented clear and convincing evidence in his Rule 60 (b)(6) Motion which proved the trial date had been changed from "2/1/1993 and 2/4/1993" to "1/26/1993 and 1/28/1993". Petitioner would direct the Court's attention to "Exhibit # 4" (attached hereto) a copy of the trial "Judgment on Jury Verdict of Guilty Punishment Fixed by Court confinement in TDCJ".

2.

On the very first line of the five page instrument, the date "February 4" has been marked through and "March 5" wrote in over the top. Please note neither date is reflected in the trial record's, that's because February 4th has been changed. On the eighth line of the instrument show the following; "Punishment Assessed By: The Court", "Date Sentence Imposed: February 4, 1993". *Id.* Then on page-4, under the "Judge Presiding", it read "Date Signed" next to it "February 4th" is Marked out and "March 5" wrote over the top. The most clear and convincing evidence can be seen on page-5, it first show Petitioner "Right Thumbprint", then under that it show the following statment; "I, the defendant in this case, hereby certify that the above THUMB-PRINTS are my THUMBPRINTS, made by me in open court on "February 4, 1993". Id. Below that it show Petitioner signature.

3.

Right under Petitioner signature the following is stated; "I, the undersigned, hereby certify that I affixed the THUMBPRINTS of the defendant in this cause on this document and witessed the said defendant affix his signature thereto. I further certify that both of these events occurred in open court on FEBRUARY 4, 1993". Id Below that it show the witness signature. (please see exhibit #4, attached hereto copy of five page instrument). Petitioner also showed how the Judgment did not reflect that couse No.# CRA-18,925 was a reindictmet, nor did the instrument show any reflection of the original indictment under case No.# CRA-18,575. (Please see exhibit #2, attached hereto). Petitioner Rule 60(b)(6) Motion showed how the five page Judgment (exhibit #4) had been filed with the direct appeal record's, therefore all the Court's (State and Federal) reviewed that altered instrument which ment a "Fraud" had been committed. The only correct date on the Judgment instrument had been "February 4th" but none of the trial record's (Statment of Fact's) (transcript) "Reporter" or "District Clerk" reflect said date. The above proof should have been enough to meet the requirement of Rule 60(b)(6).

4.

According to <u>Gonzalez v. Crosby</u>, 125 S.Ct. 2641 (2005) (Fraud on the federal Court is one example of such a defect. See generally Rodriquez v. Mitchell, 252 F.3d 191, 199 (CA2 2001) (A witness's allegedly fraudulent basis for refusing to appear at a federal habeas hearing "relate[d] to the integrity of the federal habeas proceeding, not to the integrity of the State criminal trial").) Id, at Footnote # 5. Herein the case at bar Petitioner evidence showed proof that the fraudulent trial record's under case number # CRA-18,925, had been filed and/or submitted to all the State Court's and the Federal Court's. Which related to [redacted] the integrity of all the State Court proceeding's and the integrity of the federal habeas proceeding's.

5.

The Federal District Court abused it's discretion by refusing to allow Petitioner Rule 60(b)(6) Motion to proceed further, see Buck v. Davis, 137 S. Ct. 759 (2017). Petitioner Motion was not making an "attack" on the substance of the federal Court's resolution of a claim on the merits, but the defect (trial record's being altered) which caused "Fraud" to be had during the federal habeas proceeding. Therefore, causing the Federal habeas proceeding and the federal Court integrity to be call into question. Because the fraudulent trial record's due to the "trial Court" and "Prosecutor's" "misrepresentation" of the fact's of Petitioner case caused the Federal Court not to be able to render a proper decision, as required under the "Due Process" clause of the Fourteenth Amendment to the U.S. Constitution. For the reason's cited hereinabove the U.S. Court of Appeals Fifth Circuit made an error for failing to grant Petitioner A ("COA") [redacted] Certificate of Appealability. Because Petitioner did make A substantial showing of the denial of A number of his constitutional right's. 28 U.S.C. §2253 (c)(2).

6.

Petitioner satisfied the standard of demonstrating that jurists of reason could disagree with the District Court's resolution of his constitutional claims, and he also presented enough clear and convincing evidence which jurists could conclude the issues presented were adequate to deserve encouragement to proceed further. see Miller-EL v. Cockrell, 537 U.S. at 327 (2003). Petitioner also showed in his Rule 60(b) Motion that his trial Attorney Kept the indictment under case No.# CRA-18,575 (the original indictment) hid from Petitioner, that is the reason why there was no reflection of it or any of the document's which had the case No#. CRA-18,575 on them, was never made a-part of the trial records under case No.# CRA-18,925, the case in which Petitioner had been illegally convicted under. Petitioner went on to show how he was taken through jury trial's when the trial Court Lacked jurisdiction under indictment with cause No.# CRA-18,925, due to his Attorney allowing it to happen. (please see attached hereto exhibit's 1, 2- and 3). Petitioner proved Counsel ineffectiveness under the standard of United States v. Cronic, 466 U.S. 648, 658-59, 104 S.Ct. 2039 (1984). Petitioner ineffective assistance claim was [redacted] similar to that in Buck v. Davis, 137 S.Ct. 759 (2017) and Fifth Circuit made a similar mistake.

IV.

CONCLUSION

Petitioner seek this Court's supervisory power in order to correct an injustice which has occurred herein the case at bar, due to misconduct by A State Judge, two State Prosecutor's, and A Court Appointed Attorney. Had the U.S. District Court obtained Petitioner trial record's the Court would have been able to see that the original indictment with case Number # CRA-18,575, was not apart of the trial record's in cause No. # CRA-18,925, the reindictment before the original indictment had been dismissed. Had there not been misconduct on the part of the State, the State would have dismissed the original indictment before re-indicting Petitioner. Had Petitioner not stumbled up on A copy of indictment under case No. #CRA-18,575, he never would know it really exist.

Had Petitioner not filed the last three State writ of habeas corpus's the other document's under case No. # CRA-575, never would have came to the light. From Petitioner "Direct Appeal" through all the different proceeding's he has proclaimed that he had been "rail roaded" by the trial Judge, Prosecutor's and his Attorney, but he never had the evidence to prove it, until "2016". Since the trial Court and the State both has went on record by way of their response's to Petitioner State writ's admitting that the original indictment (CRA-18,575) was dismissed prior to Petitioner going to trial and there was no reindictment filed after the dismissal of the original indictment. It is clear that the trial Court lacked jurisdiction to enter A judgment herein the case at bar. Since the U.S. District Court and the Fifth Circuit, U.S. Court of Appeals fail to act in order to correct an injustice, it call for an exercise of this honorable Court's supervisory power.

WHEREFORE, Petitioner pray that this honorable Court will grant this his Petition for Writ of Certiorari in order to correct an injustice.

REASONS FOR GRANTING THE PETITION

1) A United States Court of Appeals has entered a [redacted] decision that is in conflict with the decision of another United States Court of Appeals on the same important matter;

2) A U.S. Court of Appeals has so far departed from the accepted and usual course of Judicial proceeding, as to call for an exercise of this honorable Court's supervisory power;

3) A U.S. District Court has decided an important Federal question in a way that conflicts with relevant decisions of this honorable Court;

CONCLUSION

According to the United States Constitution, All Men Are To Be Treated Equally. But Petitioner A "Black American" was not. No Citizen of These United States of America should be "illegally Arrested" held in Jail without bail Then taken to trial when the Court Locked Jurisdiction.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

[signature]

Date: 4-3-2019