

In The Supreme Court Of The United States

Troy Lee Bridges,  
Petitioner,

-v-

Lorie Davis,  
Respondent.

On Petition For Writ of Certiorari  
The Fifth Circuit Court of Appeals

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PETITION FOR REHEARING

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Troy Lee Bridges  
TDCJ-ID# 01945334  
John M. Wynne Unit  
810 F.M. 2821  
Huntsville, Texas  
77349

Pro-Se

## Table of Contents

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Table of contents

Table of Authorities

List of parties

Procedural history

Petition for rehearing

Statement of facts

Reasons meriting rehearing

Suggestions in support of rehearing

Conclusion

Certificate of service

---

Information pertinent to Fifth Circuits decision

Affidavits from Jessica Jolly -----Appendix-----

Order denying Certiorari

## Table of Authorities

Alexander-v-McCotter	1
Batson	2,3
Bryant-v-Scott	3
Murphy-v-Dretke	2
Nealy-v-Cabana	3
Nelson-v-Hargett	1
Strickland	2,3

Rules of The Supreme Court  
United States

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Rule 44.

List of Parties

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Scott S. Harris/Clerk

Supreme Court of The United States

Washington, DC 20543-0001

Jon R. Meador

Office of the Attorney

General

300 West 15th Street

Austin, Texas 78701

Troy Lee Bridges

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## Procedural History

Petitioner Bridges was convicted in the 344th District court of Chambers County, Texas, in Cause No. 17438. Bridges was charged by indictment with aggravated assault with a deadly weapon, (enhanced). On August 13, 2014, a jury found Bridges guilty as charged. The court assessed punishment at 32 years in the Texas Dept of Criminal Justice- Institutional Division. Bridges appealed his conviction which was affirmed by the Texas Fourteenth Court of Appeals on October 16, 2015. Bridges Petition for Discretionary Review was refused on February 3, 2016. His State Application for Writ of Habeas Corpus was denied March 29, 2017. Bridges filed his Federal §2254. On September 25, 2018, the court dismissed his appeal and denied his Certificate of Appealability. On June 3, 2019, the court of Appeals dismissed his appeal for want of jurisdiction, due to untimeliness. United States District Judge George C. Hanks Jr., denied Bridges Certificate of Appealability as Moot on June 17, 2019. Petitioner requested a Certificate of Appealability with the fifth Circuit Court of Appeals which was subsequently denied also. The United States Supreme Court entered the following order in cause no. 19-5072 (DENIED) October 7, 2019. This Petition for a Rehearing follows...

Petitioner asserts his intentions in this Request for the Rehearing are to winnow out the weaker arguments (GROUNDS) averred within previous filings and focus on those more likely to prevail.

### Petition for Rehearing

Comes Now Petitioner, Troy Lee Bridges Pro-Se, and prays this court grant rehearing pursuant to rule 44 and thereafter grant him a Writ of Certiorari to review the opinion of the Fifth Circuit Court of Appeals. In support of Petition, Mr. Bridges states the following:

#### Statement of Facts

At trial, Petitioner was convicted by a jury of aggravated assault w/deadly weapon and sentenced to thirty-two years.

According to the complainant Leann Ball, her next door neighbor Petitioner came to her house, when she saw him approaching her door step she ran in the house and Petitioner came in behind her and shut the door. Ms. Ball stated she reached for the phone and Petitioner grabbed her arm and threw her against the wall. Once against the wall he put a black gun to her head, and stated you owe me money you need to repay me. Ms. Phelps who also heard the verbal confrontation did not observe anything else due to the door being closed.

The State offered testimony evidence which was conflicting as to Petitioner actually exhibiting or even owning a gun...

In furtherance, Petitioner claims of failure to conduct any investigation into witness's statements and to subpoena those witness's allowed the trier-of-facts (Jury) to convict without hearing their testimony. Prior to any trial, and during trial statements and actual testimony were conflicting and many of said testimony was inconsistency with prior testimony. This case involves credibility issues of states witness's, Petitioner has shown if thoroughly investigated what the investigation would have uncovered....Nelson-v-Hargett 989 F2d 847.

Although the State presented much testimony regarding events of the alleged assault, it presented only one eye-witness Tina Phelps. And Phelps's testimony contradicted her initial statement to the police. Ms. Phelps also had credibility issues and a lengthy criminal history. Even at trial Phelps admitted she did not see Petitioner put a gun to Ms. Ball's head. But during trial she made statements that she saw what she believed was the butt of a gun in Petitioner's waistband (8RR45-47), Very inconsistent with her previous statement. Petitioner avers the alleged victim also had a long criminal history. A total of three witnesses were not thoroughly investigated or even called to testify on Petitioner's behalf, those were Patrick Thomas, Thomas Moses and Rosenvelt Jolly.

A Jessica Jolly did mention she has never in seven years she has known Petitioner she has never seen him with a gun. When Jessica Jolly later approached the alleged victim, Leann Ball, and asked her why she lied and said Petitioner held a gun to her head, Ms. Ball stated "So what I am not dropping the charges against him" See: Notarized affidavit attested to by Jessica Jolly in Appendix...

#### Failing to call Witnesses

Petitioner has demonstrated if witnesses stated herein above would have been called and testified at trial he could have shown their testimony(s) would have been favorable to the accused. Also See: Alexander-v-McCotter\_\_ 775 F2d 595. It cannot be demonstrated  
i Petitioner's counsel was sufficient when he made the decision not to call the favorable witnesses.

#### Reasons Meriting Rehearing

Petitioner has shown diligently that his claim of "Batson" should prevail within his initial Writ of Certiorari along with the above claim of failure to call witnesses.

(1). "Batson" challenge Petitioner has established a "Prima Facie" requisite showing discrimination in his jury selection, and he is a member of a cognizable racial group. (Petitioner Bridges is a Black Man)., and that the Prosecutor exercised peremptory challenges to remove from the venire member's of the Petitioner's race. Murphy-v-Dretke 416 F3d 427. These are not mere conclusory allegations and raises a constitutional issue... Petitioner has established a deficiency and prejudice due to his counsel's failure to make a "Batson" challenge.

Petitioner has legally shown the Fifth Circuit of Appeals is clearly in their decision in conflict with the Strickland-v-Washington prejudice standards to conclude his "Batson" challenge and must examine both trial testimony and his Post-Conviction evidence to determine whether had the admitted evidence been presented there is a reasonable probability of a different outcome in his trial.

#### Suggestions In Support of Rehearing

The Fifth Circuit Court of Appeals for Texas, decision that Petitioner could not overcome the presumption of his claims in light of the evidence presented, and the unreasonable application of both Strickland and Batson Test (Prongs) and counsel's failure to forego any investigation are unfounded. And far from reasonable, and are not part of a calculated trial strategy by counsel and resulted in an indolence or incompetent counsel. Bryant-v-Scott 28F3d1411.

A attorney must engage in a reasonable amount of investigation and at a "minimum"... interview potential witnesses, make an independent investigation of the facts and circumstances in the case. Nealy-v-Cabana 764 F2d 1173.

The question for this court to answer is whether Petitioner was prejudiced by counsel's ineffectiveness?

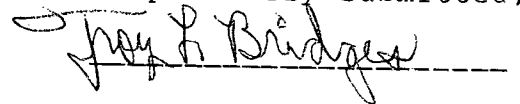


Petitioner never made any admissions to the police. The closes thing to direct evidence connecting him to exhibiting a gun/deadly weapon was Tina Phelps and Leann Ball. Tina Phelps stated for the record no gun was exhibited...

Conclusion

For the reasons stated, this court must grant Rehearing of it's judgment entered on October 7, 2019, and issue a Writ of Certiorari to hold the Fifth Circuit accountable for failing to properly apply the law of this court and grant Mr. Bridges relief. Should Petitioner's cry for justice not be heard and denied relief; may this court also cry and not be heard "for whoever shut their ears to the cry of the poor will also cry themselves and not be heard". Proverbs 21:13.

Respectfully Submitted,



Troy Lee Bridges

TDCJ-ID# 01945334

John M. Wynne Unit

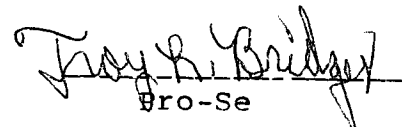
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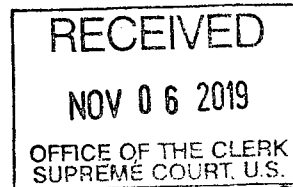
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Certificate of Service

The undersigned certifies that a copy of the foregoing was mailed postage pre-paid, this 23<sup>Rd</sup> day of October 2019, to; Scott S. Harris Clerk U.S. Supreme Court, Washington, DC, 20543-0001 and Jon R. Meador Office of the Attorney Genaral, 300 West 15th Street, Austin, Texas 78701.

  
Pro-Se

Scott S. Harris/Clerk  
United States Supreme Court  
Washington, DC 20543-0001



Cause No. 19-5072

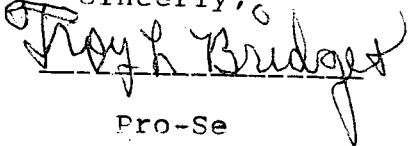
Dear Mr. Harris;

Please find enclosed Petitioner Bridges Request for Rehearing. As this court's directive to the revision rules adopted April 18, 2019, Petitioner has (b) (i) included a list of all parties, (iii) procedural statement.

Furthermore, Bridges states on the original Petition for a Writ of Certiorari he included his Motion Seeking Leave and a In Forma Pauperis application with the Unsworn Declaration...

Mr. Harris, if this Honorable court so desires Mr. Bridges will again prepare and present an additional above mentioned Motion to Proceed In Forma Pauperis.

Thank-You Mr. Harris and your office for your assistance.

Sincerely,  
  
Pro-Se

In The Supreme Court of The United States

Troy Lee Bridges,  
Petitioner,

-v-

Lorie Davis,  
Respondent.

Certificate of Good Faith

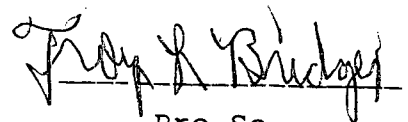
Comes Now, Petitioner, Troy Lee Bridges, and makes certification that his Petition for Rehearing is presented to this court in good faith pursuant to Rule 44. Mr. Bridges states the following:

(1). This court entered its judgment denying his writ of certiorari on October 7, 2019. Petitioner believes that he presents this court with adequate grounds to justify the granting of Rehearing in this case and said petition is brought in good faith and not for delay.

Furthermore, Petitioner believes that based upon the law of this court and facts of this case, he is entitled to relief which has been unjustly denied him. He further believes that if the Fifth Circuit Court of Appeals are continually allowed to apply the Batson Challenge improperly, a number of people will be denied their Constitutional rights to Due Process.

I, declare under the penalty of perjury that the foregoing is true and correct.

Executed on this 23 day of October 2019.

  
Pro-Se

**Additional material  
from this filing is  
available in the  
Clerk's Office.**