

No. _____

19-5199

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

BILLY JOHN ROBERSON

— PETITIONER

(Your Name)

vs.

CITY OF ROWLETT, TEXAS

FILED
JUL 11 2019
OFFICE OF THE CLERK
SUPREME COURT U.S.
— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

COURT OF APPEALS FOR THE FIFTH CIRCUIT

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

BILLY JOHN ROBERSON

(Your Name)

1409 CALIFORNIA PARKWAY SOUTH

(Address)

FORT WORTH, TEXAS 76134

(City, State, Zip Code)

214-281-9176

(Phone Number)

QUESTION(S) PRESENTED

1. How could I receive an Guilty Verdict of aggravated assault with a deadly weapon at the time of this supposed incident, I, Billy John Roberson, did not wn or have access to any firearm.
2. How could the Presiding Judge over the original trial did not step aside when their was an previous conflict.
3. I am questioning the procedures of the Code of Criminal Procedure, Title 1, Chapter 21 was not followed by the guidelines.
4. How could I be charged with a crime when I was not present in the area or around the victim when this supposedly transpired.
5. How could the Lower Courts not render an decision based upon using the Texas Penal Code 22.01 (assault) that key elements was not present during the investigation.
6. How could the Lower Courts not see the under the same code 22.01 of the Texas Penal code 22.02 (aggravated assault) was also not present in any element.
7. How could they render Punishment, under Title 3 Chapter 12 Under the Penal Code when certain Elements was not Present during the Trial.
8. Under the Punishment Phase what gives the rights to Strip my 2nd amendment Rights to bear arms, In the State of Texas, after I was wrongfully convicted and seeking an remedy and have not gotten into any legal trouble since.

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:

ROWLETTE, TEXAS POLICE DEPARTMENT
4000 Main Street, Rowlett, Texas 75088

WILLIAM BRODNAX-CHIEF OF POLICE
4000 Main Street, Rowlett, Texas 75088

TABLE OF CONTENTS

OPINIONS BELOW..... 1
JURISDICTION.....
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED
STATEMENT OF THE CASE
REASONS FOR GRANTING THE WRIT
CONCLUSION.....

INDEX TO APPENDICES

- APPENDIX A Decision of the Court of Appeals for the 5th Circuit
- APPENDIX B Decision of the Northern District of Texas Federal
- APPENDIX C Judgement of the State Trial Court 292nd District
- APPENDIX D Trial Transcript of the Dallas County Court 292nd District
- APPENDIX E Indictment of the Dallas County Court 292nd District
- APPENDIX F Letter to Honorable Wade of Dallas County Court 292nd District

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

PITTSBURGH & LAKE ERIE RR VS. RAILROAD ASSN NO 87-1589

STATUTES AND RULES

TEXAS PENAL CODE 22.01 AND 22.02
TEXAS PENAL CODE TITLE 3, CHAPTER 12
2ND AMENDMENT OF THE U.S. CONSTITUTION
CODE OF CRIMINAL PROCEDURE, TITLE 1, CHAPTER 21

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 _____ 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 JUNE 14, 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).

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

THIS WHOLE CASE EVOLVES AROUND AND QUESTIONS REASOBABLE DOUBT AND OTHER FACTORS OF THE FOURTH AMENDMENT AND IT WAS NEVER TAKEN INTO CONSIDERATION OR FACTORED IN BEFORE THE ARREST IN SAID SUCH CASE THAT WAS MADE.

THE MAIN FACTOR UNDER THIS THAT ITS BASED UPON A LOT OF "HERE SAY" AND NEVER PRODUCED IN EVIDENCE AT NO POINT OF THE INVESTIGATION, TRIAL OR INDICTMENT THAT A DEADLY WEAPON WAS PRODUCED.

I, PETITIONER, BILLY J ROBERSON, UNDER THE TEXAS PENAL CODE SECTION 1.07(11)(A)(B) THAT DEFINES WHAT AN DEADLY WEAPON IS AND MEANS. IT DID NOT SHOW/PRODUCE EVIDENCE OF ANYTHING THAT INFLICTING AN ITEM TO PRODUCE DEATH OR SERIOUS BODILY INJURY; OR ANYTHING OF THE MANNER OF ITS USE OR THE SUPPOSED INTENDED BODILY INJURY. THE STATES PROSECUTING ATTEORNEY PRODUNED OR ENTERED INTO EVIDENCE NO SUCH ITEM.

SINCE THE STATE OF TEXAS REFUSES TO PRODUCE ANY DESCRIPTION AND/OR PICTURES THAT WAS SUPPOSED TO BE PRESENT AT TRIAL DELIBERATION OR THE SENTENICNG PHASE. THE PEITIONER OF THIS CASE DID NOT EVEN POSSESS OR HAVE ACCESS TO ANY FIREARM(S) DURING SAID TIMEFRAME OR INCIDENT.

STATEMENT OF THE CASE

TRIAL COUNSEL FAILED TO MAKE A TIMELY OBJECTION OR FILE A PRETRIAL MOTION THUS ALLOWING THE FATALLY FLAWED INDICTMENT OF THE GRAND JURY WHICH SHOULD NOT OF VALIDATE ANY WRONG DOING AND SHOWS DEFICIENT INDICTMENT AND NOT GRANTING THE PETITIONERS 5TH AMENDMENT. PERSONAL THAT NO PERSON SHALL BE HELD TO ANSWER FOR A AGGRAVATED ASSAULT OR OTHER WISE INFAMOUS CRIME.

WHETHER THE COURTS INCORRECTLY DETERMINED THAT THE PETITIONER FAILED TO SHOW INEFFECTIVE ASSISTANCE OF WAS "CONTRARY TO" OR INVOLVED ANY REASONABLE APPLICATION OF CLEARLY ESTABLISHED FEDERAL LAW, WHERE HE CLEARLY MEET(S) THE TWO (2) PRONG STANDARD IN STRICKLAND.

WHETHER THE PETITIONER HAS PRESENT A COLORABLE SHOWING OF ACTUAL INNOCENSE THAT SERVES A GATEWAY THROUGH THE STATUE OF LIMITATIONS THUS, BARING LATE OF THE HABEAS CORPUS PETITION.

SECTION 706 OF THE ADMINISTRATIVE ACT UNDER 5 U.S.C. THAT THE AGENCY DID NOT COMPLY. THEY HAVE TO SHOW NECESSARY THE DECISION THAT IT IS REQUIRES TO REVIEW. ON SUCH CONDITIONS AS MAY BE REQUIRED AND THE EFFECTIVE DATE OF ACTION TAKEN BY IT.

REASONS FOR GRANTING THE PETITION

WE SHOULD BE GRANTED THIS PETITION BASED UPON

1. THAT THE PROSECUTION DID NOT PROVIDE NO PHYSICAL EVIDENCE OF A DEADLY WEAPON TO SUPPORT THE JURY VERDICT ON APRIL 28TH, 2005
2. THE TRIAL TRANSCRIPT UNCOVERS SHOWING THE CONVICTION WAS IN ERROR-WRITTEN TO THE POINT OF UNRELIABILITY, THE IMPEARATIVE OF THAT INJUSTICE WAS DONE AND REQUIRES THE PROSECUTOR TO ADMIT THEY WERE WRONG.
3. ALL PREVIOUS DOCUMENTS AND COURT FILING HAS SHOWED NO PROOF OF THE OFFENSE OF AGGRAVATED ASSAULT WITH DEADLY WEAPON NEVER HAPPENED.
4. ALL PRIOR CASES AND PROOF AT ANY LEVEL THAT SHOULD OF CONVINCED THE JUDGE AND/OR JURY A REASONABLE DOUBT

WE ARE REQUESTING THIS SAID PETITION TO BE GRANTED ALSO BASED UPON 28 U.S.C. SECTION 2350(A)(B) AND 2349(A)(B) THAT SHOULD OF OVERTURN ALL LOWER COURTS DECISIONS AND DENIALS OF APPEAL.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Billy John Baker

Date: 7/3/2019