

SUPREME COURT of the UNITED STATES

DATE: 10 / 18 / 2019

BRADY DANIEL (PETITIONER)

v.

NO. 19-5409

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

IN RE: MOTION FOR RENEARING
"ON PETITION FOR WRIT OF,
CERTIORARI."

NOW COMES TO THE COURT PETITIONER BRADY DANIEL
FOR HIS FINAL "PIEA FOR JUSTICE", AND UPHOLD MY
RIGHTS AS TO THE UNITED STATES CONSTITUTION.

PETITIONER ASK THE SUPREME COURT TO RECON-
SIDER PETITIONER'S PETITION "WRIT OF CERTIORARI"
ON THE FOLLOWING GROUNDS;

- (1) WARRENTLESS SEARCH AND SEIZURE / ARREST.
- (2) INEFFECTIVE ASSISTANCE OF COUNSEL
- (3) DUE PROCESS VIOLATION

COMPLETE MISCARRIAGE OF JUSTICE

VIOLATION OF PETITIONERS FOURTH, FIFTH, SIXTH
AND FOURTEENTH U.S. CONSTITUTION PROTECTED BY
FED. LAWS. ART. 1 sec 9, 10, 19 OF THE TEXAS CONSTITUTION
ART 38.23 14.04, 1.06 TEX. CODE. CRIM. PROC.

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OCT 29 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

"BRIEF IN SUPPORT OF MOTION" / GROUNDS / ARGUMENT

ARGUMENT TO GROUND (1) WARRANTLESS SEARCH & SEIZURE

THE IMPORTANCE OF THIS VIOLATION IS NOT ONLY FOR ME
AND MY CASE, BUT FOR THE PROTECTION OF THE AMERICAN
PEOPLE AS U.S. CITIZENS "OUR [4th AMENDMENT PROTECTS]

CITIZENS FROM ILLEGAL SEARCH AND SEIZURES.

COLLINS V. VIRGINIA 138 S.Ct. 1166 (2018)

UNDER THE FOURTH AMEND. U.S. CONSTITUTION,

THE CURTILAGE IS USUALLY PROTECTED FROM WARRANTLESS
SEARCHES. SEE KATZ V. UNITED STATES, SUPREME COURT

STATED WARRANTLESS SEARCHES ARE PER SE UNREASONABLE

UNDER THE FOURTH AMENDMENT. GUARANTEES THE

PRIVACY, DIGNITY AND SECURITY OF PERSONS AGAINST

CERTAIN ARBITRARY AND INVASIVE ACTS BY OFFICERS

OF THE GOVERNMENT. PETITIONER STATES HE WAS HARMED

AND PREJUDICED BY THE INTRUSION AND ARREST BY

MILLS CO. SHERIFFS DEPT. VIOLATION OF FOURTH,

AMENDMENT RIGHT AND IS TO BE PROTECTED BY

THE U.S. CONSTITUTION. BETTS V. STATE 398 S.W.3d

198, 203 (TEX CRIM APP. 2013)

BRIEF CONT.

GROUND (2) ARGUMENT; INEFFECTIVE ASSISTANCE OF
COUNSEL.

PETITIONER ARGUES THE FACT THE ATTORNEY PATRICK HOWARD NEVER PUT UP A DEFENSE. HAD PETITIONER TO OPEN PLEA WITH NO CAP AND PETITIONER RECEIVED 35 YEARS. PETITIONER STATES ANGELA SKELTON "THE VICTIM" ONLY WANTED PETITIONER TO RECEIVE REHAB-/SUBSTANCE ABUSE PROGRAM SHE HAD FILED A NON-PROSECUTION AFFIDAVIT STATING THIS BEFORE SENTENCE WAS IMPOSED ON BRADY DANIEL (PETITIONER) THAT, ATTORNEY LED PETITIONER TO BELIEVE THAT THE WARRANTLESS ENTRY ON TO HIS PROPERTY WAS ENOUGH TO VOID THE INDICTMENT AND ARREST ATTORNEY FILE A MOTION TO SUPPRESS "AN JUST BEFORE TRIAL" CAME BACK AND SAID THEY HAD A PLEA DEAL. TO DROP ALL OTHER CHARGES ASSAULT ON PEACE OFFICER (PUBLIC SERVANT) AND, HARASSMENT ON PUBLIC SERVANT. FELONY POSSESSION OF FIREARMS. AND TOOK PETITIONER IN FOR THE PLEA. WHEN IN ALL ACTUALITY THE ARREST WAS ILLEGAL

BRIEF CONT.

I.A.C CONT.;

PETITIONER STATES THE MOTION TO SUPPRESS WAS NO LONGER MENTIONED BY ATTORNEY. AT SENTENCING ASKED DEFENSE IF HE WOULD LIKE TO URGE THE MOTION TO SUPPRESS OR MOVE ON IT. THE DEFENSE ATTORNEY DID NOT." THUS RISES A CONFLICT OF INTEREST CLAIM.

CUYLER V. SULLIVAN 446 U.S. 335, 348-50 100 S.Ct. 1708 64 L.Ed 2d 333 (1980) _____

MICKENS V. TAYLOR, 535 U.S. 162, 171, 122 S.Ct. 1237, 152 L.Ed 2d. 291 (2002) _____

CASES

GOVERNMENT OF THE VIRGIN ISLANDS V. ZEPP —
748 F.2d 125, 135-36 (3d Cir 1984)

UNITED STATES V. GAMBINO, 864 F.2d 1064
1070 (3d Cir 1988); NALL V. UNITED STATES —
371 F.3d 969, 973 (7th Cir. 2004) _____

(AN ACTUAL CONFLICT OF INTEREST EXISTS "IF THE DEFENCE COUNSEL WAS FACED WITH A CHOICE BETWEEN ADVANCING HIS OWN INTERESTS ABOVE THOSE OF HIS CLIENTS"). PERVERTING THE COURSE, OF JUSTICE. _____

"HARMED AND PREJUDICED"

BRIEF CONT.

AS SHOWN IN GOVERNMENT OF THE VIRGIN ISLAND
V. ZEPP CASE IT DEMONSTRATES AN ACTUAL CONFLICT
OF INTEREST EXISTS IF THE INTEREST OF THE DEFENDANT
AND HIS LEGAL COUNSEL DIVERGE WITH RESPECT
TO A MATERIAL FACTOR / FACTUAL OR LEGAL
ISSUE OR TO A COURSE OF ACTION. THUS BEING
THE MOTION TO SUPPRESS _____

DEFENSE ATTORNEY NEVER OBJECTED TO THE
"AFFIRMATIVE FINDINGS" AT SENTENCING AFTER
CHARGES WERE DROPPED ON THOSE CASES _____

BLANKENSHIP V. JOHNSON 118 F.3d 312, 318
(5th Cir 1997) THIS HAS RISEN TO A FUNDAMENTAL
MISCARRIAGE OF JUSTICE. PETITIONER HAS BEEN
"PREJUDICED AND HARMED" SEE JOSHUA V.
DEWITT 341, F.3d 430, 449-50 (6th Cir 2003)
SEE HUYNH V. KING 95 F.3d 1052, 1057
(11th Cir 1996) INEFFECTIVE ASSISTANCE OF
COUNSEL GRANTED WHERE COUNSEL MADE TACTICAL
DECISION TO DELAY FILING POTENTIALLY
MERITORIOUS [4th Amendment Suppression]
MOTION. PETITIONERS SIXTH AMEN. VIOLATED

BRIEF CONT.

GROUND (3) DUE PROCESS VIOLATION;

ARGUMENT: PETITIONER STATES HE HAS BEEN TWICE PLACED IN JEOPARDY WITH THE AFFIRMATIVE FINDINGS IN HIS SENTENCING OF; ASSAULT ON PUBLIC SERVANT, HARRASSMENT OF PUBLIC SERVANT FELONY POSSESSION OF FIREARMS. YES THE CHARGES WERE DROPPED "BUT THE AFFIRMATIVE WAS KEPT TO MORE SEVERLY ADMINISTER PUNISHMENT."

35 YEARS WAS IMPOSED WHEN THE CHARGE IS ACTUALLY A SIMPLE ASSAULT W/BODILY INJURY. AGGRAVATED ASSAULT WAS AN UNLAWFUL CHARGE WHEN THERE WAS "NO WEAPON INVOLVED" THE MILLS CO SHERIFFS DEPT. NEVER CONFISCATED FIRE ARMS WITH ARREST. ONLY AFTER THE NEXT DAY DID PETITIONER AGREE TO ALLOW SHERIFF DEPARTMENT ENTER INTO RESIDENCE TO SEARCH NO WEAPONS INVOLVED IN CRIME. "SO NO EXIGENT CIRCUMSTANCES WARRANTED "A WARRANTLESS SEARCH AND SEIZURE". FOURTH AMENDMENT VIOLATION AS WELL AS FIFTH AMENDMENT, DUE PROCESS / DOUBLE JEOPARDY CLAIM

BRIEF CONT.

Grounds (3) CONT.

Argument: U.S. v. COCHRAN 302 F.3d 279,
285 (5th Cir 2002) (GUILTY PLEA DID NOT WAIVE
DOUBLE JEOPARDY CLAIM). THEREFORE A DOUBLE -
JEOPARDY CLAIM EXISTS. AND RELIEF SHOULD BE
GRANTED. _____

Argument:

Conclusion

IN ORDER TO UPHOLD THE UNITED STATES CONSTITUTION
FOR THE RIGHTS OF THE PEOPLE "THE SUPREME COURT"
HAS THE JURISDICTION AND SUPERVISORY POWERS
TO INTERVENE UNDER THE IMPERATIVE PUBLIC IMPORT-
-ANCE AND REMAND DOWN TO LOWER COURTS TO -
- PROTECT THE CONSTITUTIONAL RIGHTS OF THE -
AMERICAN PEOPLE. PETITIONER SEEKS THE COURT
TO SEE THE IMPORTANCE OF THIS CASE, AND
THAT PETITIONER MADE A SUBSTANTIAL
SHOWING HIS 5th, 6th, 4th, AND 14th Amend.
RIGHTS WERE VIOLATED, PREJUDICED & HARMED.
THIS CASE SHOULD BE REMANDED BACK DOWN
AND RELIEF GRANTED "UPON GRANTING REHEARING"

PRAYER

PETITIONER AT THE MERCY OF THE COURT AND HIS
FINAL PLEA FOR JUSTICE PRAYS THAT HIS -
CONSTITUTIONAL RIGHTS BE UPHELD AND GRANTED
RECONSIDERATION "SO ALL EVIDENCE FROM
BOTH SIDES MAY BE PRESENTED" IN THE
LOWER COURT IN AN EVIDENTIARY HEARING
THIS CASE IS IN NEED OF THE GUIDANCE FROM
THE SUPREME COURT TO THE LOWER COURTS
AS IT IS OF PUBLIC IMPORTANCE FOR THE PEOPLE
OF THE UNITED STATES, CAN ONLY BE UPHELD
BY THIS COURTS SUPERIOR POWER, TRUTH,
AND ORDER.

I PRAY THIS MOTION BE GRANTED FOR JUSTICE
AND THE GREATER GOOD OF THE PEOPLE.

"THANK-YOU, FOR YOUR PRECIOUS TIME IN THIS MATTER"

GOD BLESS

RESPECTFULLY SUBMITTED

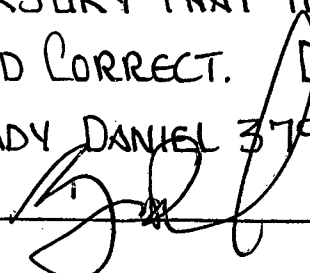
PROSE: BRADY DANIEL

DATE: 10.18.2019

DECLARATION IN SUPPORT OF MOTION
AND BRIEF INCORPORATED IN MOTION_____

I BRADY DANIEL PURSUANT TO 28 USC
§1746 I DECLARE UNDER PENALTY OF
PERJURY THAT THE FORGOING IS TRUE
AND CORRECT. DATE 10 / 18 / 2019

BRADY DANIEL 379 FM 2972 RUSK, TX

X  _____

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SUPREME COURT OF THE UNITED STATES

DATE: 10/18/2018

A - CERTIFICATE OF STATEMENT IN PETITION

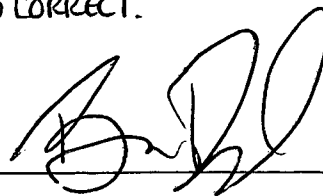
BRADY V. DAVIS NO: 19-5409

THE PETITION FOR REHEARING IN THE ABOVE-ENTITLED CASE BRIEFLY AND DISTINCTLY STATES ITS GROUNDS. AND THE GROUNDS ARE LIMITED TO INTERVENING CIRCUMSTANCES OF SUBSTANTIAL OR CONTROLLING EFFECT AND TO OTHER GROUNDS NOT PREVIOUSLY PRESENTED, THAT ARE SUBSTANTIAL AND OF GREAT IMPORTANCE

IN ADDITION PETITIONER STATES HIS PETITION FOR REHEARING IS PRESENTED IN GOOD FAITH AND NOT FOR DELAY.

PURSUANT TO 28 USC § 1746 I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

RESPECTFULLY SUBMITTED X



PRO SE: BRADY DANIEL

JERRY HODGE UNIT 379 FM 2972 W. RUSK, TEXAS 75785

IN THE SUPREME COURT OF THE UNITED STATES

BRADY DANIEL (PETITIONER)

VS.

NO: 19-5409

LORIE DAVIS (RESPONDENT)

DIRECTOR OF: T.D.C.J

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

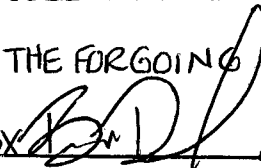
IN FORMA PAUPERIS "GRANTED" IN U.S. S.C.T AND FED. DIST. COURTS.

DECLARATION IN SUPPORT OF REQUEST FOR LEAVE TO PROCEED

IN FORMA PAUPERIS (DECLARATION INCORPORATED IN ABOVE MOTION)

28 U.S.C § 1915

I BRADY DANIEL THE PETITIONER IN THE ABOVE CASE / PETITION FOR
REHEARING MAKE DECLARATION IN SUPPORT OF MY MOTION FOR
LEAVE TO PROCEED IN FORMA PAUPERIS PURSUANT TO 28 U.S.C § 1915

I AM INCARCERATED AT THE JERRY HODGE UNIT RUSK, TEXAS
I HAVE NO INCOME AND NO CASH, BANK ACCOUNTS, REAL ESTATE OR
ANY OTHER VALUABLE PROPERTY. PURSUANT TO 28 U.S.C § 1746
I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING
IS TRUE AND CORRECT. RESPECTFULLY SUBMITTED BY 

DATE: 10-18-2019 PROSE BRADY DANIEL