

Appendices

Appendices

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT



No. 18-10491

A True Copy  
Certified order issued Jul 26, 2019

*Tyke W. Cuyca*  
Clerk, U.S. Court of Appeals, Fifth Circuit

TERRY GLYNN SPEED,

Petitioner-Appellant

v.

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

Respondent-Appellee

Appeal from the United States District Court  
for the Northern District of Texas

ORDER:

Terry Glynn Speed, Texas prisoner # 1824011, moves for a certificate of appealability (COA) to appeal the district court's denial on the merits of his 28 U.S.C. § 2254 application challenging his Texas state conviction and 65-year prison sentence for burglary of a habitation with a deadly weapon. Speed asserts that he is entitled to a COA with respect to his claims that the evidence was insufficient to support the jury's deadly weapon finding; his trial counsel rendered ineffective assistance by failing to challenge the racial composition of the jury panel and an actually biased prospective juror; and he was denied an impartial jury by the seating of an actually biased juror.

To obtain a COA, a prisoner must make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Where a district court

Appendix A

No. 18-10491

has rejected the constitutional claims on the merits, “[t]he petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Because Speed has not made the requisite showing, his motion for a COA is DENIED.

*Patrick E. Higginbotham*

---

PATRICK E. HIGGINBOTHAM  
UNITED STATES CIRCUIT JUDGE

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 18-10491

---

**TERRY GLYNN SPEED,**

Petitioner - Appellant

v.

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

Respondent - Appellee

---

**Appeal from the United States District Court  
for the Northern District of Texas**

---

Before HIGGINBOTHAM, SOUTHWICK, and WILLETT, Circuit Judges.

**PER CURIAM:**

A member of this panel previously denied appellant's motion for a certificate of appealability. The panel has considered appellant's motion for reconsideration. **IT IS ORDERED** that the motion is **DENIED**.

Appendix B