

No. 19-8706

IN THE
SUPREME COURT OF THE UNITED STATES

LESTER THOMAS BUTCHER- PETITIONER

Vs.

STATE OF TEXAS- RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO

TEXAS 12TH CIRCUIT COURT OF APPEALS

SUPPLEMENTAL BRIEF

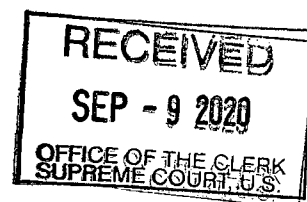
LESTER THOMAS BUTCHER. Pro Se

#02223373

ALLRED UNIT

2101 FM 369 N

IOWA PARK, TEXAS 76367



LIST OF PARTIES

Parties involved are in the style of the case.

RELATED CASES

TABLE OF CONTENTS

| | |
|---------------------------|----------|
| TABLE OF CONTENTS | Page i |
| TABLE OF AUTHORITIES..... | Page i |
| SUPPLEMENTAL BRIEF..... | Page 1-5 |
| CONCLUSION..... | Page 6 |

TABLE OF AUTHORITIES CITED

STATUTES

US Constitution 14 Amendment

RULES

US Supreme Court Rule 15.8

US Supreme Court Rule 29

INDEX OF APPENDICES

APPENDIX A File stamped copy of the original PDR and the Amended one. (these were not available to the Petitioner at the time of filing the Petition for Writ of Certiorari)

APPENDIX B CASE NO. 201803186 Judgment of Fully Probated suspension

APPENDIX C: CASE NO. 201802397 Agreed Judgment of Fully Probated Suspension.

SUPPLEMENTAL BRIEF

Petitioner, Lester Thomas Butcher, respectfully submits this supplemental brief pursuant to Rule 15.8, to bring to the court's attention developments since the filing of the Petition for Writ of Certiorari. Petitioner requests that these new developments be considered along with the concerns noted in the Original Petition of Certiorari. In the Petition for Writ of Certiorari the petitioner raised concerns about the integrity of parties involved in Petitioner's legal matter.

New Developments:

On August 26, 2020 Petitioner received legal mail stating the Petitioner's court appointed attorney Lee Barrett Westmoreland's license was being suspended for 36 months (September 1, 2020-August 31, 2023) for the following reasons:

1. Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas. 2. Respondent resides in and maintains his principal place of practice in Nacogdoches County, Texas.

3. In April 13, 2017, Respondent was court appointed to represent Complainant, Lester Butcher (Butcher), In a criminal matter.

4. In representing Butcher, Respondent neglected the legal matter entrusted to him.

5. Respondent failed to explain the criminal matter to the extent reasonably necessary to permit Butcher to make informed decisions regarding the representation.

6. Respondent failed to timely furnish to the Chief Disciplinary Counsel's office a response or other information as required by the Texas Rules of Disciplinary Procedure. Respondent did not in good faith timely assert a privilege or other legal ground for failure to do so.

7. The Chief Disciplinary Counsel of the State Bar of Texas has incurred reasonable attorney's fees and direct expenses associated with this Disciplinary Proceeding in the amount.

After petitioner received this legal mail, he contacted his wife, Mary Butcher and she was able to see that Mr. Lee Westmoreland, had a previous judgement against him and his license had already been suspended for 36 months (June 5, 2019 -June 4, 2022) for the following:

1. Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas.
2. Respondent resides in and maintains his principal place of practice in Nacogdoches County, Texas.
- 3. On July 24, 2017, Respondent was appointed to represent Complainant Vincent Latham (Latham) in a criminal matter.**
- 4. Respondent failed to keep Latham informed about the status of his case and failed to respond to Latham's reasonable requests for information about his case.**
- 5. Respondent failed to surrender papers and property to which Latham was entitled.**
6. Respondent failed to timely furnish to the Chief Disciplinary Counsel's office a response or other information as required by the Texas Rules of Disciplinary Procedure. Respondent did not in good faith timely assert a privilege or other legal ground for his failure to do so.
7. Respondent engaged in the practice of law when his right to practice had been administratively suspended for failure to timely pay required fees or assessments.
8. The Chief Disciplinary Counsel of the State Bar of Texas has incurred reasonable attorney's fees and direct expenses associated with this Disciplinary Proceeding in the amount of One Thousand Eight Hundred Seventy-Five Dollars and No Cents (\$1,875.00).
9. The Chief Disciplinary Counsel of the State Bar of Texas has incurred direct expenses associated with this Disciplinary Proceeding in the amount of Three Hundred Fifty Dollars and No Cents (\$350.00).

Mr. Westmorland represented the Petitioner, from April 13th, 2017- June 13th, 2018. Mr. Westmoreland only came to see the Petitioner when he was first appointed. Then petitioner sat in jail for over a year without another visit from his attorney until June 12, 2018. During this time period the attorney's license had lapsed and Petitioner was not notified of this, The Petitioner has a documented 3.5 grade reading level and he had to seek out the assistance of other inmates in the county jail to help him seek action against his court appointed attorney. Petitioner contacted the State Bar and proceeded with filing a grievance. Petitioner let the Judge know that he wanted a new lawyer on June 8th, 2018. The Judge, Petitioner and the attorney agreed that the attorney would go see Petitioner on that following Monday, June, 11, 2018, but the attorney failed to show up. He never filed any motions on Petitioner's behalf. Petitioner was brought before the court on June 13th, 2018 and the judge told him that he could have another attorney, but he stated that he did not recommend changing attorney's that close to the trial date of October 1, 2018. Given the fact that the Petitioner had not been provided with any legal assistance whatsoever, he chose to have a new attorney appointed to him. Petitioner was appointed another

lawyer on June 13, 2018. Attorney Mr. Dan Simmons was supposed to get ready for a capital murder trial in the months remaining before the October 1, 2018 trial date. It was evident that the previous attorney had not filled any motions, yet the judge and the new attorney allowed the trial date to still be October 1, 2018. The petitioner never even saw the evidence the evidence that was going to be used against him until the date of the trial.

As stated in the Petition for Writ of Certiorari, false information was provided in the state's brief to the 12th Circuit Court of Appeals. The 12th Circuit Court of Appeals' opinion to affirm the lower courts' decision was based on that false information shows deception in the lower court. Now we know that the court appointed attorney that spent 14 months representing the petitioner while he sat in jail and did absolutely nothing AND his license lapsed while representing him. This attorney has not ONE but TWO Judgements against him from the Sate Bar.

This is not just about the Petitioner, Lester Butcher. How many other defendants has this attorney supposedly represented and suffered from him not doing his job? How many other attorneys are doing what this attorney did, or shall we say did not do? How many other state's briefs are are filled with false statements that lead the higher courts to affirm the lower court's decisions without regard. Look at all of the convicted felons that are winning their freedom after spending years in prison. This Petition for Writ of Certiorari is not about guilt or innocence, this is about the

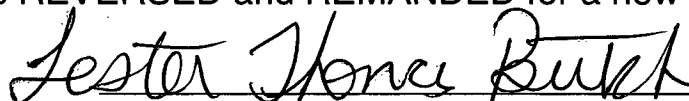
integrity of our legal system and due process of the law (Amendment).

What is a pro se litigant to do? Petitioner has been denied his right to be given his free transcripts so that he can adequately fight the matter Pro Se.. Petitioner is illiterate, so he needed assistance. That assistance is being provided by a member of the very jury that convicted him, subjecting him to automatic life in prison without parole. Petitioner is asking this Supreme Court to exercise its Supervisory authority, to fix something that must be fixed, in a case that could not in this lifetime be duplicated.

CONCLUSION

PRAYER FOR RELIEF

WHEREFORE, Petitioner Pro Se, LESTER THOMAS BUTCHER, with the assistance of a juror who now realizes how wrong she was in voting to convict, prays this Honorable Supreme Court of the United States, consider this Supplemental Brief. Petitioner asks this Court to exercise its Supervisory Powers to grant a Writ of Certiorari, to the end that upon full review, this case is REVERSED and REMANDED for a new trial.

 PETITIONER PRO SE

Lester Thomas Butcher