NO. 19-8749

IN THE

SUPREM COURT OF THE UNITED STATES

PAUL ANTHONY CRAYTON : PETITIONER

VS

BOBBY LUMPKIN, DIRECTOR TDCJ-CID : RESPONDENTS

MOTION FOR LEAVE TO FILE PETITION FOR REHEARING AND PROCEED IN FORMA PAUPERIS AND

PETITION FOR HAVING REHEARING AND MEMORANDUM

OF LAW IN SUPPORT OF WRIT

ON PETITION FOR WRIT OF CERTIORARI FOR THE UNITED STATES FOURTEENTH COURT OF APPEALS

PETITION FOR REHEARING ON WRIT

/s/ Paul A. Crayton 1886839

PAUL ANTHONY CRAYTON, PRO SE

PETITIONER TDCJ # 1886839

SUPREM COURT OF THE UNITED STATES

IN re PAUL ANTHONY CRAYTON

V.

BOBBY LUMPKIN,DIRECTOR, TDCJ-CID

PETITION FOR REHEARING OF ORDER DENYING PETITION FOR WRIT OF CERTIORARI

NOW COMES, PAUL ANTHONY CRAYTON, PETITIONER IN THE ABOVE-STYLED CAUSE, AND PURSUANT RULE 44, FILES THIS MOTION FOR REHEARING OF ORDER DENYING PETITION FOR WRIT OF CERTIORARI. RELYING ON HAINES V.KERNER, 404 U.S 519, FOR "LIBERAL CONSTRUCTION", AND LESS STRIGENT PLEADING STANDARDS FOR PRO SE, PRISON LITIGANTS, AND WILL SHOW THESE COURT THE FOLLOWING:

I.

PETITIONER FILED HIS ORIGINAL PETITION FOR WRIT OF CERTIORARI WITH TYH COURT, THIS COURT ISSUED AN ORDER DENYING PETITIONER'S WRIT OF CERTIORARI OCTOBER 5,2020.PETITIONER NOW TIMELY FILES THIS PETITION FOR REHEARING PURSUANT TO RULE 44.

II.

GROUNDS PRESENTED FOR REHEARING :

GROUND ONE: REVIEWING COURT ERRED IN RULING THAT APPELLATE COURT AND TRIAL COURT APPLIED CORRECT STANDARD WHERE TRIAL COURT FAILED TO CONDUCT "DAVIS INQUIRY" OF VENIR PANEL.

GROUND TWO: WHETHER COURT'S APPLICATION OF "PRETRIAL PREJUDICE" BASED ON PREJUDICIAL PRETRIAL PUBLICITY EXTENDS TO PRETRIAL PUBLICITY INTRODUCED "INTO VOIR DIRE PROCESS WAS ERRONEOUS.

GROUND THREE: WHETHER PREVIOUS CASELAW PERCEDENT HOLDING JURORS DO NOT HAVE TO BE COMPLETELY "IGNORD OR IGNORANT" OF PUBLICITY PRECLUDES PREJUDICE BASED ON INDUCTION OF A "HIGHTENED EXPOSURE" TO PRETRAIL PUBLICITY, AND THUS CONSTITUTES PREJUCDICIAL IMPARTIALITY.

GROUND FOUR: WHETHER JURORS EXPOSED TO PRETRIAL PUBLICITY THROUGH THE VOIR DIRE PROCESS ARE DEFACTO, OR CVAN BE CONSIDERED DEFACTO EXPOSED TO PREJUDICIAL PRETRIAL PUBLICITY.

GROUND FIVE: WHETHER PETITIONER WAS DENIED HIS RIGHT TO AN IMPARTIAL JURY BECAUSE SOME VENIRE MEMBERS HAD EXPOSURE TO PRETRIAL PUBLICITY ARTICLE, AND IN FRONT OF ENTIRE PANEL, DISCUSSED ITS EFFECTS ON THEIR THOUGHTS ON PETITIONER'S GUILT.

GROUND SIX : WHETHER TRIAL COURT ABUSED ITS DOSCRETION WHEN IT DENIED PETITIONER'S TWO MOTIONS TO DISMISS/MISTRIAL.

IN THE SUPREM COURT OF THE UNITED STATES

IN re PAUL ANTHONY CRAYTON

VS

BOBBY LUMPKIN,DIRECTOR TDCJ-CID

BRIEF/MEMORANDUM OF LAW IN SUPPORT OF PETITION FOR REHEARING OF ORDER DENYING WRIT OF CERTIORARI

NOW COMES, PAUL ANTHONY CRAYTON, PETITIONER FILING THIS BREIF AND MEMORANDUM OF LAW IN SUPPORT OF PETITIONER FOR REHEARING PURSUANT TO RULE 44, OF ORDERED DENYING WRIT OF CERTIORARI AND THE MATTER OF, PAUL ANTHONY CRAYTON V BOBY LUMOPKIN, NO.19-8749.RELYING ON HAINES V.KERNER, 404 U.S 519, FOR "LIBERAL CONSTRIUCTION" AND LESSER PLEADING STANDARDS FOR PRO SE, PRISON LITIGANTS, AND WILL SHOW THE FOLLOWING:

STATEMENT OF CASE FOR REHEARING

IN THIS MATTER, ON THE MORNING OF VOIR DIRE, A GALVESTON COUNTY NEWS PAPER REPORTED THAT THAT THE TRIAL COURT HAD SUPPRESSED EVIDENCE OF A FIREARM ANXD WAS CONSIDERING SUPPRESING A "KILL LIST" - A LIST OF NAMES WITH THE COMPLAINANT'S NAME STRUCK THROUGH. APPELLANT, (PETITIONER) COMPLAINED THAT THE NEWSPAPER ARTICLE WAS UNFAIRLY PREJUDICIAL AND TWICE MOVED FOR MISTRIAL. THE MAJORITY ADDRESSED THE MOTIONS FOR RETRIAL, BUT NOT THE MERITS OF THE APPELLANT (PETITIONER) BROADRER SIXTH AMENDMENT ARGUMENT, WHICH FOCUSED ON HIS DENIAL OF OF A FAIR TRIAL AND IMPARTIAL JURY.

THE MSAJORITY CONSTRUDED PETITIONER'S SECOND ISSUE AS ALLEDGED ERROR IN DENIAL OF THE MOTION FOR MISTRIAL. PETITIONER'S SECOND ISSUE WAS THAT HE WAS DENIED AN IMPARTIAL JURY DUE TO THE ENTIRE VENIRE PANEL BEING EXPOSED TO ADVERSE PREJUDICIAL PUBLICITY.

THE LOWER COURTS CONCLUDED THAT PETITIONER'S CLAIMS FAILED BECAUSE HE WAS PROCEDURAL TIME BARRED FOR FAILING TO TIMELY OBJECT AND PERSEVER THE ERRORS, AND THAT HE WAS NOT DENIED AN IMPARTIAL JURY BECAUSE NONE OF THE JURORS THAT ACTUALLY SET WERE PREJUDICIAL.

PETITIONER'S ARGUMENT WAS THAT THE ENTIRE VENIRE PANEL, INCLUDING THE 12 JURORS ACTUALLY SEATED WHERE EXPOSED TO PREJUDICIAL AND ADVERSE PUBLICITY DURING THE VOIR DIRE, AND IT WAS THE "EXPOSURE" TO, NOT THE CONTENT OF THE PUBLICITY THAT DENIED HIM AN IMPARTIAL JURY AND THAT THE COURT FAILED TO CONDUCT AN ADEQUATE AND SUFFICIENT "DAVIS INQUIRY" TO INDEPENDENTLY DETERMINE THE IMPARTIALITY OF EACH JUROR AND INBPXXXXXX IN PARTICULAR, THE 12 SEATED JUROR'S IMPARTIALITY.

GROUNDS PRESENTED FOR REHEARING:

GROUND ONE :

REVIEWING COURT ERRED IN RULING THAT APPELLATE COURT AND TRIAL COURT APPLIED CORRECT STANDARD, WHERE TRIAL COURT FAILED TO CONDUCT "DAVIS INQUIRY" OF VENIRE PANEL

GROUND TWO:

WHETHER COURT'S APPLICATION OF "PRETRIAL PREJUDICE" BASED OF PREJUDICICAL PRETRIAL PUBLICITY EXTENDS TO PRETRIAL PUBLICITY INTRODUCED "INTO VOIR DIRE PROCESS" WAS ERRONEOUS,

GROUND THREE:

WHETHER PREVIOUS CASELAW PERCENDENTS HOLDING JURORS "DO NOT HAVE TO BE WHOLELY IGNORANT" OF PUBLICITY PRECLUDES PREJUDICE BASED ON INDUCTION OF A "HIGHTENED EXPOSURE" TO PRETRIAL PUBLICITY, AND THUS CONSTITUTES PREJUDICIAL IMPARTIALITY.

GROUND FOUR:

WHETHER JURORS EXPOSED TO PRETRTAIL PUBLICITY THROUGH THE VOIR DIRE PROCESS ARE DEFACTO, OR CAN BE CONSIDER DEFACTO EXPOSED TO PREJUDICIAL PRETRIAL PUBLICITY.

GROUND FOVE:

WHETHER PETITIONER WAS DENIED HIS RIGHTS TO AN IMPARTIAL JURY BECAUSE SOME VENIRE MEMBERS HAD EXPOSURE TO PRETRIAL, PUBLICITY ARTICLE, AND IN FRONT OF ENTIRE PANEL ,DISCUSSED ITS EFFECTS ON THEIR HEARING THOUGHTS ON PETITIONER'S GUILT.

GROUND SIX :

WHETHER TRIAL COURT ABUSED ITS DISCRETION WHEN IT DENIED PETITIONER'S TWO MOTIONS TO DISMISS/MISTRIAL

ARGUMENTS AND LEGAL AUHORITIES

PETICNER'ARGUMENT:

PETITIONER"S ARGUMENT IS THAT HE WAS DENIED HIS RIGHTS TO AN IMPARTIAL JURY WHERE THE ENTIRE VENIRE PANEL WAS EXPOSED TO PREJUDICIAL AND "ADVERSE" PUBLICITY AND A "RIGHTENED" EXPOSURE THAT INCREASED THE POTENTIAL AND LIKELIHOOD OF PREJUDICE. SECONDLY, PETITIONER WAS DENIED AN IMPARTIAL JURY WHEN THE TRIAL COURT FAILED TO CONDUCT A "DAVIS" INQUIRY TO THE EFFECT TO INDEPENDENTLY DETERMINE THE IMPARTIALITY OF EACH, JUROR, INCLUDING THE 12 SITTING JURORS.

PETITIONER WAS SUBJECT TO A "SURPRISE" ON THE MORNING OF JURY SELECTION WHEN THE CIRCULATION OF AN ADVERSED NEWPAPER ARTICLE WAS PUTOUT AND SEVERAL OF THE VENIRE PANEL HAD READ THE ARTICLE AND OTHERS HAD KNOWLDGE OF THE ARTICLE FROM SEVERAL OTHER SOURCES. THE CONTENTS OF THE ARTICLE WERE GREATEDLY PREJUDICIAL TO PETITIONER, CONSISTED OF INCONSISTENT AND FALSE OR MISLEADING INFORMATTION AND WAS GROSSLY INFLAMMATORY..

AT VOIR DIRE, BEFORE ANY VENIRE MEMBERS WERE QUESTIONED, DEFENSE COUNSEL MOVED FOR A MISTRIAL BASED ON THE ARTICLE. THE COURT DENIED THE MOTION BUT STATED THAT THE POTENTIAL JURORS WOULD BE QUESTIONED ABOUT THEIR EXPOSURE TO THE ARTICLE. THE JUDGE THEN CALLED THE PANEL IN, INSTRUCTED THEM "GENERALLY" ABOUT WHY JURORS' EXPOSURE TO MEDIA COVERAGE-

-COULD BE X PROBLEMATIC, AND INFORMED THE PANEL THAT THE ATTORNEYS WOULD BE ASKING THEM QUESTIONSDKT.16-9 at67-68. UPON EXAMINATION (BY COUNSELS) TWELVE VENIRE MEMBERS (NO.9, 24, 25, 30, 33, 50, 62, 68, 69, 72,, 75 and 79) INDICATED EXPOSURE TO THE ARTICLE, NO.79 indicated that he had knowledge of the artcle through other sources.DKT.16-9 at 68-78.OF THE TWELVE, SEVERAL SAID THAT, BASED ON THE ARTICLE, THEIR MINDS MADE UP (NOS. 24, 30 and 33) THE ENTIRE VENIRE PANEL WAS PRESENT FOR THE QUESTIONING OF THE VENIRE MEMBERS WHO HAD SEEN THE ARTICLE AND "HEARD" SOME SAY HONESTLY SOME SAY THAT IT HAD INFLUENCED THEM.DEFENSE COUNSEL MADE A SECOND MOTION FOR MISTRIAL "BASED ON THE COMMENTS THE JURORS HAVE MADE", AND IN EXAMPLE, SPECIFICALLY CITED VENIRPERSON NO.33 WHO STATED BEFORE THE ENTIRE VENIRE PANEL, "[A]T THIS POINT ITWOULD HAVE TO DO A REALLY GOOD JOB TO CHANGE HIS MIND. NONE OF THE TWEVLE VENIRE PERSONS WHO HAD BEEN DIRECTLY EXPOSED TO THE ARTICLE WERE SEATED ON THE JURY.

AFTER THE JURORS WERE SWORN IN, THE JUDGE HAD GIVEN THEM ADDITIONAL INSTRUCTIONS NOT TO TAKE INFORMATION FROM THE INTERNET, NEWSPAPERS, TELEVISION, SOCIAL MEDIA, "OR ELSEWHRE" AND NOT TO DISCUSS IT OR LISTEN TO ANYONE DISCUSSING IT. THE JUDGE FURTHER INSTRUCTED THEM THAT ANY JUROR SHOULD TELL HER ONCE AND IMMEDIATELY IF " YOU KNOW OF OR LEARN OF ANYTHING ABOUT THE CASE EXCEPT FROM EVIDENCE ADMITTED DURING THE COURSE OF THE TRIAL". THE JUDGE DID NOT CONDUCT A "DAVIS INQUIRY".

ON DIRECT APPEAL, CRAYTON (PETITIONER) RAISED THE ISSUES OF ADVERSE PRETRIAL PUBLICITY FROM THE ARTICLE, AMOUNG OTHER ISSUES. THE APPELLATE COURT HELD THAT THE TRIAL COURT HAD NOT ABUSED ITS DISCRETION IN DENYING EITHER MOTION FOR MISTRIAL. REGARDING THE FIRST MOTION , THE COURT AFFRIMED THE DENIAL BECUASE AT THE TIME OF THE MOTION NO VENIRE MEMBERS HAD BEEN QUESTIONED ABOUT THE EXPOSURE TO THE ARTICLE, AND THUS "THERE WAS NO EVIDENCE THAT ANY VENIRE MEMBER HAD READ THE ARTICLE, LET ALONE BEEN INFLUNCED BY ITS CONTENTS", (CITING OCON V STATE, 284 S.W3d 880,885(5th CIR.2009)). REGARDING THE SECOND MOTION FOR MISTRIAL, THE COURT HELD THAT THE TRIAL COURT DID NOT ERR IN DENYING THE MOTION BASED ON VENIREPERSON NO.33's RESPONSE BECAUSE JUROR'S STATEMENT "DID NOT RISE TO THE LEVEL OF AN-

-' EXTERME CIRCUMSTANCE' THAT WAS INCURABLE'''(CITING OCON,284 S.W3d at 884; LOGAN V. - STATE, 698 S.W2d 680,683-84(TEX.CRIM.APP.1985)).

THE APPELLATE COURT DECLINED TO ADDRESS PETITIONER's CLAIMS UNDER THE SIXTH AMENDMENT , HOLDING THAT PETITIONER's COUNSEL HAD FAILED TO PERSERVE SIXTH AMENDMENT ERRORS AT TRIAL AND LIMITING ITS REVIEW TO TRIAL COURT'S COUNSEL'S MOTIONS FOR MISTRIAL.

LEGAL ANALYSIS

PETITIONER AVERS THAT THERE WAS AN INSUFFICIENT AND INADEQUATE VOIR DIRE AND TRIAL COURT FAILED TO CONDUCT A "DAVIS INQUIRY", DENYING PETITIONER A FAIR TRIAL AND IMPARTIAL JURY.

"WE EXAMINE THE ELEMENTS OF AN ADEQUATE VOIR DIRE WHEN THE JURY VENIRE HAVE BEEN EXPOSED TO POTENTIALLY PREJUDICIAL PRETRIAL PUBLICITY. "UNITED STATES V. DAVIS, 583 F.2d 190 (5th CIR.1978) " BECAUSE JURORS EXPOSED TO PRETRIAL PUBLICITY ARE IN A POOR POSITION TO DETERMINED THEIR OWN IMPARTIALITY, WE HELD THAT DISTRICT COURTS MUST MAKE INDEPENDENT DETERMINATIONS OF THE IMPARTIALITY OF EACH JUROR". Id at 198

"WHEN MAKING SUCH A DETERMINATION THE DISTRICT COURT SHOULD ASK JURORS, WHAT INFORMATION THEY HAVE RECEIVED , ASK RESPONDING JURORS ABOUT THEIR PREJUDICES AND THE PREJUDICIAL EFFECTS OF SUCH INFORMATION, AND , THEN INDEPENDENTLY DETERMINED WHETHER SUCH INFORMATION HAS TAINTED THE JUROR'S IMPARTIALITY" Id at 197.

FIRST PETITIONER AVERS THAT THE STANDARD, THRESHOLD INQUIRY RESTS ON WHAT THE VENIRE PANEL "HAS" BEEN EXPOSED TOO, PETITIONER AVERS THAT THE REVIEWING COURTS BELOW HAVE PUT THEIR FOCUS ON THE "ARTICLE" PER SE AS THE SOLE ASPECT AND INFLUENCE OF THE PUBLICITY. PETITIONER AVERS THAT IT IS THE "EFFECT AND POTENTIAL INFLUENCE" OF THE PUBLICITY THAT IS THE DETERMINING FACTOR, REGARDLESS OF THE CONTENTS OF THE PUBLICITY.

THE SUPREM COUURT HAS HELD THAT JURORS IMPARTIALLITY DOES NOT REQUIRE THAT JURORS BE IGNORANT OF THE FACTS OR ISSUES INVOLVED, SKILLING V U.S, 561 U.S.358,377. "RATHER, A DE-

-FENDANT SEEKING RELIEF DUE TO ADVERSE PRETRIAL PUBLICITY ""ORDINARILY MUST DEMONSTRATE AN ACTUAL, IDENTIFIABLE PREJUDICE ATTRIBUTABLE TO THAT PUBLICITY ON THE PART OF THE MEMBERS OF THE JURY" MAYOLA V STATE OF ALA, 623 F992, 996 at 996(9TH CIR.1980).

PETITIONER AVERS THAT THOUGH THE SUPREM COURT HAS RULED THAT VENIRE MEMBERS DOT NOT HAVE TO BE "IGNORANT" OF FACTS OR ISSUES, THE SUPREM COURT DID NOT COMPLETELY PRECLUDE INSTANCES WHERE VENIRE MEMBERS EXPOSED TO ADVERSE PUBLICITY TO EFFECT IMPARTIALITY. IN THIS CASE THE ENTIRE VENIRE MEMBERS WERE EXOPOSED TO REPEATED EFFECTS OF THE PRETRAIL PUBLICITY, BETWEEN THE COURT, COUNSELS AND VENIREPERSONS TALKING ABOUT THE ARTICLE AND ITS EFFECTS, THE EXPOSURE OF THE "ERROR OF THE EFFECT" CREATED A HIGHTENED EXPOSURE TO THE ADVERSE PUBLICY. NOT ONLY WAS THE PRETRIAL PUBLICY REPEATEDLY REFEENCED, THOUGH NEVER ACTUALLY STATED, THE ENTIRE VENIRE "KNEW" THE SOMETHING SIGNIFICANT CONCERNING THE TRIAL WAS DISCUSSED, COUPLED WITH CERTAIN VENIRE PERSON'S PERSONAL STATEMENTS, WHO WERE NUMEROUS STATING THAT EFFECTS OF THE ARTICLE, PLUS VENIRE MEMBER NO.3e3 "S STATEMENT THAT, "WHO EVER IS HELPING HIM (MEANING PETITIONER) IS GOING TO HAVE TO WORK REALLY GIVEN HARD TO CHANGE MY MIND", THE EXPOSURE TO THE PUBLICITY WAS SUBSTANTIAL. THE COURTS HAVE NOT HELD THAT THE PUBLICITY EXPOSED HAS TO BE DIRECT OR CIRCUNSTANCE OR OTHERWISE, THE ONLY QUIRY WAS WHETHER THE VENIRE MEMBERS HAVE BEEN EXPOSED TO ADVERSED POTENTIAL PREJU DICIAL PUBLICITY. IT IS THE "EXPOSURE" THAT IS KEY.

HERE THE ENTIRE VENIRE WAS TREATED TO THE EXPOSURE OF ADBVERSE PREJUCICIAL PUBLICITY, THE COURT FAILED TO CONDUCT A "DAVIS" INQUIRY, WHILE ALLOWING THE ADVERSENESS OF THE ARTICLE TO BE INFUSED INTO THE MINDS OF THE VENIRE PANEL, SOME OF THE STATEMENTS (NO.33 WAS NOT THE ONLY VENIRE MEMBER WHO MADE HIGHLY INFLAMMATORY PREJUDICIAL STATEMENTS ABOUT THE EFFECTS THE ARTICLE HAD ON THEM).

THE COURT NEVER CONDUCTED ANY INDEPENDENT INQUIRY, BUT ALLOWED THE COUNSELS TO ASK QUESTIONS AND INSTRUCTED THE JURY TO "INFORM HIM "IF" YOU KNOW OR LEARN ABOUT ANYTHING ," WHICH, BOTH WERE INADEQUATE BECAUSE ONE, IT IS THE COURT'S DUTY TO CONDUCT AN INDEPE-

-NDENT INQUIRY OF EACH MEMBER AND "ASSURE" THEIR IMPARTIALITY, NOT THE COUNSELS, AND SECONDLY, THE COURT CANNOT TRANSFER ITS DUTY TO DETERMINE THE JURORS IMPARTIALITY TO THE JURORS ,WHO HAVE BEEN HELD TO BE IN A "POOR POSITION TO DETERMINE THEIR OWN IMPARO-TIALLITY.

"WE IDENTIFIED THE PROPER DAVIS INQUIRY AS "WHETHER THE METHOD OF VOIR DIRE ADOPTED BY THE DISTRICT COURT IS CAPABLE OF GIVING REASONABLE ASSURANCE THAT PREJUDICE WOULD BE DETECTED AND DISCOVERED IF PRESENT" U.S V HAWKINS,,658 F.2d at 283 (5th CIR. 1981).

PETITIONER AVERS THAT THE "METHOD OF VOIR DIRE" CHOOSEEN AND EMPLOYED BY THE COURT COULD NOT ASSURE THAT PREJUDICE WAS DISCOVERED, IT FAILED TO CONDUCT AND INDEPENDENT IN-QUIRY OF EACH MEMBER, AND THOUGH THE COURT DOES NOT HAVE TO CONDUCT THE INQUIRY PRIVATELY OF EACH MEMBER, IT DOES "HAVE" TO INDEPENDENTLY INQUIRE OF EACH MEMBER, WHICH THE COURT DID NOT DO, INCLUDING, THE COURT DID NOT MAKE AN INDEPENDENT DAVIS INQUIRY OF THE TWELEV JURY MEMBERS, ALL OF WHOM WERE PRESENT DURING VENIRE AND HEARD ALL THE EXCHANGES AND AD-VERSE STATEMENTS ABOUT THE PUBLICITY. PETITIONER AVERS THAT HE HAS IDENTIFIED THE PREJU-DICE ATTRIBUTABLE TO ALL TWELVE JURY MEMBERS, "HIGHTEN EXPOSURE" TO ADVERSE PREJUDICIAL PUBLICITY,. DUE TO THE FACT THE COURT FAILED TO MAKE AN INDEPENDENT DAVIS INQUIRY, PET-TIONER AVERS THAT THE ADVERSE IMPACT ON THE JURY'S IMPARTIALITY CANNOT BE GAUGED AFTER THEY HAD BEEN EXPOSED TO THE ADVERSE AND PREJUDICIAL STATEMENTS, COMMENTS AND DISCUSSIONS OF THE ARTICLE, NONE OF THE TWELVE JURY MEMBERS WERE DIRECTLY ASK IF THEY HAD BEEN EFFECTED BY THE ADVERSE, PREJUDICIAL STATEMENTS CONCERNING THE PUBLICITY OF OTHER VENIREPERSONS.

THEREFORE, FOR THE REASONS CITED AND ARGUED ABOVE PETITIONER AVERS THAT HE HAS BEEN DE-PRIVED OF A CONSTITUTIONALLY PROTECTED RIGHT, A STRUCTUAL RIGHT, NAMELY, AND IMPARTIAL JURY AND THUS, ISSUANCE IN RELIEF OF A CERTIORARI IS WARRANTED.WHEREFORE, PETITIONER AVERS AND PRAYS THE COURT "GRANT" HIS MOTION FOR REHEARING.

/s/ Paul A. Crayton 1886839

paul .A CRAYTON TDCJ #1886839 10-27-2020

VERIFICATION

I, PAUL ANTHONY CRAYTON, DO HEREBY VERIFY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, PURSUANT TO 28 U.S.C.§ 1746.

/s/ Paul A. Crayton 1886839

PAUL A.CRAYTON # 1886839

EXECUTED THIS 23 day of October, 2020 *1

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*1 THIS MOTION WAS SUBMITTED TO THE PRISON LEGALMAIL ROOM. OCTOBER 27, 2020 AND PER THE "MAILBOX RULE", IS THE FILING DATE, MAKING THIS MOTION TIMELY

CERTIFICATE OF GOOD FAITH

PETITIONER CERTIFIES THAT THE ISSUES AND GROUNDS HEREIN ARE PRESENTED IN GOOD FAITH AND THAT THEY ARE NOT INTENDED TO DELAY THE PROCESS IN THIS MATTER, AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE PURSUANT TO 28 U.S.C.§ 1746.

/s/ Paul A. Crayton 886839

PAUL ANTHONY CRAYTON, PRO SE

DATE EXECUTED: 10/27/2020

[MEMORANDUM OF LAW IN SUPPORT ATTACHED]

CERTIFICATION

I, PAUL ANTHONY CRAYTON CERTIFIES THAT THE DOCUMENTS COMPLY WITH THE WORD LIMITATION TO THE BEST OF MY KNOWLEDGE, PURSUANT TO 28 U.S.C.§ 1746.

/s/ Paul A. Crayton 1886839

PAUL ANTHONY CRAYTON

TDCJ # 1886839

10-27-2020