

No. 20-5750

IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

CHESTER ALAN STAPLES

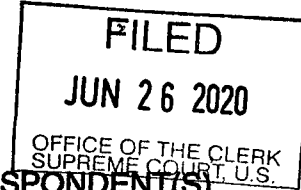
— PETITIONER

(Your Name)

vs.

FIFTH CIRCUIT

— RESPONDENT(S)



ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES DISTRICT COURT / EASTERN DISTRICT OF TEXAS

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

PETITION FOR WRIT OF CERTIORARI

CHESTER ALAN STAPLES #01853049

(Your Name)

264 FM 3478 "Estelle Unit"

(Address)

Huntsville, TX. 77320

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

Did the UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT err in denying my motion (Staples) for a Certificate of Appealability?

LIST OF PARTIES

- [] All parties appear in the caption of the case on the cover page.
- [x] 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:

Court of Criminal Appeals of Texas
P.O. BOX 12308, Capitol Station
Austin, Texas 78711
CCA No. WR-85,187-01
Trial Court Case No. 30979-A

Court of Appeals
Twelfth Court of Appeals District of Texas
Tyler, Texas
No. 12-13-00126-CR

TABLE OF AUTHORITIES ~~CIV~~

CASES

Barefoot v. Estelle, 463 U.S. 880, 893 (1983)
Flieger v. Delo, 16 F3d 878, 883 (8th Cir. 1994)
Miller-El v. Cockrell, 537 U.S. 322, 338 (2003)
Fuller v. Johnson, 114 F3d 491, 495 (5th Cir. 1997)
Buxton v. Collins, 925 F2d 816, 819 (5th Cir. 1994)
Slack v. McDaniel, 529 U.S. 473, 483-484 (2000)

STATUTES AND RULES

A petitioner is entitled to a certificate of appealability if he -- makes a substantial showing of the denial of a constitutional right. U.S.C. § 2253(c)(2). The U.S. Supreme Court in Barefoot v. Estelle, 463 U.S. 880, 893 (1983), held this means that the appellant need not show that he would prevail on merits, but demonstrate that the issues are debatable among jurists of reason; that the court could resolve the issues in a different manner; or that the questions are adequate to deserve encouragement to proceed further.

OTHER

NONE

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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 A 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 B 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 E 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 TWELFTH COURT OF APPEALS DISTRICT TX court appears at Appendix H 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 05/04/2020.

☐ 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: 05/26/2020, and a copy of the order denying rehearing appears at Appendix D.

☐ 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).

Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree.

Therefore this Court has jurisdiction in this proceeding.

CA5 denied request for COA 5/4/2020. Denied rehearing on 5/26/2020.

☐ For cases from state courts:

The date on which the highest state court decided my case was 02/25/2019.
A copy of that decision appears at Appendix B.

☐ 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

FIFTH, SIXTH, AND FOURTEENTH HAVE BEEN VIOLATED. THESE ARE RIGHTS GUARANTEED BY THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

It is plainly stated in the Constitution that every person is to have a fair trial, and effective assistance of counsel.

I believe that I, Staples, have adequately shown that I have not received a fair trial, or effective assistance of counsel. That these issues are debatable among jurist of reason.

STATEMENT OF THE CASE

I, Staples, petitioner pro se have presented to the Courts issues that have not been resolved properly.

My initial Writ of Habeas Corpus addressed to the convicting Court was transversed to the Court of Criminal Appeals of Texas without Finding of Facts, Conclusion of Laws, or any Recommendation.

The Court of Criminal Appeals denied the "Writ" without written order.

I filed another petition under U.S.C. 28 § 2254. This Court also dismissed my petition, with prejudice and recommended that the Certificate of Appealability be denied.

The Fifth Circuit dismissed my application for a C.O.A.

REASONS FOR GRANTING THE PETITION

I have been denied rights guaranteed by the Constitution. I am asking this Court to grant the petition for writ of Certiorari so that I may have an opportunity to present to the Courts more adequately the issues presented previously. I am not an attorney and I have to the best of my ability pursued post-conviction relief. I am convicted of murder. Never denied killing the man. But was denied self-defense, due to jury instruction that allowed the jury to convict on a theory not presented to the grand jury for indictment. I may be a little slow when it comes to comprehension of the law and the language to be used when presenting issues to the Courts. I contend that my Constitutional rights have been violated. I ask this Court to give me a chance to present the issues that have been previously ignored, or ruled on erroneously.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Ches A. Stape

Date: June, 25, 2020