

No. 20-5819

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

KYLE DAMOND JONES

Petitioner,

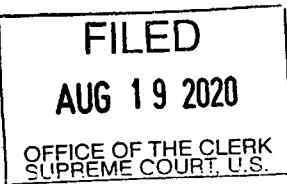
v.

STATE OF TEXAS

Respondent.

PETITION FOR WRIT OF CERTIORARI

KYLE D JONES
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Petitioner



LEGAL QUESTIONS

1. Can the state make medical care an area of diminished rights due to detainment?
2. Can the state deny a class of medication previously prescribed and still claim there is no chance of duress?
3. Can the state prove guilt without a trial and go as taking charge of medical decisions without a medical professional specifically gauging rather duress has occurred?
4. Can a court hired psychologist claim duress from general questions compiled from a general psych exam not specific to mental disabilities such as ADHD or Asperger's?
5. How does a duress claim from a plea deal defer from a false confession after a long interrogation?
6. This country operates with intricate checks and balancing because of the possibility of human error so can a state lack sound logic by issuing any decision that do not factor in checks and balancing.
7. Is it okay for the state to use lower laws over the constitutional laws the supremacy clause of Article VI Clause 2 demand the lower laws serve?
8. Can the state have actions that suggest it intends citizens to give up their civil rights because employees of the state are overwhelmed?
9. Is it illegal for the state to not operate under the Supremacy Clause of Article 6 clause 2 of the constitution
10. Does the state have an increased burden of responsibility over a citizen which means failure to meet standards are more egregious?
11. Does a violation of due process represents an inexcusable error that meets the standards of a mistrial?
12. Do detainees being treated like those already convicted violate due process?
13. Is it reasonable to deduce that duress could be induced by a denial of 14th amendment protected due process?
14. Can the Texas appeals court dismiss the decision of a lower court without having a constitutionally sound basis and also without giving any reasoning?
15. Is it reasonable to believe that a state that uses lower laws to effectively gain a temporary verdict that doesn't constitutionally hold up, damages a citizen?

LIST OF PARTIES

1. Kyle Diamond Jones
2. the United States of America
3. the State of Texas
4. Dallas county

CORPORATE DISCLOSURE STATEMENT PURSUANT TO SUPREME COURT RULE 29.6

None of the Respondents have a parent corporation, and there is no publicly held company that owns 10% or more of their stock.

TABLES OF AUTHORITIES

I only needed to cite *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954). (CASES INVOLVING FALSE CONFESSIONS ARE NOT NEEDED TO BE CITED BECAUSE THOSE CASES INVOLVED A TRIAL HAPPENING AT SOME POINT.)

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IN THE SUPREME COURT

Kyle D Jones
Petitioner

v.

State of Texas
Respondent

PETITION FOR A WRIT OF CERTIORARI

Petitioner respectfully requests that a writ of certiorari be issued to review the decision of the TEXAS STATE COURT OF APPEALS 5th DISTRICT in this case.

OPINIONS BELOW

Jones v State of Texas, (F-1853537-H, F-1853538-H and F-1822371-H) of Dallas county 2018 with decision in 2019 (formatting should not get in the way of an accurate judgment because I feel these questions go beyond these cases and will help many people and help the country run better).

Jones v State of Texas, (No. 05-19-00414-CR, No. 05-19-00415-CR, No. 05-19-00416-CR) 5th District Appeals Court of Texas, 2020

JURISDICTION

The State of Texas had jurisdiction for cases F-1853537-H, F-1853538-H and F-1822371-H. The state of Texas lumped all cases together out of an obvious motive based on what is easier for self. The state is a tool to serve citizens and the way it serves is to implement the constitution based on where the citizen resides. That service is a convenience for citizens because during colonial days the technology was less. It is wrong for any state employee (a judge and prosecutor are employees) to show self convenience over aligning their goals with the intent of the United States of America.

The appeal was granted by the trial court on 4/4/2019 and then appeal number was started by the Texas court of appeals. Appeal Nos. 05-19-00414-CR; 05-19-00415-CR; 05-19-00416-CR. On April 1st 2020 the court denied the appeal without sound reasoning. I filed a petition to have a discretionary review,

On JULY 28th 2020 the appeals court of TEXAS entered a judgment signed by judge Robert Burns who was a trial judge that the defendant, Kyle D Jones, filed a 'STATE COMMISSION OF JUDICIAL CONDUCT' complaint on. The decision had no rationale stated.

The State of Texas have failed to show the ability to answer questions above the scope of their laws. Their laws exist to serve under the constitution as the supremacy clause dictates. So to have employees who have adopted the state as a surrogate for self and then in turn 'nay-say' sound questions such as rather the supremacy of the constitution is respected with their laws is a quintessential issue for the high court.

CONSTITUTIONAL PROVISIONS

The Supremacy Clause of Article VI Clause 2 is not factored in to the procedures and laws of the state of TEXAS.

Article VI Clause 2 of the constitution clearly demands a constitutional basis for all decisions attributed to a state . The interpretation presented with this document is that the state is merely a tool to serve citizens where they reside and the powers of the state were put in place only due to lack of resources and a lack of technology at the time of the formation of this country. The lack of rapid communication forced the founding fathers to allow states to have the power to interpret the constitution for citizens within the state but the supremacy clause ensures that it is a clear error to even imply a new direction to the constitution from the lower power of the state or any lower power under the constitution.

Due process as clarified by the 14th amendment has also been violated due to the state affirming guilt by straying outside the standard of the court. Again, false confessions (which are undeniable so there should be no need to challenge that point without it meeting the standard of being argumentative or just doing 'busy work' which I am allowed to say as a laymen), have proven a standard of still needing a trial to decide the merits of guilty so there is no constitutional basis for the state to fight for affirmed guilt based on a mere signature on a form sheet of paper that has generic, unspecific wording that claims guilt.

The 14th amendment's due process is not involved because the state has shown a priority to protect itself because of the motive that the state is overwhelmed so it has less of an incentive to be concerned about an accurate judgments, decisions and verdicts which violates due process. Also the state has jails that do not respect the logic that someone must have separate but equal treatment while awaiting trial to someone who is not accused of a crime or awaiting trial that clearly deprives a citizen of liberty.

The 1st amendment is violated because the state has off the book drug laws that target drug addicts with harsher sentences and treatment. The state falls back on not getting caught. The state uses religious based doctrine to dismiss science which is why the state does not prescribe ADHD medicine in their jails and prisons.

The State of Texas is in error in having unbiased checks and balances to ensure a no margin of error judgment. The Supremacy Clause of the constitution calls for a constitutional basis for all state and federal procedures so this court is the only court to decide these constitutional questions and clarify the responsibility of the state to those

assigned duties on behalf of the state through the powers of the constitution, which as an all encompassing document, states the agenda of the United States of America.

STATEMENT OF CASE

On approx. April 18th 2018 Kyle Damond Jones was arrested after calling the police to report his vehicle colliding with a fleeing vehicle. After the police refused to take a theft report Kyle D Jones called back and in a retaliatory move the officer said he was being placed under arrest for 'playing on the phone after being advised a theft report can not be made'. Dallas county failed to meet bail demands the federal court will place and the prosecutor used a previous email sent to a detective who advised that a unauthorized use of a motor vehicle case will be pursued unless the defendant comply to be an informant. The email contained demands to escalate to a superior and mentioned the lack of ethics making a mockery of the justice system for self benefits took. Nothing criminal was listed and it shows a clear, 'us vs. them' motive Dallas county and the state of Texas has when the state and county only exists to serve citizens. After the judge, Dominique Collins agreed she mentioned that Kyle Damond Jones 'needs to stop giving them a hard time because they put too much work in earning their law licenses to have (him) put them at risk' (with complaints) after that the defendant exercised civil liberties by warning against the judge on social media and the judge recused herself and attorney Tom Cox wrote that the defendant 'was nuts' on an official document to Dallas County's mental health division which caused them to deny the claim and judge Robert Burns went outside of law with a clear motive of winning an election to intimidate a court psychologist to rule the defendant incompetent going outside the legal standards as the second opinion showed, which had no change of questions.

I have plenty of communications with my lawyer, Tom Cox showing I believed the evidenced was insufficient. No new evidence was gathered when I was detained in county jail so it is reasonable to deduce that the conditions and lack of medical treatment (such as no ADHD medicine after I was prescribed ADHD by a doctor but the county refused to give that class of medicine while detained which is a clear violation of due process because someone not accuse of a crime would be able to freely go to a provider that allows medication a medical professional recommends) caused the feeling of duress and there is no constitutional basis for the state to deny my claim of duress other than those assigned duties having a self benefit of working less by sticking to a false confession obtained due to unconstitutional conditions which caused duress.

There's no transcription due to the way Dallas has implemented the constitution within the duties assigned by the United States of America to service citizens. There was no trial and only a confession obtained under clear violations of due process and mental health violations. On July 28th the court offered a 'phantom opinion' with no reasoning to deny a review which oversteps the authority of any officer of the court because their job is to only implement the constitution to facts before them thus issuing opinions without reasoning shows a malicious intent of putting personal views over the constitution and merits the standard of abuse of power. That reasonable deduction of abuse of power makes their decisions nonbinding since it goes outside the scope of their duties. These individuals

meet the standards of employees and have standards to meet. There is a clear motive of displaying that they have the power to force personal opinion to ignore areas of the constitution. That's proven with the lack of respect for checks and balances displayed by blatantly ignoring the Supremacy Clause of the constitution which clearly implies that all decisions must fit 100% under the constitution without exception.

REASONING FOR THE WRIT

There are many areas that state and federal entities fail to meet the standard expected of them. They only exist to serve citizens but employees will put their personal interest over the job duties which makes it an area where they are illegally prioritizing their citizenship. That is a very real issue causing real problems in the United States of America.

The state only had grounds of a signed admission of guilt which should legally fall in the same area as a false confession, meaning that should never supersede the need for a trial to go over all pertinent information to decide if an accurate judgment is derived.

I feel it is imperative to elaborate on all legal questions the court needs to answer to ensure citizens are protected and stats are not in error by non-constitutional behavior mass distributed to citizens. Here are my elaborations in co-ordinance with the number in front of the question:

These are all important questions not commonly seen that needs answers to ensure the union is running properly for all citizens. .

For question 1:

Can the state can decide that a detainee can not feel duress after the detainee claims. Another issue is if duress occur from having an attorney fail to get a client in account's mental health court?

For question 2:

Does the terms of limited rights for those incarcerated cover medical treatment? using the standard set in the *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954), proof of not having equal treatment (such as not having ADHD medicine giving which in itself has scientific basis) is sufficient to prove that the medical care provided by Dallas county was not equal so that is a 14th amendment violation.

For question 3:

The state has no medical experience and can not take control over scientific fact because of self preservation. Another issue is the self preservation of not admitting a mistake to avoid the effort of fixing a mistake shows a malicious intent that meets the standards

within reasonable deduction.

The state simply can not have 'one size fits all' approaches to sensitive issues that citizens deal with like mental health/ So a broad psych exam can not determine specific issue that require specialization like a citizen being under duress and I can have experts testify to that if giving the opportunity.

For Question 4:

Can the state claim that there is no duress without having a medical professional specifically testing for duress and not a general psych exam?

For question 5:

How is signing a deal different than a false confession. Does a violation of due process meet the standards meet the standards of being 'under duress'?

For question 6:

On July 31st a signed document by Lisa Katz witnessed by Rob Burns commanded me to obey the state of Texas which is a clear intent that those involved with the document does not respect the checks and balance system and feel there is no authority above their authority because they're stepping over authority. That goes outside of their duties assigned which means it is a nonbinding document.

Also, Can the state act as an accused is guilty before the appeals process is exhausted but after the appeals have been initiated in a situation where no trial occurred?

If language of the charges are changed after an agreement to admit guilt, how can the agreement still be valid especially if a trial to go over facts to prove guilt has never happened?

Does the implied checks and balance that in place to lessen the potential for human error, also governs the powers of a state?

Is it reasonable to conclude that citizens are intended to be the check and balance for all state and federal procedures including laws as the supremacy Clause implies?

Since the United States is bigger than all living, do those with duties assigned at any level (even at the high court) have a right to dismiss credible questions because a citizen is a layman or lack resources to get legal help to their standards. That question is relevant since the petitioner is disabled with Asperger's and is on a fixed income from receiving Social Security disability.

For question 7:

Rather the state can defend itself against allegations like a citizen can. To elaborate only individuals going outside of duties assigned can put illegal pride ahead of their assigned

duties and defend allegations against the state such as violations of civil rights and use 'a catch me if you can' standard. Are the standards of the trial more than just 'busy work' because accurate analysis of facts using logic creates a less margin of error in decision making? The most important thing is that I never had a trial so being granted appeal rights should mean there's a trial automatically to determine the validity of the evidence.

Does job assignments allow the individual to put their convenience over meeting the goals of the job?

Can the state refuse to answer questions because they are new issues that will cause the state to revise existing policies. (That's why the appeal was denied)

If the state can defend itself and assume guilt without the trial without violating the implied checks and balances that are safe guards through out this country. In this instance, can inconsistent logic be glossed over to have the case disposition due to the state and county being overwhelmed with cases.

For question 8:

With the strength of citizenship in mind, is it fair to have a citizen risk potential wrongs from public officials due to human error with the only recourse being technically precise legal arguments? Does the high court has the power to create a new department with unbiased lawyers in a similar nature to a large corporations legal department for citizens to report all constitutional inconsistencies so there is less of a chance for a failure to comply with the supremacy Clause of the United States Constitution?

For question 9:

Can the state be constitutionally compliant and use evidence that do not meet the trial standard such as emails that are not threatening, to have harsher pretrial punishment on a citizen?

Does the state have the power to supersede the Supremacy Clause and also checks and balances by not providing a reason or denying a 'petition of discretionary review.

For question 10:

Can a judge a defendant files a complaint on make a decision on the defendant on the same case without recusing self?

For question 11:

Can due process be violated by Dallas county handing out protective orders that erroneously call the complaining witness a victim before the trial. With contributing factors mentioned in question 2 such as a mental disability and not receiving psychiatric medicine (Vyvanse) while on custody to combat ADHD which scientifically impedes focus? by a detainee not being allowed to go to school and having a bondamount not in line with

federal standards demanded upon Dallas county? Can letters not being logged sent to the court in defense of charges from a defendant cause a reasonable deduction of duress.

For question 12:

The standard of 'innocent until proven guilty' is clear. The fact that I as a layman knows that makes the reasonable deduction of gross incompetence clear. To elaborate, until a final decision all who are accused of a crime must be treated equal to those accused of a crime. This is the only right area where separate but equal applies (you have to give credit even though I only cited one case but I don't need to cite a lot of cases cause I understand intent well due to my Asperger's and I brought it back to that case with what I'm typing in this section). As long as someone accused of a crime is not denied any rights as one not accused the state could never be in error. In the case of Dallas county, they 3 or more facilities and have failed their standard by not having a facility for those awaiting trial where they are bused to work or school (in this case, I, Kyle Jones was not allowed to go to school and was told so bluntly when I was incarcerated and I did mention it to the judge on September 14th 2018, Robert Burns). It is not constitutional to even allow detainees to have to ask a judge to be permitted to go to school or work or church (I am Jewish and put many notifications in to be able to go to Jewish service cause the county jail did not have Jewish services so that violated my due process as well. So, again, that is multiple violations of my due process which clearly can provide a reasonable conclusion of duress. The fact that there's nothing stopping a review of evidence in a trial, since one was never had, proves the state is in error).

For question 13:

They could have a building for those awaiting transfer after conviction but they don't they blatantly treat all the same rather they are a detainee or convicted. There's not a more clear example of gross failure to meet responsibilities than that and that will stress a citizen out and that stress meets the legal definition of duress.

For question 14:

The appeals court of Texas provides no elaboration. I am propositioning the logic that even citing precedence without elaborating how the cases cited meets the constitutional standard the supremacy clause lays out proves a failure to meet duties assigned (all procedures in the USA must fit 100% under the constitution). So the proper way is to state how the precedence is relevant. To state precedence alone is trying to game the system because they want to avoid working further on a citizen's case. That case could affect the citizen's life so that puts the one in charge of making the decision in error but furthermore it puts the state in error by allowing the flawed individual to affect a citizen. That flawed individual can not meet their job duties so calling them flawed is reasonable.

For question 15:

This question is crucial because so many citizens have been at risk by state's taking advantage of the supreme court not specifically answering this question.

- (ii) any other opinions, orders, findings of fact, and conclusions of law entered in the case by courts or administrative agencies, and, if reference thereto is necessary to ascertain the grounds of the judgment, of those in companion cases (each document shall include the caption showing the name of the issuing court or agency, the title and number of the case, and the date of entry);
- (iii) any order on rehearing, including the caption showing the name of the issuing court, the title and number of the case, and the date of entry;
- (iv) the judgment sought to be reviewed if the date of its entry is different from the date of the opinion or order required in sub subparagraph (i) of this subparagraph;
- (v) material required by subparagraphs 1(f) or 1(g)(i); and
- (vi) any other material the petitioner believes essential to understand the petition.

If the material required by this subparagraph is voluminous, it may be presented in a separate volume or volumes with appropriate covers.

2. All contentions in support of a petition for a writ of certiorari shall be set out in the body of the petition, as provided in subparagraph 1(h) of this Rule. No separate brief in support of a petition for a writ of certiorari may be filed, and the Clerk will not file any petition for a writ of certiorari to which any supporting brief is annexed or appended.

3. A petition for a writ of certiorari should be stated briefly and in plain terms and may not exceed the word or page limitations specified in Rule 33.

4. The failure of a petitioner to present with accuracy, brevity, and clarity whatever is essential to ready and adequate understanding of the points requiring consideration is sufficient reason for the Court to deny a petition.

2. The State of Texas have failed to meet their standard per the duty of having procedures that fit 100% under the constitution as demanded by Article VI Clause 2 of the Constitution of the United States of America.

Evidence of this failure is including in the state of Texas omitting the standard of the trial without sound constitutional precedence in treating a signed admission as cause for not having a trial when in relation to a claim of duress that met the trial courts standard to allow an appeal despite the agreed deal stating no appeal was allowed. The Texas appeals court showed no legal basis to dismiss the lower courts opinion.

During the detainment for the offense 5 letters sent to the court and never logged in to the court record. That caused clear frustration that meets the standards of duress. During detainment I also was not giving ADHD medicine which allows focus so that medical disability overrides any statement entered in court. It is akin to asking a dehydrated one legged person to say they can walk in order to get a glass water.

3. It is important for definitive answers on these questions because the lives of citizens. The interpretation of the constitution, taking as a whole, is that citizens have a right to have accurate judgments so they're not persecuted like those accused of being witches before the formation of this country were. Those people had no due process and was convicted in sham trials with no science, logic or facts. This country was formed and is designed to not allow that to ever happen again. So the tools to ensure that are due process set up through constitutional means. It is important to ensure the state looks at the goals of the United States and tries to decide accurate judgments before the

convenience of serving itself. That means, the state can not try to quickly close out cases and be biased to ignore facts just because the case has been closed out. Think of the implications of that. Again, the case being closed out can not be used as an incentive to not look deeper because that is taking away the possibility of human error. In the issue I am bringing up the witness has giving a statement when before they had no statement other than a flawed police report and two statements from different individuals but worded the same,. That is not strong enough evidence to imply guilt. To then go as far as dismissing a disability of ADHD that had no treatment and say one would not sign a false confession by agreeing to a deal is clear proof of not meeting the standards of the United States. That standard is expected for the state to be in compliance.

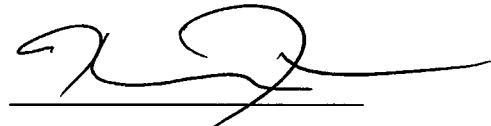
CONCLUSION

The Supremacy Clause of the constitution is clear and if any state has employees, and even worse, court officials and judges who do not factor in the supremacy clause or truly understand checks and balances and that they can be in error due to not factoring in everything, then that's an issue that can effect every citizens God given rights for a pursuit of happiness in this land of opportunity.

Accuracy and brevity is up for opinion so it would be specific examples set band a firm formula for what constitutes that for it to factor out human error to dismiss questions that could help citizens. These questions presented need clear answers and that should be the most important factor or court officials have failed to meet duties assigned and have not met their job standards. The questions listed are important enough to require definitive answers. A constitutional (to respect the Supremacy Clause) would need to be proven to show a writ can be denied due to anything other than questions that are inappropriate for the court.

So this Writ of Certiorari should be granted due to the nationwide impact answering these questions will have to fix deep seeded issues that are hurting and confusing many citizens.

Respectfully,



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