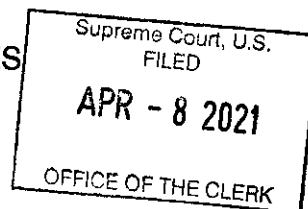


No. **20-8223**

**ORIGINAL**

IN THE  
SUPREME COURT OF THE UNITED STATES



WELDON BOYCE BRIDGES — PETITIONER  
(Your Name)

vs.

Bobby Lumpkin "et al." — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals For The Fifth Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

WELDON BRIDGES - <sup>2B</sup>  
(Your Name)

<sup>2B</sup>Hightower Unit 902 FM 686 <sup>2B</sup> Dalhart Unit 11950 FM 998  
(Address)

<sup>2B</sup>Dayton, Texas 77535 <sup>2B</sup> Dalhart, Texas 79022  
(City, State, Zip Code)

<sup>2B</sup>(936) 258-8013 <sup>2B</sup> (806) 249-8655  
(Phone Number)

## Questions Presented

Can the State District Court convict petitioner, with-out "paid" counsel of choice at: pre-trial, plea, arraignment, and evidentiary hearings. With a outside attorney (stand-in) that coerced Bridges to sign waiver, yet petitioner plead "Not Guilty", requesting trial?

When trial counsel John Heath Jr. is informed about petitioner's "not guilty" plea, he becomes "hostile" and challenges Bridges, then abandons case and refuses to present the facts at trial, no investigation or affidavits, is this effective counsel. Heath omitted critical medical evidence {"no-trauma" at exam} and omitted report by the District Attorney at trial, counsel would only talk about a "plea agreement".

Can a breached contract at trial (state) be considered unconstitutional {Counsel's Contract with petitioner is broken} when "not present" per: contract. Also, counsel signed "State's Exhibit #1" at sentencing that is voidable document of record. Heath signs [he] was present at arraignment hearing; this [statement is false].

When a State Criminal Trial is held with-out paid counsel present "in-court" this must be "abuse of discretion" by the trial court not protecting the petitioner's constitutional rights there-in, are all actions void?

Petitioner is diligent after trial, files ~~various~~<sup>18</sup> motions, and a <sup>19</sup>"Anders Brief" and terminates Heath as counsel. Bridges files (State) out-of-time DNA appeal that is granted, then converted via Order to Direct Review [Tex. Code Crim. Proc. art. 1.051; 26.04] {DNA's are 64.05 article} for counsel,

yet direct review is denied, and overlooks constitutional errors at trial; can this be allowed?

Bridges moves to Petition for Discretionary Review and gets a vacated, reversed and remaid order that appoints counsel John Reeves who joins with District Attorney at joint motion, abandoning Bridges issue's at appeal; is this standard for appellate counsel [to file] with State's Attorney and omitts any additional evidence, order?

Can the violations of Bridges' constitutional amendments upon the fourth; fifth; sixth; and fourteenth Amnts be allowed by the United States Courts, with-out a review of the State's errors of prejudice and harm.

The United States District Court refused or omitted the state's out-of-time appeal, is this abuse of discretion, when the order's are in the record at Federal ~~Habeas~~<sup>FB</sup> Habeas Corpus review? Did the Order's toll limitations of Antiterrorism and Effective Death Penalty Act of 1996 (the act.)

Can the US District Court refuse record request at show cause order, or counsel's summon's to file affidavit, or overlook constitutional violations within the records submitted by the State?

Did the United States Court of Appeals Fifth Circuit hold a "threshold inquiry".

SEE: GO(b) Motion pending in the US District Court Eastern District Lufkin Division, holding further review.

## List of Parties

[✓] All parties do not appear in the caption of the case on the cover page. A list of all parties to proceedings in the court whose judgment is the subject of this petition is as follows:

- WELDON BRIDGES v. Bobby Lumpkin, No. 20-40296, U.S. Court of Appeals for the Fifth Circuit. Judgment entered November 11, 2020; Order issued September 25, 2020.
- BRIDGES v. Davis, No. 9:17-cv-2, U.S. District Court for the Eastern District of Texas. Judgment entered March 6, 2020.
- BRIDGES v. State, CCRA No. PD-0546-13, Mandate Entered November 20, 2013.

## Related Cases

1. WELDON BRIDGES v. Bobby Lumpkin, et., al, U.S. District Court for the Eastern District of Texas. Pending 6D(b) Motion, filed 12-21-2020. (copy included)
2. BRIDGES v. State, WR-81-290-04; WR-81-290-03; WR-81-290-02; WR-81-290-01 (Dates Sept. 2, 2015 - Jan. 13, 2016) Denied w/o Order's.
3. Bridges v. State, Twelfth Court of Appeals No. 12-16-00050-CR (Dismissed March 9, 2016); No. 12-15-000274-CR (Denied Feb. 29, 2016); No. 12-13-00369-CR (Denied?); No. 12-13-00269-CR (Denied?); No. 12-13-0026B-CR (Denied); No. 12-12-0020B-CR (Transferred to 6th C.D.A.)
4. BRIDGES, v. State, Sixth Court of Appeals No. 06-12-00109-CR (Mandate: Dismissed) Vacated, Reversed, Remand; No. 06-12-00109-CR (2nd Mandate Denied/Affirmed 09/02/2014)

## Related Cases (Cont.)

5. WELDON BRIDGES v. 159th Judicial District Judge: Recusal Denied June 17, 2015, Second Regional District Court.

## Table of Contents

Opinions Below

1

Jurisdiction

Constitutional And Statutory Provisions Involved

Statement of Case

Reason For Granting WRIT

Conclusion

## Index of Appendices

Appendix A: U.S. Court Of Appeals For The Fifth Circuit, Petition Rehearing Denial

Appendix B: U.S. Court Of Appeals For The Fifth Circuit, C.D.A. Denial. No. 20-40296

Appendix C: US District Court for the Eastern District of Texas, Lufkin Division No. 9:17-cv-2 Dismissed

Appendix D: Texas Criminal Court Of Appeals No. WR-81-290-01; WR-81-290-02; WR-81-290-03; WR-81-290-04

Appendix E: Texas Crim. Court Of Appeals, No. PD-0628-14; PD-0546-13 Vacated, Reversed, Remanded.

Appendix F: Twelfth Court Of Appeals, No. 12-16-00050-CR; 12-15-00274-CR; 12-14-00269-CR; 12-13-0369-CR Sixth Court Of Appeals No. 06-00109-CR Affirmed.

Appendix G: 159th/217th Judicial District Court Angelina County Cause No. CR-27959A

## Table Of Authorities Cited

| cases                            | page number                      |
|----------------------------------|----------------------------------|
| United States v. Gonzalez-Lopez, | 548 US 140, 150-152              |
| Tollett v. Henderson,            | 411 US 258, 267                  |
| Trevino v. Thaler,               | 569 US 413                       |
| Crain v. US,                     | 162 US 625, 16 S.Ct 952          |
| Iowa v. Tovar,                   | 541 US 77                        |
| Hamilton v. Alabama,             | 389 US 128, 88 S.Ct. 254         |
| Brookhart v. Janis,              | 384 US 1, 7-8, 86 S.Ct 1245      |
| Cone v. Bell,                    | 556 US 449, 129 S.Ct 1769        |
| Carey v. Safford,                | 536 US 214, 220, 122 S.Ct 2134   |
| Martinez v. Ryan,                | 566 US 1                         |
| Lopez v. Smith,                  | 574 US 1, 135 S.Ct. 1, 6         |
| Buck v. Davis,                   | 137 S.Ct. 759                    |
| US v. Sanes-Guerrero,            | 546 F3d 328, 332 (5th Cir. 2008) |
| Jimenez v. Quarterman,           | 555 US 113, 129 S.Ct 681         |
| Burt v. Titlow,                  | 571 US 12, 134 S.Ct 10           |
| Lee v. US,                       | 137 US 1958                      |
| Cullen v. Pinholster,            | 563 US 170, 181-182              |
| Garza v. Idaho,                  | 139 S.Ct 739                     |
| Gonzalez v. Thaler,              | 132 S.Ct 641, 646                |

THE HISTORY OF THE

REIGN OF

CHARLES

THE FIRST

OF GREAT BRITAIN

BY

JOHN HUME

ESQ.

OF THE

BAR AT PARIS

AND

OF THE

UNIVERSITY OF

EDINBURGH

IN TWO VOLUMES

LONDON

PRINTED BY

JOHN BARNARD

AT THE

PRINTING OFFICE

IN ST. MARTIN'S

CHURCH

# Table Of Authorities Cited

## Statutes And Rules

## Page Number

Texas Code Criminal Procedure Article 1.051, 26.04,  
Article 64.05

1.  
1.

Order (589 US COVID-19)

Federal Rules of Civil Procedure Rule 60(b)

28 USC § 2244(d)(1)(A)

28 USC § 2254 (d)

42 § 1983

United States Constitution Amendment IV

" " " V

" " " VI

" " " XIV

"

"

## Other

Due Coarse Of Law

Due Process Of Law



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; United States Court of Appeals for the Fifth Circuit.

The opinion of the U.S. court of appeals appears at Appendix A, B to the petition and is  
☒ is unpublished.

☒ For cases from federal courts; United States District Court for the Eastern District Of Texas. Lufkin Division,

The opinion of the U.S. District Court appears at Appendix C to the petition and is  
☒ unpublished.

☒ For cases from state courts; Court Of Criminal Appeals Austin, Texas.

The opinion of the Texas Court Of Criminal Appeals highest state court to review the merits appears at Appendix D, E to the petition is  
☒ is unpublished.

The opinion of the 159th/217th Judicial District court appears at Appendix G to the petition and is

☒ is unpublished.

### Jurisdiction

☒ For cases from federal courts:

The date on which the United States Court Of Appeals decided my case was October 13, 2020.

☒ A timely petition for rehearing was denied by the U.S. Court Of Appeals on the following date: November 11, 2020, and a copy of the order denying rehearing appears at Appendix A.

☒ An extension of time to file the petition for a writ of certiorari was granted to and including January 25, 2021 (date) on February 2, 2021 (date) in Application No. — A —. SEE: (Order List: 589 U.S. Thursday, March 19, 2020. COVID-19.)

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

~~☒ For~~

## Constitutional and Statutory Provisions Involved

1. At (State) Trial Court, erroneously denied right to counsel of choice; in violation of the Sixth Amendment, and is not subject to harmless-error analysis. United States v. Gonzalez-Lopez, 548 US 140, 150-152, 126 S.Ct 2557 (2006).
2. The choice of counsel may seriously impact a defendant's decision to plead guilty. Bridges was erroneously denied counsel of choice, thus, structural error, that brings into question, the voluntary and intelligent character of the guilty plea. Tollett v. Henderson, 411 US 258, 267 93 S.Ct 1602 (1973) ("we must consider whether the district court erroneously denied a defendant the right to his counsel of choice, and waiver will not apply."); Trevino v. Thaler, 569 US 413 (2013).
3. The 159th/217th Judicial District Court did "abuse its discretion at arraignment hearing via not allowing petitioner the constitutional right of his counsel of ~~choice~~<sup>choice (paid)</sup> choice (paid: John Heath Jr.) to be present in court. Crain v. U.S., 162 US 625, 16 S.Ct 952; Iowa v. Tovar, 541 US 77 (2004); Hamilton v. Alabama, 389 US 128, 88 S.Ct 254 (1961) (Supreme Court's "Statutory" Ruling, or fraud upon the Court.
4. During (State) arraignment hearing {"a lawyer must not override desire... to plead not guilty. Brookhart v. Janis, 384 US 1, 7-8, 86 S.Ct 1245 (1966); Cone v. Bell, 556 US 449, 129 S.Ct. (2009); Carey v. Safford, 536 US 214, 220, 122 S.Ct 2134 (2002). Conflict "Stand-in" Counsel Deaton did override.
5. Bridges holds "extraordinary circumstances" at all hearings during criminal trial w/o counsel Heath "present in court" this narrow exception gives relief. Martinez v. Ryan 566 US 1.

6. The State in allowing a misapplied federal law to be prejudice and contrary to unreasonable application of clearly established federal law determined by the Supreme Court. Lopez v. Smith, 574 US 1, 135 S.Ct 1, 6 (2014); With Trial Judge exhorting BRIDGES to make plea agreement with State without counsel of choice present. SEE: State Records.

"When your attorney returns - you should discuss plea:" Judge White". First Step in Criminal Trial is voidable action.

7. At sentencing the trial court again "abused its discretion" via "State's Exhibit #1" being error of true officers at Arraignment hearing {SEE: 60(b) Motion-pending} Buck v. Davis, 137 S.Ct. 759 (2019); and no affidavit's on file from counsel's to show prejudice or harm. US v. Sanes-Guerrero, 546 F3d 328, 332 (5th Cir. 2008) (denial of counsel of choice).

8. When the United States ruling on Out-of-time appeal. Jimenez v. Quarterman, 555 US 113, 129 S.Ct. 681 (2009) is not followed during (State) Habeas Corpus post-conviction (paper trial [article 11.07]) the records are incomplete and the pendency to restore appeal, over turn conviction or other direct review, thus in mate's conviction is again capable of modification. Bridges' holds: the Vacated, Reversed, and Remand on September 11, 2013; the conviction was no longer final for purposes of § 2244(d)(1)(A), out-of-time tolling.

9. Did the State Habeas Corpus Court make correct ruling when the trial records where not filed, and only partially reviewed. Burt v. Titlow, 571 US 12, 134 S.Ct. 10 (2013) (review of complete file of case, to hold records (certified) as proof. How did a complete review happen w/out counsel affidavits.

10. After filing his 28 U.S.C. § 2254, the trial court (state) sent missing {Reporter's Record} to the Court and Bridges. Then Petitioner filed documents without, any "Objections" from respondent. Lee v. U.S. 137 US 195B (2017); to contrary ruling that disallows such filing. Cullen v. Pinholster, 563 US 170, 181-182 (2011) changing precedent.
11. In the dismissed federal habeas corpus ruling the abuse of discretion avoids constitutional errors that are reviewable due to Out-Of-time-Appeal Garza v. Idaho, 139 S.Ct. 739 (2019); making a 28 USC § 2244 (d)(1)(A) the correct ruling within. Gonzalez v. Thaler, 132 S.Ct. 641, 646 (2012), showing I.A.T.C. established at Trevino v. Thaler, 569 US 413, 133 S.Ct. 1911 (2013) with implicable extra's to overturn conviction.
- Can the Fifth Circuit Denial of C.D.A. be more than a ~~threshold inquiry~~<sup>18</sup> "threshold inquiry" Buck v. Davis, 137 S.Ct. 759 (2019), giving a more in depth inquiry into the underlying claims, requires COA review.

## Statement Of Case

On July 15, 2009 petitioner, WELDON BRIDGES was convicted of agg. sexual assault of a child, cause no. 27979, in 159th/217th Judicial District Court (State), pursuant to (involuntary) plea and sentenced to 22 years Tex. Dept. Crim. Justice.

During (state) trial petitioner filed a concurrent United States Civil Case (4231983) in U.S. District Court Eastern District Case No. 9:09-cv-0065, challenging issues at state (showing his true intentions) at (state criminal trial). Case dismissed.

Petitioner issued "motions, writ, and other filings at first opportunity" [Angelina County provides: No indigent access to courts; law library ~~access~~<sup>access</sup> is throw counsel only; "petitioner's counsel had abandoned his cause". Petitioner started the "review" of his cause at TDCJ-CID Holiday Unit, and can show dates in log (filed motions at trial (state court)) are "not in the records", from August/September/October 2009. First, "recorded" is Brady Motion on October 13, 2009.

Bridges, is diligent in pursuant of review (post-conviction) thus, filed for "re-analysis" on DNA evidence at trial, due to New Technical Testing, and Errors at Texas: Houston Lab that is involved. Upon this Appeal Notice, the (state) trial Court Certification of Defendant's Right To Appeal was granted with-out DNA only restrictions (CR:D273).

During this (out-of-time) direct review (No. 12-12-00208-CR) Tyler's 12th C.D.A. (State), petitioner is transferred to Texarkana Sixth C.D.A. (State No. 06-12-00109-CR), and he Brief's Ineffective Counsel; Exculpatory; and others only to be informed of DNA appeal only, and ~~dismissed~~<sup>no</sup> dismissed. Then at Petition For Discretionary Review (PD-0546-13), Texas Criminal Court

Of Appeals did vacate, reverse, and remand, with Order of {Article 1.051 and 26.04 Vern. Tex. Crim. P.} Not DNR art. 64.05 and 64.02; this holds Direct Review at Out-of-Time Appeal. Appellate Counsel was appointed at trial court [John Reeves] joins with District Attorney, files Motion {Jointly} with-out evidentiary. Abandons petitioner's issues [IAC, Void Hearings, constitutional].

Petitioner files various reviews. SEE: Appeal #12-13-00268-CR; Appeal #12-14-00369-CR; Appeal #12-15-00274-CR; Appeal #12-16-00050-CR (with final dismissal 2016).

Bridges is also filing (State) Writ of Habeas Corpus #WR-B1-290-D3 that is incomplete at Austin, Texas filings {Objections, Summons, #WR-B1-290-D1; #WR-B1-290-D2; #WR-B1-290-D4, Denied w/out order (Omitted attorney's affidavits) Denied,

Petitioner moves to Federal 28 § 2254 in United States District Court Eastern District #9:17-cv-2, gets Show Cause Order April 10, 2017. Files Incomplete at 28 USC § 2254, Bridges directs (State Trial Court to forward-Reporter sends at Appeal #12-15-00274-CR (trial court order), petitioner makes objections during § 2254 trial of Orders/Rulings. Bridges asks for complete file (State+Federal) Denied. Federal Court dismisses 28 U.S.C. § 2254(d) on March 6, 2020.

The United States Court Of Appeals For The Fifth Circuit Appeal No. 20-40296, denies C.D.A. Certificate; and also Petition for Rehearing denied November 11, 2020. (per curiam)

Bridges has filed Federal Rules of Civil Procedure Rule 60(b) Motion On December 30, 2020 (pending) {Non-reply from U.S. District on filing} requested docketing.

## Reasons For Granting The Petition

Petitioner Bridges can only suggest many mistakes, inadvertance, error, or neglect of criminal Due Process, fraud, voidable orders, hearings from (State Trial) to current federal courts, a breached contract by paid counsel { Not at attendance at arraignment; pre-trial; plea hearing; evidentiary hearing } allowing exculpatory evidence to be omitted or withheld by states attorney.

During state criminal trial the District Attorney's office did what was misrepresentation of State Of Texas Laws, Texas Constitutional; and United States Constitutional Errors at the 4th; 5th; 6th; 14th amendment that hold due course of law therein Due Process was abused, not followed nor honored, causing prejudice that will carry issue's from Ineffective Counsel, Jurisdictional Abuse of discretion, with filed fraudulent declarations to hold a untrue conviction of the defendart.

The "true records" hold the true facts and this should set me free.

Respectfully

Weldon Bridges

pro-se



### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Weldon Bridges

Date: April 8, 2021