21-5439 ORIGINAL

No. USCA5#19-20717

IN THE

SUPREME COURT OF THE UNITED STATES

Michael Geoffrey Peters — PETITIONER
(Your Name)

vs.

Bobby Lumpkin — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Fifth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Michael Geoffrey Peters
(Your Name)

1200 FM 655
(Address)

Rosharon, Texas 77583
(City, State, Zip Code)

281-595-3413
(Phone Number)

QUESTION(S) PRESENTED

1. Whether or not I am guilty on Count No.1 of the indictment?

2. Whether or not I am guilty of Count No.3 of the indictment?

3. Whether of not the jury was instructedon the element of the offense?

4. Whether or not the appointed defense counsel was ineffective assitance of counsel?

5. Whether of not I was allowed to present my own defense?

6. Whether or not I was allowed defense witnesses?

7. Whether or not I was allowed any discovery?

8. Whether or not I was allowed to make my own jury selections?

9. Whether or not the indictment lacked subject-matter jurisdiction?

10. Whether or not my counsel and the trial judge withheld the ("Brady") Evidence?

11. Whether of not I was entitled to a fair trial in a fair tribunal?

12. Whether or not I was allowed an open and public trial?

13. Whether or not I was allowed to submit defense evidence?

14. Whether or not it was legal for the Court Reporters to delete the outburst from the official trial transcripts?

15. Whether or not the trialjudge should have recused herself?

16. Whether or not I should have been granted a Change of Venue?

17. Whether of not the trial was rigged to deny allmy constitutional rights and dupe an uninformed jury into making awrongful conviction to cover-up for the Corporations or Texas Children's Hospital and Baylor College of Medicine because the were in collusion with Gov. Rick Perry and funding his bid to become United States President?

18. Were the Corporations of Baylor and Texas Children's being covered-up for their crimes and liabilities by Texas State official's during and throughout the trial and the Lower courts?

19. Were Texas State judge's involved in the cover-up for State collusion and racketeering crimes?

20. Was I being conspired against throughout the Lower courts to have me silenced for exposing State Racketeering crimes and Collusion by Gov. Rick Perry and said Corporations?

LIST OF PARTIES

[X] All parties appear in the caption of the case on the cover page.

[ ] 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:

Dr. Zoaan Eckert Dreyer
Texas Childrens Hospital
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Houston, Texas 77030

Brett W. Ligon
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9th Judicial District
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Conroe, Texas 77301

Jeffery G. Chappell
Computer Forensics Agent
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Houston, Texas 77032

Ranae Ward
Costodain of Records
Montgomery County Sheriff's Dept.
1 Criminal Justice Drive
Conroe, Texas 77301

See Attached

RELATED CASES

[Predicate Acts] Related Civil Cases are as follows:

FIFTH CIRCUIT

20-40547, 20-40583, 19-20654, 20-20481, 20-20588, 20-40180, 20-2020612, 20-40446, 21-40483, 21-40481, 20-8394, 20-8406 Supreme Court, 20-40473,

U.S. SOUTHREN (Houston)

3:21-cv-0124, 3:21-cv-0130, 3:21-cv-0119, 3:21-cv-14, H-20-3581, 4:21-cv-02098, 3:21-cv-088, 4:21-cv-01972, 3:21-cv-00166, 4:21-cv-02147, 4:21-cv-02134, 4:21-cv-02181

ATTACHMENT FOR LIST OF PARTIES
CONTINUED

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200 Taylor Street
Fort Worth, Texas 76102

Noe Fernandez
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Victor Morris
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CONTINUED LIST OF PARTIES

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Conroe, Texas, 77301

Lisa B.MiChalk (TrialJudge)
221 District Court
207 W.Phillips Drive
Conroe, Texas 77301

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 XX"B" to the petition and is

[ ] reported at unknown; 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 XX"A" to the petition and is

[ ] reported at unknown; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

[XX] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix "B" to the petition and is

[XX] reported at unknown; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the Ninth District Court of Appeals 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.

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JURISDICTION

[ ] For cases from **federal courts:**

The date on which the United States Court of Appeals decided my case was _____.

[ ] 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: _____, 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. § 1254(1).

[x] For cases from **state courts:**

The date on which the highest state court decided my case was 01/23/2017. A copy of that decision appears at Appendix XX "A".

[ ] 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).

REASONS FOR GRANTING THE PETITION

Supreme Court Rule No.11; [Imperative Public Importance]. This case is a politicalcase, wherein the defendant was exposing Corporate crimes of the State's witness, that the State wanted tocover-up, because Gov. RickPerry was being funded by these Corporations for United States President who I was exposing on YouTube Media. Inorder to have me silenced a one-sided, closed door trial was put on by the Plantiff and his courthouse friends. The Texas goverment was not acting as the goverment of the people but rather in the interests of the Texas Republican Party in protecting their presidential canidate.

The trial was totally one-sided wherein I was denied effective counsel in a plot to dupe an unaware jury intomaking an uninfromed decision; being let tomake a guilty plea, they did.

Under Supreme Court Rule 10; The Lower courts all stick together, as they consist of the Texas Republican Party member's who have formed an alliance to turn a blind eye to justice in this case and at all costs deprive me of my constitutional rights to defense, defense witnesses, discovery, filing motions effectively, bail, counsel, evidence submittals, fair tribunal etc.to impose their own brand of justice on a State Whistleblower who was exposing their collusion and racketeering crirmes on Public Media.

The total deprivations of all my constitutional rights to defense has totally been ignored by all the Lower courts who are involved in the State's cover-ups,stemming fromthe State's witnesses crimes the Plaintiff covered-up for in 2012 at my Annulment in Cause No. 12-08-09259 and continuing through the Fifth Circuit wherein Judge Gregg Costa fromHouston, Texas wherein these Corporations have Headquarter's. He is from Houston, Texas appointed by Barrock Obama. The hub for this Chain Conspiracy is in Houston at the U.S. Southren District Court, wherein sanctions and the three-strike's rule was ordered against me to make it harder for me to present the evidence of their cover-ups.

The evidence clearly shows that Baylor employee; Dr./ Director, Zoann Eckert Dreyer's crimes were covered-up in every Lower court. She testified at both my Annulment before the Plaintiff and then became the State's witness,("Quid Pro Quo") to aid the plaintiff, who'd just covered-upher crimes at the Annulment and his friends did the same at the trial for Retaliation, denying for the second time my defense, defense evidence, defense witnesses, and forced me to have their counsel who was part of their conspiracy tocover-up the State's witnesses crimes,to once again protect these corporations who were funding Gov. Rick Perry; making this case a political cover-up for RICO Crimes and Collusion.

The fact that I am ["Actually Innocent"] proves that the Texas Rupublican Party dominates the Texas Court System and uses it to benefit their own political agendas and having those whistleblowers intentionally wrongfully imprisoned.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

I was denied all Constitutional rights to defense, witnesses, due process, investigation, discovery, evidence submittals, counsel, fair tribunal, impartial jury in violation of my:

First Amendment, Fifth Amendment, Sixth Amendmant, Eighth Amendmant and Fourteenth Amendment.

My trial was a Political trial, put on by loyal Republicans silencing me from exposing Govenor Rick Perry who was their canidate for President of the United States, I was exercising my Freedom of Speech rights exposing him for Racketeering and Collusion crimes, in offering criminal and liability protections in exchange for state politicalfundings.

I was silenced thouugh a One-sided trial, deprived of all Constitutional rights to defense and through years of Republican Party Loyalist I have been kept from seekingjustice. Through the State's Prison System I have been suppressed and oppressed for the past seven years (7). They stold my law books, media correspondences and attorney. They haves stolen evidence of State and Corporate crimes from reaching the Harris County District Attorney's Office. When years later it did arrive, they called the Texas Attorney General, Ken Paxton, who inturn called me here at the Stringfellow Prison on March 31, 2021, asking me to drop the complaint. When I refused, I was given another year set-off for parole.

United States Supreme Court Cases involved are as follows:

United States v. Ex Rel. McCall
United States v. Gracia
United States vs. Givens
United States vs. Jenkins-Watts
United States vs. Rodegues
United States vs.Tucker
United States vs. Shabban
United States vs. Samaniego
United States vs. Youla
United States vs. Williamson

Strickland vs. Washington

The Supreme Court precedents recognize that the whole is often greater than the sum of it's parts - especially when the parts are viewed in isolation. (Thomas J. joined by Roberts, Ch, J and Kennedy, Breyer, Alito, Kagan and Gorsuch, JJ (199 L. Ed 2d 455). Pringle, 540 U.S. at 372 n.2, 124 S. Ct. 795, 157 L. Ed 2d 769 wasmistaken; See,in light of our (199 L. Ed 2d466) precedents, (2018 U.S. LEXIS 19) bid (L. Ed HRS(5) The totality of the circumstances "requires courts to consider the wholepicture." Cortez, supra at 417, 101 S. Ct. 690

L. Ed 2d 621, Our orecedents recognize that the whole is often greater than the sum of it's parts.

Charles Edward Hardin v. W.J. Estelle, Jr., 484 F. 2d 944 1973 U.S. App. LEXIS 7842 (Sept. 19, 1973) In March 29, 1973 U.S. Dist. Court Judge D W Suttle directed that Hardin's petition be granted for the denial of compulsory process for his witnesses. The State of Texas adopted a rule for compulsory process for witnesses which should prevent any likelihood of a recurrance of this situation,now before (484 F. 2d 945).

However this is not the case and the State of Texas continues to deny their prisoners defense witnesses to suit their own agendas for political reasons or to secure a conviction when otherwise the state has insufficient evidence. This behavior must stop. The Supreme Court must take stronger measures to force Texas courts into allowing it's prisoner's due process and compulsory process of defense witnesses. I have just spent seven (7) years in prison, because they knew I would be fighting a loosing battle for those seven (7) years while they cover-up State Collusion and Racketeering crimes for Coroprate gains and political fundings.

The State of Texas CANNOT BE RELIED UPON to allow their prisoner's Constitutional rights, exspecially when they have their own agenda's to cover-up their own crimes. The citizens of Texas are being forced into thier prisons for the benefit of the state. It's a win, win situation for them. This is why once the federal goverment banded the prisons from forcing their inmates into agriculture labors,they adopted more prisoners to compensate and began charging the federal goverment for useless programs instead, hence the need to incarcerate more people as well as those they want to silence for political reasons...

Judge Gilbert, the plaintiff, took those sentencesout of context and made his own "compilation and summary" essentually fabercating his own evidence and decieved an unaware jury into believing their One-sided trial. The innocent speak-out,we want protections from this type to imprisonment in order to silence a mans fredom of speech whether exposing political corruption, ie blowing the whistle or complaining about other state injustices. I fear the reprisals of the State of Texas, who are known for their brand of justice by so called ("Good Old Boys").

EVIDENTARY HEARINGS

Ordinarily the Supreme Court cloak's the state court's factual finding in a presumption of correctness; 28 U.S.C. Sec. 2254(e)(1). However we afford such deference only if the state court's fact-finding process survives our intrinsic review pursuant to AEDPA's "unreasonable determination clause." See Taylor, 366 F. 3d at 1000. For example; a state court makes evidentiary findings without holding a hearing and giving petitioner an oppertunity to present evidence, (as in my case wherein there was no hearing), such findings clearly result in an unreasonable determination of the facts. See also Perez v. Rosario, 459 F. 3d 943, 950 (706 F. 3d 1039)(9th Cir. 2006)(amended)
A petitioner who has previsouly sought and been denied an evidentiary hearing has not failed to develope the factual basis of his claim. Id. (citing 28 U.S.C. Sec 2254(e)(2).

STATEMENT OF THE CASE

1. Count No.1 is Retaliation by Phone Harassment. The Texas Penal Code for Retaliation states as follows:

Tex. Pen. Code Section 36.06(a)(1)(A) contains eight diffrent elements; (1) the defendant; (2) intentionally or knowingly; (3) threatens to harm; (4) another person; (5) by an unlawful act; (6) in retaliation for or on account of; (7) the service of another or the status of another; as a public servant,witness, or prospective wirness or informant.

Phone Harassment:

Harassment under Tex.Pen. Code Section 42.07(a)(4) is defind as,[a] person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person, (4) causes the telephone of another to ring repeatedly of makes repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarass, or offend another."

See [Exhibit No.57, 57B] The indictment for Count No.1 reads as follows: "The defendant on or about June 14, 2014 and continuing through July 26, 2014 and before the presentment of this indictment in the County and State aforesaid, [did then and there intentionally or knowingly harm Tracy A. Gilbert, make repeted telephone communications to Tracy A. Gilbert in a manner reasonably likely to harass and annoy and alarm and abuse and torment and embarrass Tracy A. Gilbert, in retaliation for or on account of his services or status of Tracy A. Gilbert as a public servant."

[NOTE] That the element of (Annoymously) has been deleted from the elements of the offense in the Tex. Pen. Code or otherwise misrepresented to the members of the jury, who were never informed of it. The State makes it clear as well as the constitution, that every element of the offense must be proven beyond a reasonable doubt. See [Exhibit No. 115] Wherein the Prosecutor states: ("We have to prove this -- elements of this statute up here"), Also [Exhibit No. 80] Wherein he states: ("As a State, we have to prove all the elements.") Next See [Exhibit No.114] Stating: ("Retaliation, some of the elements are -- that have been alleged, it says: With intent to harass, annoy, alarm, abuse or torment or embarrass the complaintant, making repeated telephone communications in a manner reasonably likely to harass, annoy and alarm and abuse and torment and embaraass the complaintant. And it tracks the statute. And that's what Retaliation is. I kind of wanted to let you know what the charge is."

Hence the jury was never informed or all the elements of the offense and hence the offense could not be proven beyond a reasonable doubt them. [Exhibits No.97-99] are photo's the Plaintiff took of his Caller I.D. and prove absolutely knowing. The only phone records ever entered into evidence by the State were my cell phone records seen in [Exhibit Nos. 85-87], but only 85 & 86 are used as the phone messages in No.87, were acquitted.

This evidence clearly shows that only two (2) phone calls were ever made from my cell phone to the plaintiff's home. The first wason June 14,2014 and the second call was made on July 26,2014,hence the indictment is misleading the jury into believing calls were made between those dates. But that is the Conspirator'splan todecieve them wherein they can be led to make a wrongful conviction.

So the first thing before the proceedings get underway, Jeff Holh the prosecutor states: [Regard to the additional phone call evidence, I just wanted to make sure everyone is aware. The day I recieved that information, I relayed it to Defense. It was'nt that, you know, we had it and just never gave it to him, it was last week.

[NOTE] Defense counsel make no objections in the court to refute that he'd been given that information. See [Exhibit No.82] However what he does say is" ("I have subpoenaed the records for Mr. Peters cell phone for the time in question as well as plus back an additional six months just being out of an abundance of caution. I was only allowed to do that Thursday of last week.?). Mr. Duckworth had up to three and a half (3-1/2) months to obtain those addtional phone call records,but chose to do sothe day before the trial,proving he was ineffewctive assistance of counsel,but again that was part of the plot.

FIRST CALL

See [Exhibit No.66] Mary Gilbert, the plaintiff's wife is used to lie for him, but she is not very good at it, She states: ("It's was a mans voice and he said, is Tracy home" And I said, No, he's not, may I take a message? And at first he said, no, that's alright and then he said, well actually yes. Tell him that it's Michael Peters and I would like to know how much money he was paid by the hospital to impliment the ruling that he gave -- something to that effect.") Meaning she did not remember what was said....

SECOND CALL [Exhibit No.65] Tracy Gilbert stated concerning the second call: ("I can't say verbatim,but essentially, Is Tracy there" said, This is he. This is Mr. Peters or Michael Peters and as soon as he identified himself, I got loud and stern and I said, This is my home, do not ever call here again and I hung-up.")

One thing is clear and that is I stated my name both times and that is why Asst. D.A. Phil Grant deleted the element of (anonymously) from the indictment, as if the jury knew the calls were not made anonymously, they would never have convicted me as that element of the offense was not proven. Two (2) call fourty-two (42) days apart does not equate to phone harassment, as the calls were not made repeatdly or in a manner likely to harass, annoy,torment, embarrass etc.

The conspirator's plan would only work if they withheld the additional phone call evidence, that's why my appointed counsel acted like he did not recieve a copy from the Prosecutor. All the conspirator's were friends and worked together every day. Judge MiChalk was in on the act. See [Exhibit No.83] She states: ("Hold on a second, my response to you is that I thought about this over the weekend. I have reviewed the file. And I am not going to let you get into the other calls, except if we reach punishment, then it might be a proper punishment thing. But I'm going you to around the date in question in the indic-

ment. So I'm going to limit you. So, I'm going to instruct you to instruct to instruct your witnesses -- this is in the abundance of caution. [NOTE] Defense counsel said the same thing; ("Out of the abundance of caution as if it were a trigger word between conspirators.

You might remember I was not allowed any defense witnesses, hence there was nobody to caution!

She gose on to state: ("And I don't think it's fair tothe Defendant to the Defendant to bring up at the eleventh hour additional calls. Now, you know if the door is opened or if questions are asked that elicit that or it's raised by the evidence or something,then I am probably going to allow it.")

That door was kept securely closed throughout the trial to hide those records. She is letting everyone know that she [viewed the file] therfore she knew beyond any reasonable doubt that there wasno other phone call evidence.....

Mary Gilbert's first lie is seen in [Exhibit No.67] Stating: ("He called back actually twice that morning after I told him my husband was not home. ") The trouble with this lie was that we had those phone records for June 14, 2014. See lies again in [Exhibit No.68] Stating: ("I did recognize the number as one that had called our house many times in the past. And again in [Exhibit No. 69] Stating: ("it's occured to me that I had seen that name and number come up on my phone many times over the past months, if not longer.")

See [Exhibit No.67] Mary actually tells the truth on accident....Line No.1, She states: ("He called back actually twice that morning after I told him my husband was not home. "I did not answer the phone, and then he also called I think about a month lather, and my husband spoke with himonce and then he left two messages on our answering machine at home.")

Mary is notsaying here there were severalcalls over the past months if not longer,but only that there werethe two (2) calls. The same two (2) that either her or her husband evern gave any descreption to.....

See [Exhibit No.70] You can see Mary gets very confused and lies twice tothe Prosecutor,but on Line No.20 she tells a greater truth and admiits she was talking to Asst.D.A. Phil Grant at her home the night before the trial..... Phil Grant deleted the element of the offense (anonymously) from the offense in Count No.1, he also added his own commits to line four (4) of the indictment, Seen in [Exhibit No.57-B] Wherein Phil Grant states: ("Judge Gilbert has three children"). He wanted the jury to know the the plaintiff was a (Judge) and (Family man).. to put him in a better light with the jury members. Seen in [Exhibt No.64]Having to do with Count No.3, Lines 8-13] Gilbert's states he gave his ("Compilation of the evidence toPhil Grant") his trusted friend who was at his house coaching his wife to lie about non-exsistant phone calls to the jury the night before the trial..... Mary even confesses in [Exhibit No.71,Lines 7-8] Wherein she states: ("The only ones (calls) that I've seen are the ones that werepointed out to me today....."). NOBODY waspointing out any calls to her in the courtroom.....

Seen in [Exhibit No.407) The State informs the United States Southren District Court,Houston Division in my Habeas Corpus 2254: ("While the records showed that Peters did not call the Gilbert's numerous times over the year prior toJune 14,2014,they did not contradict [Mary] Gilbert's testimony that she recieved multiple calls between June 14, 2014 and July 26,2014 from the phone number associated with the applicant.")

This too is a prove lie as my cell phone records prove that there was no phone calls between those dates.....

Hence two (2) phone calls fourty-two (42) days apart wherein I left a message Mary Gilbert infers she did not remember and then my simply stating my name only before being hung-up on by the plaintiff,is hardly evidence enough to sustain a guilty verdict in any offense for a case of Phone Harassment,exspecially inlight that Mary committed prejury many times throughtout her testimony. Absolutely no evidence substanciated any other calls than the two (2) described by the Plaintiff and his wife. Calls eluded to are not backed-up by any evidence or phone call records.

This proves beyond any reasonable doubt that the alleged allegations of Phone Harassment did not occure!

Count No.3 ActualInnocence

The indictment for Count No.3 readş as follows: [Tex. Pen.Code, section 36.06(a)(1)(A) is made up of eight (8) elements: (1) the defendant; (2) intentionally or knowingly; (3) threatens to harm; (4) another person; (5) by an unlawful act; (6) in retaliation for or on account of;(7) the services of another or the status of another; (8) as a [public servant, witness or prospective witness or informant").

Sorry the above is the definition from the Texas Penal Code, this is written in the indictment it's self: OnoraboutMarch 30,2014 and continuing through June 13,2014 in Montgomery County,Texas,Michael Geoffrey Peters hereinstyled Defendant, did then and there intentionally or knowingly threaten to commit assault against Tracy Allen Gilbert by stating the following:

1. Judge Gilbert CORRUPT

2. You 're not going to get away with it

3. You (people) willultimately feel what I'm talking about

4. What would you do if it happened to your son.[This is where Asst. D.A. Phil Grant adds his own commits,stating] Judge Gilbert has three children.....

5. Please help me decide if I should go to prison

6. I am afraid of what I am thinking now.

8. Whatever I do next will have serious consequences if I can't find a better way

9. My life can no longer go on while these thieves get away with this theft unabated

10. Do I let these people stealmy son through this doctor's lie..... just because the judges werepaidoff.

11. Do I riskmy life like I did in Iraq?

12. You wonder why people go nut in this country and allof a sudden go off

13. You officialhere in Texas give me very little choice what I should be doing next

14. I can't sit back and let you stealmy only son.

15. This man stold everything, he is scum.

Essentially this is the Plaintiff's breakdown, his compilation and summary of the facts. It's also his fabercation of the physicalevidence he gave to his friend Asst. D.A., Phil Grant, stating he wanted to see if one of these sentences [Crossed the proverbial line].Apparently according to the plaintiff's friend, All these sentences crossed that line.

Judge Gilbert has a history of filing charges against ("Lawyer's") of all people who either run against him in the elections or file partenity suits against him. I was a good target for him as I had been to prison twice before, onne when I was eighteen (18) years old and again when I overextended my own checking account when everyone in the State of Texas lost their jobs in the Oil Field Crash of 1982'

Two (2) weeks before I am sentenced for alleged retaliation another inmate named, Michael Roy Castleberry is charged with the same offense he too has two (2) priors. However he recieved just [seven (7) months State Jail, while I recieved thirty-five (35) years,showing the real prejudice of the court at this time.

As stated the juror's werebeing kept ("Dumbfounded") wherein they could be let into making a false conviction. The trial was closed door,I was denied my defense exposing his cover-upfor the State's witnesses crimes. See [Exhibit No.89]. Also my Acquittal,[Exhibit No.88] for Count No.2.

JURY KEPT DUMBFOUNDED

See [Exhibits No. 78, 79 & 79-A] During the jury's deliberations they don't know how to deliberate the offense in CountNo.3 largely because the Conspirator's allowed all the YouTube video's I made ofthe State's witness; Dr. Zoann Eckert Dreyer, who committede the crimes everyone wants to cover-up.There were One-Hundred and Three(103),I planed to make one(1) every day until she was brought to justice. I only made four (4) of the plaintiff, so it's natural the jury was going to be confued when there are (103) extra.....And that was their plan. It had nothing to do

with Judge Gilbert,other than the fact he covered-uphercrimes and they all wanted tokeepit a secret...

So afterthe jury atehotpizza anddrank cold cokes and watched (107) You-Tube video for their entertainment,they goto the deliberation room and then try and figureout what todo. See [Exhibit No.78] The Jury asked:

"Could we please have the definition to assault?

They were kept so dumbfounded that they did not ever know the definiotion for the offense charged.....Lookingjust below that question you'll see Judge MiChalk refuses to answer their question, preferring to leave them in the dark.

Looking at [Exhibit No.79] the jury struggles with how to ascertain how to apply an assault to a ("YouTube video") and they ask:

1. Is the charge on Count No.3 "harm" against Judge Gilbert or "threat" to assault specifically?

2. Is threat to assault an extension of harm or is it it's own qualifier?

Aagin Judge MiChalk refuses to answer their question....

Finally See [Exhibit No.79-A] Wherein the jury now wants to know which are the titles of the four (4) YouTube video's in the indictment? And again Judge MiChalk would not answer their question.

How could this jury make a reasonable decision with respect tomy guilt or innocence, without even knowing: (1) Which video they were supposed to be watching.....Or what an "Assault" even was? Logically onemust at least know the definition of the offense and what video that offense was com-mited in. The jury had to find me guilty of every element of the offense Beyond aReasonable Doubt, but it is painfully clear this jury had pleanty of doubt...proving that they were incapable of making aninformed decision based upon the facts. When I trial is completely one-sided, it's impossible to know those facts. Had the jury known that the trial court was being manipulated by a Chain Conspiracy to preventme fromexposingthe Plaintiff's cover=up of the States witnesses crimes toprotect the billion dollar Corporations of Baylor and Texas Children's funding Texas Gov.Rick Perry for United States President, and hence they wanted me to stop calling him a ("Child Molester") on YouTube Media. See [Exhibit No.135] Also see the Plaintiff in [Exhibit No.137] Bottom right. See all the evidence I am publishing proving the States witnesses crimes.

Now See [Exhibit No.1, that is me protesting the Texas Children's Hospita; telling the public that the State's witness committede crimes that the State of Texas has been covering-up for the last nine (9) years.... [Exhibit No.2 -3] Show the flyers and billboards I was using,they were hot and mad, but would never thinkof taking any legal action against me, be-cause they all know I have the evidence against them. To bring a lawsuit against be would be tobring tolight their own crimes and cover-ups, so they plotted together, all of them knowing by my YouTube video's they were all a target... They had to silence me behind the scences, Kęēpa low profile, sothey used the plaintiff,who just happened tohave a history of going after those exposing himto the Media.

Mc Guiggin vs. Parkings, 569 U.S. 135 L. Ed 2d 1019 (2013) Actual Innocence serves as a gateway to be heard. Actual Innocence if proved serves as a gateway through which a petitioner may be heard whether the impediment is a procedural bar as in Schlup vs. Delo, 513 U.S. 298 or House vs. Bell, 547 U.S. 518 ADEPA Statute of Limitation. To proceed through the Schlup, 513 U.S. 298 (1995) gateway a petitioner must present a credible claim of actual innicence. This requires petitioner to support his allogations of constitutional error with new reliable evidence, See [Exhibits], whether it be exculppatory scientific , trustworthy eyewitness accounts or critical physical evidence that was not presented at trial.

The evidence clearly shows that I was not allowed to present any evidence or have any witnesses. I was being railroader and there was not a thing I could do about it. See [Exhibit No.116] You will see that I was allowed to bring civil documents. Those are the exhibits you see here toady that I was denied. Looking at [Exhibits Nos. 105-112] you can see I asked many times about witnesses and evidence. The trial judge had told both appointed counsel's; Keith Valigura and Tony Duckworth that I was not allowed to have my defense exposing the plaintiff for his racketeering crimes, covering-up for the State's witnesses crimes.

Looking at [Exhibit No.110] It reads: In these procedings they are going to stop me telling you the story. There are witnesses for everything. I will tell you that. As this goes on, you will see that the trial is one-sided. And you will see no witnesses on my side. You will see that I won't bring out any evidence, that I have in black and white. It is powerful and strong....] Next See [Exhibit No.112] Note that I have to give-up any defense and allow my corrupted counsel to sell me out because without evidence, I had no chance to convience the jury I was telling the truth in this one-sided trial, so I ("Give up UNDER PROTEST]... I was denied my Constitutional right to have witnesses. The Sixth Amendment guarantees every defendant the right to call witnesses in his behalf, but they could not allow me witnesses that would prove the State's witnesses crimes that they were all covering-up for.

The Supreme Court explains the proper review by the lower courts: The Carrier Standard is intended to focus the inquirey on Actual Innocene. In assessing the adequacy of petitioners showing, therefore the district court is not bound by the rules of admissibility that would govered at the trial. Instead the emphasis is on Actual Innocence allows the reviewing tribunal also to consider the probative force or relavancy of evidence that was either sxcluded or unavailable at trial. The habeas court must make a determination concerning the petitioner innocence, in light of all the evidence, including that alleged to have been illegally admitted, like the extra (103) YouTube videos, but with due regard to any unreliability of it, and evidence tenably claimed to have been wrongfully excluded. Id. at 327-38, 115 S. Ct. 851 (citation ommitted)

In this circumstance actual innocence does not merely require a showing that a reasonable doubt exsist in light of the new evidence, but that no reasonable juror would have found the defendant guilty. Id. at 329, 115, S. Ct. 851. The Carrier Standard does not require absolute certainty about the petitioners guilt or innocence, rather the Standard is a probabilistic one that require a petitioner to show that upon consideration of the new evidence, it's more likely than not no jury would find

him guilty beyond a reasonable doubt. The weight of the evidence is not part of the sufficientcy test. When reviewing the sufficientcy of the evidence the Supreme Court view all evidence whether circumstancial or direct in the light most favorable to the goverment, with all reasonable inferences and credible choices to be made in support of the jury's verdict. United States vs. Salazar, 958 F. 2d. 1285, 1285, 1290-91 (5th Cir. 1992). The evidence is sufficient to support a conviction if a rational trier of the fact could have found the essential elements of the crime beyond a reasonable doubt. United States vs. Faulkner, F. 3d 745, 768 (5th Cir. 1994). This Court has explained that it is concerned only with the sufficientcy, not the weight of the evidence. United States vs. Garcia, F. 2d 556, 561 (5th Cir. 1993). The due process clause forbits a state from convicting a person of a crime without proving the elements of that crime beyond a reasonable doubt.

Regardless of how a state court applies evidence rules, a federal court has an independant duty to determine whether that application violates the Constitution. Jones vs.Cain, 600 F. 3d 527, 536 (5th Cir. 2010), Mr. Sussman relies heavily on the courts decision in Redman to support his claim that the state court evidentuary ruling adversarily impacted his rights under the Confrontation Clause. Once the state has defined the elements of an offense, the federal constitution imposes constraints upon the state's authority to convict a person of that offense. It is well settled that the due process clause of the Fourteenth Amendment protects the accused against conviction, except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime forewhich he is charged. In re Winship, 397 U.S. 358,364, 90 S. Ct. 1068, 1074, 25 L. Ed 2d 368 (1970).

JURY INSTRUCTION

A jury instruction that omits or materially misdescribes an essential element of the offense as defind by state law relieves the state of it's obligation to prove facts constituting every element of the offense beyond a reasonable doubt, thereby violating the defendant's federal due process rights. See; Carella vs. California, 491 U.S. 263 265, 109 S. Ct. 2419, 2420, 105 L. Ed 2d 218 (1999)(per curiam).

INDICTMENT

[A]n indictment must be specific in it's charges and necessary allogations cannot be left to inference. William vs. United States, 265 F. 2d 214, 218 (9th Cir. 1959). Moreover an indictment must do more than simply repeat the language of a criminal offense. Russell vs. United States, 369 U.S. 749, 764 (1962). At the same time an indictment should be read in it's entirety,construed according to common sence and interpeted to include facts which are necessarily implied. United States vs. Givens, 265 F. 2d 218 (9th Cir. 1959). We review the sufficientcy of the evidence de nova. United States vs. Rodegues, 360 F. 3d 949, 958 (9th Cir. 2004) [Decission upholds the indictment] (1554).

DEFENSE WITNESSES

Chamber vs. Mississippi, 410 U.S. 284, 35 L. Ed 2d 297, 93 S. Ct. 1038 (1973), The right of an accused in a criminal trial to due process in an essential right to a fair oppertunity to defend against the State's accusations. The right to confront and cross-examine witnesses and to

call witnesses on his own behalf has long been cognized as essential to due process. Giglio vs. United States, 405 U.S. 150, 92 S. Ct. 763 (1972); Testimony is material when it is resonably likely that it's admission would affect the judgement of the jury. See Ex Parte Weinstein, 421 S.W. 3d 656, 665 (Tex. Crim. App. 2014).

INEFFECTIVE ASSISTANCE OF COUNSEL

The defense counsel was a part of the Chain Conspiracy and cover-up for the State's witnesses crimes. That's why he withheld the Additional Phone Call Evidence. He files for a Motion for a New Trail simply show, he has no plans to support his Motion and knows it will be dismissed. See [Exhibits No.129-9]Wherein the Ninth Court of Appeals judges states: ("After the jury's verdict, but prior to the punishment phase of the trial, defense counsel states on record that eariler that morning the State had indicated to defense counsel that the State had recieved additional records in the form of a phone record, which to some degree seems to contridict the testimony of Mary Gilbert who...indicated that phone calls had been recieved under the...cell phone number of Mr. Peters for up to a year prior to this trial.

Now we know already in [Exhibit No.82] That the Prosecutor stated he gave those phone records to defense counsel...It further states: This evidence contridicts the testimony at trial. No phone records were attached to the motion for a new trial. The motion for a new trial was overruled as a matter of law.

This was ineffective assistance of counsel. See [Exhibit No.180-180-C] For the Motion for a New Trail. Counsel never impeached either Mary Gilbert with the evidence of those (Additional Phone Call Records), nor die he impeach State's witness Dr. Zoann Eckert Dreyer with the evidence of her crimes.

Counsel also withheld first counsel,Keith Valigura's Private Investigator's Report, because it concerned only with the investigation of the Corporations employee's or hospital staff, this was before the cover-up was undertaken, but Mr. Valigura later told me, Judge MiChalk refused to allow my defense...See [Exhibit No.90-A]. For Court Order. Duckworth was appointed on or before January 12, 2015. See [Exhibit No.90]. There was some internet redderick I made about Cop Killer's to research what made video'sgo viral and because of it's grusome nature,they had it admitted into evidence. See [Exhibt No.94] Wherein Counsel states that is was,("Well, because that's a very violent statement").In [Exhibit No.93 & 95] You'll see that I ask that is be suppressed, but my counsel overrules me and stated: ("And I am asking the Court not tolet it be admitted until we have had discussion about this particular statement]. [It's in the Motion in Limine which I will provide to Mr.Peters, if he chooses to file it].

I had just asked him to file it....There was nothing to discuss...And we never discussed it at all, so it was allowed into evidence,that proves ineffective assistance of counsel.

See [Exhibit No.150A-150E] On page No.150A Defense Counsel tells why allmy defense witnesses would be no good. He mentions; Nurse Robin Haidacher, Jacqulyn Okeke,and Judge James Douglas Squire. In the next segment you'll see why these witness he states are bad were actually good. Hehad to prevent them from testifying as their testimony would have in-

fluenced the verdict. The jury would have known that there was a cover-up and hence alterior motive, had my witnesses testified. They would have known the State's witness; Dr. Zoann Eckert Dreyer had committed crimes that made both Baylor and Texas Children's Corporations liable to a multi-million dollar lawsuit they were all covering-up for. See also [Exhibit No.150E] Wherein Defense Counsel refuses to produce the Additional Phone Call Evidence again. This is the third (3rd) time hes refused to produce it. [1st] At the trial when the prosecutor stated he had it. [2nd] He could have asked the court for it at the trial when Judge MiChalk stated she'd allow it if it was illicited [Exhibit No.83], [3rd] He refused to submit it to support his Motion for a New trial and [4th] Here in [Exhinit no.150E]. This proves that Defense Counsel was not just ineffective assistance of counsel, but also a member of this Chain Conspiracy to cover-up the State's witnesses crimes, wherein Gov. Rick Perry and the Plaintiff would not be implicated.
Counsel also would not subpoena my defense witnesses,he refused to submit my defense and defense evidence herein, he refused me all discovery, and allowed the judge to make all the Jury Selections; See [Exhibits No. 01-92B & 96A-96D] You will see that the State and the trial judge made all the selections to rig the trial and fix the jury.

UNFAIR TRIBUNAL

See [Exhibit No.101] Wherein the trial judge stated: ("And it doesn't matter that he's a judge?") proving she was bias towards her friend and co-worker, the plaintiff.

Looking at [Exhibits No.73,73A & 100] It'seasy to see that she'd recused herself in another one of the plaintiff's trials, but refused todo so in mine, proving that she had an alterior motive to control and fix the out come of my trail. She should have recused herself in my trial just was she'd done before because it was uneithical for her to preside over her friend and co-workers trial...See [Exhibit No.74]It show that on 10/14/14 she granted a Motion to Quash Keith Valigura's file.She did this because he had the Private Investigator's Report who investigated those Corporate employee's who'd prove Dr. Dreyer's crimes and the Corporations liabilities for those crimes. It waspart of their cover-up...

See [Exhibit No.141] Look at this visous way inwhich Judge MiChalk denies my Motion for a Change of Venue. She literally attacks the page denying it. Also[Exhibits No.102-102G, 103-4 & 180(d) Wherein denies everything! I'm not allowed bail, Change of Venue or a Continuance toobtain those elusive phone records. She withholds the ("Brady Evidence")knowing that those phone records she stated she'd viewed over the weekend were blank. She'd even lied about that, as I saw her asking the Prosecutor to let her see them beofre the proceedings got started and they wereblank...

Hurles vs. Ryan, 706 F. 3d 1021 (CA 9 2013) "The Due Process Clause of the Fourteenth Amendment establishes a constitutional floor, not a uniform standard for judicial bias claim. Bracy vs. Gramley, 520 U.S. 899, 904, 117 S. Ct. 1793, 138 L. Ed 2d 97 (1997) While most claims of judicialbias are resolved by common law, statute, or the professional standards of the bench and bar, the floor established by the Due Process Clause clearly requires a "fair trial in a fair tribunal, before a judge with no actual bias against the defendant or interest in the outcome of his particular case. Id. at 904-05, 117 S. Ct 1793 (quoting Withrow v. Larkin, 421 U.S. 35, 46, 95 S. Ct.1456, 43 L. Ed.2d 712 (1975). The Costitution requires recusal where the probability of actual bias on the part of the judge or decision maker is too high to be constitutionally tol-

erable. Withrow, 421 U.S. at 47, 95 S.Ct. 1456. Hurles need not prove actual bias to establish a due process violation, just an intolable risk of bias. Aetna Life Ins. Co. vs. Lavoie, 475 U.S. 813, 825, 106 S. Ct. 1580, 89 L.Ed.2d 823 (1986): See Caperton,556 U.S. at 883, 129 S. Ct. 2252. ("[T]he Due Process Clause has been implimented by objective standards that do not require proof of actual bias."). Thus we must ask whether under a realistic apprasial of psychological tendencies and human weakness, the [Judge's] interest poses such a risk of actual bias or prejudgement that the pratice must be forbidden if the guarantee of due process is to be adequately implimented. Caperton, 556 U.S. at 883-84, 129 S. Ct. 2252.

CORPORATE CRIMES

It is imparative that it's known the the plaintiff knew about the States witnesses crimes. Not onlu was he provided the evidence, but [Exhibit No.405-405(d) we presented to him in Motion. See the Cause No. 12-08-09 259, was my Annulment before the plaintiff. During his trial testimony he explains he knew about the Corporate attorneys,he had meetings with them severaltimes and was even given those ("photos") Seen in [Exhibit No.4-5]

[Exhibit No.152] Shows where the plaintiff grants an orderat the Annulment Quashing the same defense witnesses that my defense counsel had at the trial for retaliation,proving they were being suppressed to cover-up the Corporate crimes and liabilities. Kimberly Jodan, Jacqulyn Okeke, RN, Robin Haidacher....all key witnesses...See [Exhibit No. 153-A] Showing where the Corporate attorneys wanted to quash my witnesses. Also see [Exhibits No.7-8].

So on September 17, 2014 I removed my son from his school and went directly to Texas Children's hospital topick-up his medications. The reason why I picked him up was becasue he was suffering under his mothers case and was hospitalized. [Exhibit No.13]. [Exhibit No.39]Proves that I picked-up my son's medications that day. When our son, Dalton did not return home or after the school informed my wife I'd taken him, she called Dr. Dreyer and told her I'd kidknapped him, not understanding American laws as she was from El Salvadore. Even though Dr. Dreyer had my phone number and could have easily seen on any computer that I'd picked-up my son's medications, she choose to call Child Protective Services [CPS] instead and tells them that I am ("medically neglecting my son because I don't have his critical cancer medications. I get a call from [CPS]. See [Exhibit No.21], They come to the house with a Sheriff and talk to me and my son,they see I have all his medications and tell me to go to the hospital and show them. Thats when I see RN, Haidacher and Socialworker, Jacqulyn Okeke. [Exhibits No.14,15, 17 & 25] All prove that they had positive things to say and that Dr. Dreyer was lying and I had allhis medications...

There was a problem though and that was that one bottle of his pills was labeled only as ["Give as Directed Only"], this confused me so I had to call the hospital and find out how it was directed. When I did this caused more problems, as see in [Exhibit No.16] Wherein I am now being accused again, this time that I'm extremely confused how to administer my son's medications, once again I am forced to drive back to Houston, Texas to the hospital and prove I am not confused...See [Exhibits No.17 & 25 again]. Both Baylor Okeke and haidacher confirm this and state ("this is a custody issue and she will not call [CPS]")[Exhibnit No.20].

Now my wife has immergration problems because she'd lied on her application for political asylum, so her plan is to get her family Lawyer to assist her,by signing over proceeds from the family home I was building, etc. etc. Plus she needs Dalton, our son for his Social Security benefits he recieves for his cancer to survive, so between her and her Lawyer, Ms Pitre the plan was to make me out to be abusive, that way by law, Eva my wife can get the Green Card she wants and our son... See [Exhibit No. 11] Ms. Pitre tells Eva to beat her leg (upper thigh) and produce a bruise. She then takes photo's with her camera and brings them to the Texas Children's Hospital [TCH] to show another Socialworker, named Mital K. Brambhatt, who's worked with Dr, Dreyer in the past concerning other unruley fathers who seek child custody. See [Exhibit No.10].

The photo's were then given to Mital. My wife had signed consent forms toallow Mital to talk directly to Ms.Pitre, so Dr.Dreyer, Mital and Ms.Pitre are all in the know and talking about me, and my alleged behavior issues concerning the photo's. See [Exhibits No.24,24A & 37].

[NOTE] No.37, bottom line stating: SW also informed patient's physicain about these concerns and contacting attorney. This is an important line proving the crimes. Also see [Exhibit No.27-29] Concerning the possibility of a Green Card as well as No. 30-36] The [911] calls I made every time Eva came to the house to try and remove our son, provig [No violance or threats of violance ever occured], that's why this plan did not work. The hospital thought better about this too at the time and had Mital write an [Affidavit] explaining she had no knowledge of the authenticity of those photo's... See [Exhibit No.38]

Now that is three (3) attemptsthat this group made against me to take my son from me and all failed!

So they make yet another plot, this time Dr.Dreyer fabercates a lie using the [TCH] Medical Records as her tool, as well as her position and credibility to impose her own agenda to steal himaway fromme.

CRIMES

Hence onOctober 24,2012 Dalton has another appointment at the [TCH]. An Organization called the "Sunshine Kids" gave Dalton and I tickets to a Special Houston Astro's Baseball Team Event that same day,so the day before I called and asked to the earilest appointment and was give an [8:15 a.m.] appointment. We arrive early and at exactly [8:00 a.m.] the nurse arrives on the 11th Floor where we are waiting and has Dalton take a finger prick for a bllod sample. This sample gose to the [TCH] Lab. Once it's finished it will be accessible to Dr. Dreyer, who always brings it with her to our appointment to make notes on and it's a reciept, for that appointmeny. See [Exhibits No. 46,47 & 48] There trial transcritps taken during the trial for retaliation. Dr. Dreyer confirms this and in No.47-48 denies falsifying the [TCH] Medical Records, she did this also at the Annulment, but I'm not allowed those transcripts to cover-up thier crimes...

Now on the day of that appointment Dalton and I wait for [8:15 a.m.] but when it comes around nobody shows-up, sowe patiently wait. While we are waiting, Mitaland Dr. Dreyer are in the back having a meeting. Mital shows Dr. Dreyer the photo's Eva gave her and it was at that meeting Dr. Dreyer-

Dreyer and Mitalfabercated the Texas Children's hospital's Medical Records. See [Exhibit No.45] Dr.Dreyer states three (3) times in this smallparagraph that I ran out of my son's [SXT] Antibiotic medicine. Looking at the top left hand conner of all these medical records, you'll see the faxcile time and date. It was November 15,2012 wherein Dr. Dreyer or her accomplice, MitalK. Brahmbatt faxed this fabercated physical evidence to Ms. Pitre to be used and admited into evidence proving I medically neglectedmy son,afterthree (3) prior failed attempts. See [Exhibit No.19] Where the Montgomery County Child Protection Services ("Rule-Out") Dr. Dreyer's false allogations...

A typical [TCH] LabResult or Blood Count as seen in [Exhibit No.47] Wherein Dr. Dreyer stated: ("But we always print out blood counts to give to the families, so we can go through them and make notes for the families. See a typicalresult [ExhibitNo.49] And compare it to the Blood count for the day in question, [Exhibit No.50]]NOTE] Dr. Dreyer makes notes telling me to pick-up medicines I've already picked-up...

Once I complained to the [TCH] Compliance Director about Dr. Dreyer fabercating my son's medicalrecord. See [Exhibit No.51-52] It states that Dr. Dreyer is telling her that "It wasmethat told her I'd ran out of my son's [SXT] medicine on October 24, 2012. We can prove this to be a lie by several diffrent means.

1. Is the timeline of the events that took place that day. Looking back at [Exhibit No.24] the bottom line,Mitalis stating that she's already talked to Dr. Dreyer. The time on her report is [10:44 a.m.] The Blood count for that day is times at; [9:12 a.m.] and Dr. Dreyer fabercated medicalrecords is times at [8:45 a.m.] My appt.was for [8:15a.m.] which was a no show because Dr. Dreyer and Mital were busy fabercating the medical records, she later entered into the Records System at [8:45 a.m.] Our appointment had tobe after she fabercated the MedicalRecord atthat time and also after the Lab completed the Blood count at [9:12 a.m.] giving Mitalenough time toget back to her office andwrite that she'd already informed Dr.Dreyer about the faked photo's my wife gave her. Them the morning of the Child Custody Hearing they were faxed to Ms.Pitre, who'd been in prior communications with them in this plot. Wherein they were admited and did decieve the plaintiff's Associate judge,Judge Jennifer Robin, who thereafter orderedme to give my son to my wife and I wasforced into paying for Access Builds Children [ABC] wherein I was also ordered to pay for my wife to bring him there if I everwanted to see him again.

2. Also the Pharmacy reciepts clearly prove that I never ran out of the [SXT] Antibiotics, hence would have no reason to tell Dr. Dreyer I had. [Exhibit No.40] explains Dalton takes the [SXT] two (2) times per day on Friday, Saturday and Sundays. Thats six (6) per week and approx.twenty-four (24) pre month. [Exhibit No.41] shows the three (3) times I picked=-up Dalton's [SXT], starting 9/17/12 when I took him from school. I picked-up first(30) pills, then (24) and again (30) on 11/5/12. I returned my son on 11/15/12proving I never ran out.

3. Is the Storeyline of events.After three (3) other failed attempts all failing they resorted to crime. [Exhibit Nop.42-3) Show wherein Dr. Dreyer is stating I amgiving Dalton his medication and Dalton is telling her he is taking them, but this wason 9/26/12 when she

was still counting on her lies to [CPS] to stealmy son away fromme

This is why I was not allowed my defense, or witnesses. Once the plaintiff did all the dirty workhe could on me he goseon vacation tobe with his own son for Sprin Break and appoints Judge James Douglas Squire to take over. Judge Squire has hisown agenda and only wanted to appoint his realtofriend of (30) years, Nancy Rollins to replace my own realtor from Century 21. Nance worked for Coldwell Bankers Reality. More cullusion., however because he did not share the same interest with the plaintiff, he did not mind allowing me to submit just allittle evidence because he was himself curious. When I presented my evidence in part the Jury granted me ("Join Child Custody") but by that time it was too late to getManaging Conservatorship... [Exhibits No.54-56] Show Judge James D. Squire striking-out Dr. Dreyers medical neglect allogations typed in by my wifes Lawyer's who made up the Final Divorce Decree. Hence we have both [CPS]and this judge ruling itout also.

WITNESSES

Contrarry to [Exhibits no.7,8 & 150A-D] Wherein these Corporate attorney's and my defense counsel all lie about my witnesses negatively impacting my defense and other reasons, I have proved that they were all perfect professional witnesses. Judge Squire, RN,Haidacher, Socialworker, Okeke both from (Baylor) and Any Loggins the Montgomery County [CPS] Caseworker and her Supervisor, Pamela Thomas as well a John Colderron, the other father in [Exhibit No.10] were the States professional's to ascertain whether or not I had medically neglected my son and all proved that I did not and that Dr. Zoann Eckert Dreyer was lying and along with her accomplice, MitalK. Brahmbatt fabercated the physical evidence to lie to a United states District Court Judge in an official courtproceeding. Their crimes of:

1.Medical Records Fraud.
2. Aggrevated Perjury
3. Physical Evidence Fabercation
4. Criminal Conspiracy
5. Fraud in lying to [CPS]in an official investigation
6. False Imprisonment
7. Collusion
8. Racketeering

All this evidence wasbefore every judge in Texas and Fifth Circuit Judge Gregg Costa from Houston, Texas wherein the Corporations reside. Allinvolved in a Republican Party Alliance to cover-up Gov. Rick Perry's involvement, as he appointed at his discretion Dr. Irvin Zethler as Director of the Texas Medical Board, who also covered-up these Corporate crimes,because they were funding his political career.

Lunberry vs. Hornbeck, 605 F. 3d 754 (Ca9 2010), Due Process includes a rights to a meaningful opportnity to present a complete defense. Washington vs. State of Texas, 388 U.S. 14, 18 L.Ed2d 1029, 87 S. Ct. 1920 (1967).

The right of an accused to have compulsory process for obtaining witnesses in his favor stands on no lesser footing than the Sixth-

Amendmant rights that we have previously held applicable to the state. This Court had occasion In re Oliver, 333 U.S. 257, 68 S. Ct. 499.92 L.Ed. 682 (1948) to describe what it regarded as the most basic ingreients of due process of the law. The right to offer the testimony of witnesses,and to compel their attendance if necessary is in plan terms the right to present a defense, the right to present the defendant's version of the facts as well as the prosecutions to the jury so it may decide where the truth lies. Just as the accused has the right to confront the prosecutions's witnesses for the purpose of challenging their testimony, he has the right to present his own witnesses to establish a defense. [The judgement of conviction must be reversed].

Defense counselwas ineffective assistance of counsel for not putting on my defense and callingmy defense witnesses provingthe States witnesse crimes. They were all involved in a Statewide Republican Party cover-up to protect Gov. Rick Perry during his bid to become United States President. My YouTube video's calling him a "Child Molester"were distroying his chance to be elected and the Republican Party who had invested millions of dollars was mad, so they joined forces to protect one of their largest investor's and funders. The Texas Medical Board and all Texas Courts covered-up State Racketeering crimes and Collusion.I was just a two (2)time X-Con to them, but inreality I have been nothing but a victum of the State of Texas allmy life.

CLOSURE OF THE TRIAL

Brown vs. Andrews 180 F. 3d 403 (CA 2 1999), Also See Waller vs. Georgia, 467 U.S. 39, 48 104 S. Ct. 2210 (1984), the Supreme Court stated that closure of a criminal proceeding to the public was only justified if the followingfactors were meet: [1] the party seeking to close the hearing must advance an overriding interest that is likely to be prejudiced, [2] the closure most be no broader than necessary to protect that interest, [3] the trial court must consider resonable alternatives to the closing the proceedings, and [4] [the court] must make findings adequate to support the closure. [Writ Granted]. The trial was kept closed to ensure that nobody else knew what they were dojng,it was to ensure they were not caught railroadingme into prison to silence my freedom of speech exposing them to State Racketeering and Collusion crimes. Defense counsel and client were at a point of irreconcilabily. I had fired him five (5) times before the trial and again the morning of the trial. See [Exhibit No.106] The judge stated: ("He's been to the jail Friday and Saturady and I said "And I fired him both days, that is not enough time to get everybody subpoenaed that I wave to subpoena...

THE SENTENCES

The sentences that Judge Gilbert juxtaposed together were nothing more that I knew he was corrupted.I saw him at the Annulment talking to the Corporate attorney's before he started coveing-up for them.He's a Baylor graduate himself.He covered-up those crimes and I was smart enough to know if I went against a corruprt judge with my past, he nail me and he did, but I could not as a father simply give-up on my only son, I had no choice but tostand-upto them, sothese sentences clearly reflect that knowledge. Please help me decide if I should go to prison; I'm afraid of what I am thinking now; Whatever I do next I'm sure will have serius

11. He refused to object to the denial of a Chande of Vence.
12. He refused to object when the prosecutor was leading Mary Gilbert into afirming the elements for phone harassment.

The afforesaid should prove that counsel met Stricklands First prong.

Second the defendant must show that the deficient performance prejudiced the defense. This requires showing that counsel's errors were so serious as to deprive the defendant of a fair trial, a trial whose result is reliable.

The fact that I have proved that I had a dense that was greater than the defense usedie ("Freedom of Speech") and had supporting evidence and witnesses to corobborate that defense proving the State's witnesses crimes and the lies of Mary Gilbert, and that Judge Gilbert and Dr. Dreyer both had histories of making false allogations against others.

Had the jury known of the State's cover-ups and the state's witnesses lies and crimes and that I did not meet the elements for either offen, the result of the trial would have been substancially diffrent and a not not guilty would have resulted for both remaining charges. Counsel has meet both prongs of the Strickland test and a reversal of the conviction should be granted in this case.

U.S. Ex Rel. McCall v. O'Grady,908 F. 2d 170 (CA 7 1990)It was found that defense counsel has not represented the defendant to the satisfaction of the Sixth Amendment when counsel fails to pursue an impeaching cross-examination or present adiditional evidence that would in all reasonable probility cast a reasonable doubt on the testimony of the goverments main witness.McCall, 714 F. Supp. at 379. [Remand to the District court for an evidentiary hearing under Strickland].

JURY INSTRUCTION DURING DELIBERATIONS

When a jury explicitly request a supplimental instruction, a trial court must take great care to ensure that any supplimental instructions are accurate [and] clear. United States v. Jenkins-Watts,574 F.3d 940 (8th Cir. 2009).

Instead the trial judge refused to even give the jury any instructioon because their plan was to keep them all in the dark throughout the proceedings, keep the tial one-sided and then once their in deliberations refuse toanswer any of their questions in hopes that they'll make a wrongful conviction and be able tosilence my freedom of speech exposing Gov. RickPerry and the plaintiff ect. The plaintiff was instramanrtal in that he was a judge and had his own courthouse and friends,the denial of a Change of venue, Bail was all partof the plan to prevent any further exposure and aid Gov.Rick Perry at all cost to become the United States President.

Gomez vs. Beto,462 F.2d 596, 597 (5th Cir. 1972) ("When a defense counsel fails to investigate his clients only possible defense, although requested to do so by him and fails to subpoena witnesses in support of the defense, it can hardly be said that the defendant has had the effective assistance of counsel").

This Fifth Circuit Case should have taken presidence and been honored by the Fifth Circuit, however Justice Gregg Costa, from Houston, Texas where he has an office, honors only Houston, Texas Corporations willing to pay out back-handed bribes. These Corporations have been financing their cover-up starting with my Annulment when they paid out over One'Million dollars or brainsurgeries, attorney's, provate investigator's,courriers and photographer's, as well as bring expert witnesses to testify about my wife's recovery, to which she have never recovered.

Boyd vs. Estelle,661 F.2d 388, 390 (5th Cir. 1981)("Complaints of uncalled witnesses are not favorable in federal habeas review"). Again ignored...

Soffar vs. Dreke,368 F.3d 441, 473-74 (5th Cir. 2004)("trial counsel was ineffective when he failed to interview exculpatory witnesses").

STANDARDS

Bryant vs. Scott, 28 F.3d 1411, 1419 (5th Cir. 1994)("duty to investigate includes obligation to investigate all witnesses who may have information concerning his or her client's guilt or innocence").

Nealy vs. Cabana, 764 F. 2d 1173, 1177 (5th Cir. 1985)("at a momimum counsel has the duty to interview potential witnesses and to make an independant investigation of the facts and circumstances of the case").

Hardin vs. Estelle, 484 F. 2d 944 (5th Cir. 1973)("this court held that relief should be granted for denial of compulsory process of witnesses"). Again this did not apply tome, due to the cover-ups...

Ex Parte Wingfield, 162 Tex. Crim. 112 282 S.W. 2d 219 (1955); Colbroth vs. Wainwright, 466 F2 1193 (5th Cir. 1972)("the only exception is if you can draw that there was no evidence on the crucial "element" of the offense forewhich you were convicted"). It's obvious that the element of (anonymously) wasdeleted from Count No.(1), hence the jury was unable to even consider it during their deliberation...

CONSTITUTIONAL LAW

Allpersons born or naturalized in the United States are subject to the jurisdiction thereof, are citizen's of the Unnited States wjerein they reside. No state shall make or enforce any law which shall abridge the privileges or immunites of citizens of the United States, nor shall any atate deprive any person of life, liberty or property without due process of the law, nor deny to any person within it's jurisdiction the equal protections of the laws.

United States v. Shabban, 612 F. 3d 693, 698 (D.C. 2010)("case remanded on ineffective assistance issue where trial counsel failed to adequately investigate and call witnesses").

United States v.Williamson, 185 F. 3d 458, 463-64 (5th Cir.)("counsel's failure tocite directly controlling precedent was ineffective assistance").

United States v. Samaniego, 532 Fed. Appx. 531 (5th Cir, 2013)("trial counsel was ineffective when he failed to file a motion to suppress defendant's confession).

United States v. Tucker, 716 F. 2d 576, 585-87 (9th Cir. 1983)("counsel's failure to impeach witnesses with prior inconsistant statements was ineffective assistance"). Counsel knew of Dr.Dreyer's crimes as he was given all the evidence, as well he heard Mary Gilbert lie on the witness stand,yet the only person to question her was the prosecutor...

INEFFECTIVE APPEALATE COUNSEL

United States v. Youla, 241 F. 3d 296, 300 (3rd Cir. 2001)("counsel who files an Anders brief must satisfy the court that he has throughly examined the record in search of appealable issues and explain why the issues are frivolous.

Appealte counsel citing ground as ("Unassigned error") asking the judge to determine whether their were issues of appeal was ineffective assistance").

PRAYER

It is the prayer of the defendant, that after serving seven (7) years in prison for crimes he did not commit and being denied all his constitutional rights by Conspirator's in a Chain Conspiracy to have me intentionally wrongfully imprisoned to silece me from exposing state collusion and racketeering crimes and Corporate and for the irrepairable damage done to the husband / wife relationship and the father / son relationship for those years...It is the extreme desire that the Supreme Court make a clear and concise judgment inwhich future civil actions can rely upon, not omitting the State's involvement is conspiracy and racketeering crimes and collusion being the reason for this false imprisonment.

RELIEF

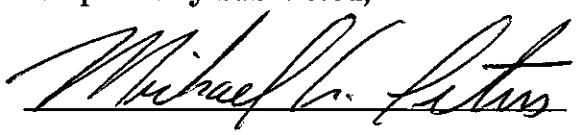
The defendant ask for acquittal's to both Count No. (1) and (3) of the indictment and any other relief that this Court allows. I would seek federal protections from further state retaliations and a federal investigation into State Racketeering and Collusion crimes and False Imprisonment. As well defendant asked to be put into the Federal Witness Protection Program with a full identifacation change and relocation to another state immediately upon release.

CONCLUSION

American citizen's should not be intentionally wrongfully imprisoned to stop the people for exposing State Racketeering and Collusion crimes.

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: August 4, 2021