

NUMBER-21-5490

IN THE
SUPREME COURT OF THE UNITED STATES

RE JOSEPH MONTREL BOURGEOIS

VS.

BOBBY LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF
CRIMINAL JUSTICE CORRECTIONAL INSTITUTIONS
DIVISION.

PETITION FOR REHEARING

RULE-44,2

INTERVENING CIRCUMSTANCES OF A
SUBSTANTIAL AND CONTROLLING EFFECT

[BIRCHFIELD VS. NORTH DAKOTA, 136 U.S. 2160 [2016]
WARRANTLESS BLOOD DRAWS APPLIES TO MY CASE
RETROACTIVE ON COLLATERAL REVIEW

PETITIONER

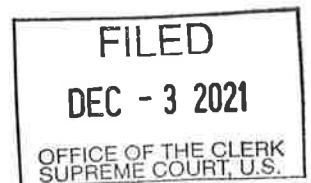
JOSEPH MONTREL BOURGEOIS
2048808

JESTER III UNIT

3 JESTER ROAD

RICHMOND, TEXAS

77406



PETITION FOR REHEARING

THE REQUEST RELIES ON A INTERVENING CHANGE OF LAW AS REQUIRED BY RULE 44.2 INTERVENING CIRCUMSTANCE OF A SUBSTANTIAL AND CONTROLLING EFFECT AS DETERMINED BY THE SUPREME COURT OF THE UNITED STATES.

[BIRCHFIELD VS. NORTH DAKOTA, 136 U.S. 2160 (2016) WARRANTLESS BLOOD DRAW APPLIES TO MY CASE.

ON JANUARY 25, 2016, MY LAWYER GREG RUSSELL HAD ME TO PLEA TO FIFTEEN YEARS IN PRISON FOR THE OFFENSES OF [INTOXICATION MANSLAUGHTER] AND INTOXICATION ASSAULT ALL ARISING FROM THE SAME INCIDENT. THE BIRCHFIELD RULING DID - NOT COME OUT UNTIL AFTER MY SENTENCE WAS IMPOSED. [MY BLOOD WAS TAKEN WITHOUT A [SEARCH WARRANT] FROM ME ON MAY 02, 2014.

BIRCHFIELD VS. NORTH DAKOTA, APPLIES TO MY CASE. RELIEF SHOULD BE GRANTED.

PETITION FOR REHEARING

28 U.S.C. 2241 - POWER TO GRANT WRIT (A)(C)(3)
28 U.S.C. 2244 - FINALITY OF DETERMINATION (A)(C)
28 U.S.C. 2253 - APPEAL (B)(2)
28 U.S.C. 2254 - REMEDIES IN FEDERAL COURTS (A)(i)

RULE-44.2
OTHER SUBSTANTIAL GROUNDS NOT PREVIOUSLY
PRESENTED.

TEXAS AMENDED ITS CONSTITUTION AFTER MY
CONVICTION, SENTENCE IMPOSED JANUARY 25,
2026 I DISCOVERED ON APRIL 01, 2015

THAT TEXAS RULES OF EVIDENCE RULE-102
EFFECTIVE DATE APRIL 01, 2015,

ARTICLE-1 SECTION-9 [SEARCH AND SEIZURE]
STATES ANY EVIDENCE OBTAINED OUTSIDE OF A
SEARCH WARRANT - MUST BE EXCLUDED FROM TRIAL.
IT - ALSO STATES THAT THE U.S. CONSTITUTION AND
OTHER STATUTORY PROVISIONS TAKE PRECEDENCE
OVER ANY OTHER RULES. [MY BLOOD WAS TAKEN
WITHOUT A SEARCH WARRANT.

THEY ALSO USED THE INTOXICATION ASSAULT
FROM THE INCIDENT TO RAISE MY OFFENSE
LEVEL.

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JOSEPH MONTREL BOURGEOIS PETITIONER

VS.

BOBBY LUMPKIN

RESPONDENT

CERTIFICATE OF SERVICE

I JOSEPH MONTREL BOURGEOIS DO SWEAR OR DECLARE THAT ON THIS DATE NOVEMBER 25, 2022 AS REQUIRED BY SUPREME COURT RULE 29 I HAVE SERVED THE PETITION FOR REHEARING ON RESPONDENT'S COUNSEL AND ON EVERY OTHER PERSON REQUIRED TO BE SERVED, BY DEPOSITING AN ENVELOPE CONTAINING THE DOCUMENTS IN THE UNITED STATES MAIL PROPERLY ADDRESSED TO EACH OF THEM AND WITH FIRST CLASS POSTAGE PREPAID OR BY DELIVERY TO A THIRD PARTY COMMERCIAL CARRIER FOR DELIVERY WITHIN 3 CALENDAR DAYS.

THE NAMES AND ADDRESSES OF THOSE SERVED ARE AS FOLLOWS, [KEN PAXTON-ATTORNEY GENERAL OF TEXAS POST OFFICE BOX 12548 AUSTIN, TEXAS 78711

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON NOVEMBER 25, 2022.

SIGNATURE
Joseph Montrel Bourgeois