

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

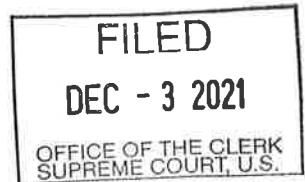
PETITIONER

JOSEPH MONTREL BOURGEOIS
2048808

JESTER III UNIT
3 JESTER ROAD

RICHMOND, TEXAS

77406



PETITION FOR REHEARING

THE REQUEST RELIES ON A INTERUENING CHANGE
OF LAW AS REQUIRED BY RULE 44.2
INTERUENING 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 FIFTHEEN 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)
28 U.S.C. 2254

RULE-44.2
OTHER SUBSTANTIAL GROUNDS NOT PREVIOUSLY
PRESENTED.

TEXAS AMENDED ITS CONSTITUTION AFTER MY
CONVICTION, SENTENCE IMPOSED JANUARY 25,
2016 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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IN THE
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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, 2021 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 22548 AUSTIN, TEXAS 78711
I DECLARE UNDER PENALTY OF PERJURY THAT
THE FOREGOING IS TRUE AND CORRECT,
EXECUTED ON NOVEMBER 25, 2021.


Joseph Montrel Bourgeois

SIGNATURE