

21-5568  
No. \_\_\_\_\_

ORIGINAL

Supreme Court, U.S.  
FILED

AUG 31 2021

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

CARL ANTHONY WILSON <sup>PRO-SE</sup>  
— PETITIONER  
(Your Name)

vs.

BOBBY LUMPKIN — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FIFTH CIRCUIT COURT OF APPEALS

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

CARL ANTHONY WILSON #2045989  
(Your Name)

JESTER UNIT 3 JESTER ROAD  
(Address)

RICHMOND, TEXAS 77406  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

#### QUESTION(S) PRESENTED

CAN A DISTRICT ATTORNEY WITHHOLD BLOOD TEST NUMBERS FAVORABLE TO A DEFENDANT AFTER HE HAS BEEN TOLD - TO TURN OVER EVIDENCE FAVORABLE TO THE DEFENDANT? A MOTION FOR EVIDENCE FAVORABLE TO THE DEFENDANT WAS GRANTED? IS THIS A BRADY VIOLATION?

CAN A DISTRICT ATTORNEY EXCLUDE ALL BLACK JURORS FROM THE PETIT JURY? BUT PLACE A MEMBER OF MOTHERS AGAINST DRUNK DRIVERS ON THE PETIT JURY? JUROR NUMBER-30

CAN THE POLICE TAKE - A PERSON'S BLOOD WITHOUT A BLOOD SEARCH WARRANT OR COURT ORDER? IS THAT A VIOLATION OF MY OR A PERSON'S CIVIL OR CONSTITUTIONAL RIGHT?

IS IT LEGAL FOR A PROSECUTOR TO - PRESENT TO - A JURY EVIDENCE HE WAS ORDERED TO - TURN OVER TO - THE DEFENDANT BUT DID - NOT? JUDGE CHRISTI KENNEDY ORDERED THE PROSECUTOR "TO TURN OVER EVIDENCE FAVORABLE TO THE DEFENDANT IS THIS LEGAL?

CAN A COURT REFUSE TO HONOR A UNITED STATES SUPREME COURT RULING ON RETROACTIVE, CHANGE OF LAW?

IS A LAWYER INEFFECTIVE FOR FAILURE TO FILE A MOTION FOR SUPPRESSION OF BLOOD EVIDENCE OBTAINED IN VIOLATION OF THE FOURTH AMENDMENT TO - THE UNITED STATES CONSTITUTION?

IS IT OK FOR THE PROSECUTOR TO PLACE A WITNESS ON THE WITNESS STAND WHO LIES ABOUT FACTS CONCERNING A PERSONS, CONSENT, A WARRANT, AND FOUR DIFFERENT SETS OF NUMBERS?

## LIST OF PARTIES

☒ 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:

### RELATED CASES

114<sup>TH</sup> DISTRICT COURT OF SMITH COUNTY, TEXAS] CAUSE NUMBER 114-0948-15] CONVICTED JANUARY 13, 2016, 60 YEARS PRISON TWELFTH COURT OF APPEALS OF TEXAS AFFIRMED CONVICTION NUMBER-12-16-00014-CR, 2016, TYLER, TEXAS SEPTEMBER 12, 2016 PETITION REFUSED].

TEXAS COURT CRIMINAL APPEALS [P.D.R.] WAS REFUSED] NO PD-1263-16 [TEX. APPEALS-2017], STATE HABEAS DENIED ON JUNE 09, 2020, UNITED STATES DISTRICT COURT, TYLER DIVISION, CIVIL ACTION NO. 6:18 CV 492] CASE DISMISSED WITH PREJUDICE]

UNITED STATES COURT OF APPEALS FIFTH CIRCUIT] DENIED A REQUEST FOR A CERTIFICATE OF APPEALABILITY] ON JUNE 24, 2021

SUPREME COURT OF THE UNITED STATES, NO-DECISION HAS BEEN MADE BY THE COURT.

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### INDEX TO APPENDICES

APPENDIX A	TEXAS COURT CRIMINAL APPEAL DENIED ON 7-28-18 PETITION-ARTICLE 11.07 DENIED ON THE FINDINGS OF TRIAL COURT. DIRECT APPEAL AFFIRMED. 9-12-16
APPENDIX B	PETITION DENIED NO-CONTROVERTED ISSUES 114 DISTRICT COURT SMITH COUNTY, TEXAS, TYLER, TEXAS
APPENDIX C	PETITION WAS DENIED ON FINDINGS OF THE TRIAL COURT. DID NOT STATE IF OPINIONS
APPENDIX D	WERE PUBLISHED.
APPENDIX E	C.O.A DENIED JUNE 24, 2021 UNITED STATES COURT OF APPEALS FIFTH CIRCUIT DENIED CERTIFICATE OF APPEALABILITY.
APPENDIX F	UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TEXAS, TYLER DIVISION WRIT OF HABEAS CORPUS 2254 WAS DISMISSED WITH PREJUDICE, JUNE 09, 2021
APPENDIX G	SECOND REQUEST FOR A C.O.A. DENIED ON AUGUST 04, 2021. UNITED STATES COURT OF APPEALS. FIFTH CIRCUIT.

## TABLE OF AUTHORITIES CITED

### CASES

### PAGE NUMBER

- [BATSON VS. KENTUCKY, 476 U.S. 79 [1986], CASE REVERSED], EXCLUSION OF BLACKS FROM THE JURY. (2)
- [BIRCHFIELD VS NORTH DAKOTA, 136 U.S. 2160 [2016] (2)  
RETROACTIVE APPLICATION ON COLLATERAL REVIEW
- [WARRANTLESS BLOOD DRAW - URINE ALSO] NONEXISTENT CRIME?
- BRADY VS. MARYLAND, 373 U.S. 83 [1963] WITHHOLDING EVIDENCE FAVORABLE TO A DEFENDANT] CASE REVERSED (2)
- [MASSARO VS. UNITED STATES, 538 U.S. 500 [2003] EXCEPTION (2)  
INEFFECTIVE ASSISTANCE CLAIM], COLLATERAL REVIEW].
- [STRICKLAND VS. WASHINGTON, 466 U.S. 668 [1984], I.A.C.,  
STATUTES AND RULES
- THE AEDPA "CAUSE AND INNOCENCE RULE, 28 U.S.C. 2244(A) (2)  
RETROACTIVE (b)(2). THE CLAIM RELIES ON (i) A NEW  
RULE OF CONSTITUTIONAL LAW MADE [RETROACTIVE] TO  
CASES ON COLLATERAL REVIEW BY THE SUPREME COURT  
THAT WAS PREVIOUSLY UNAVAILABLE.
- [28 U.S.C. 2244(A) RETROACTIVE (b)(2)
- [28 U.S.C. DOCUMENTARY EVIDENCE, 28 U.S.C. 2247
- [28 U.S.C. APPEAL 2253

### OTHER

MASSARO VS. UNITED STATES, 538 U.S. 500 [2003]  
[EXCEPTION FOR INEFFECTIVE ASSISTANCE CLAIMS]  
FACTS MAY NOT BE FULLY DEVELOPED IN-TIME - TO  
PRESENT THEM ON [DIRECT-APPEAL] ACCORDINGLY AN  
INEFFECTIVE ASSISTANCE CLAIM BY A PRISONER MAY BE  
BROUGHT IN A COLLATERAL PROCEEDING. 28 U.S.C. 2254

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 A to the petition and is

☐ reported at THE COURT DID NOT SAY; or, C.O.A. DENIED  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the United States district court appears at Appendix A to the petition and is

☐ reported at THE COURT DID NOT STATE; or, C.O.A. DENIED  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished. PETITION DISMISSED WITH PREJUDICE

☐ For cases from state courts:

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

☐ reported at THE COURT DID NOT STATE; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished. PETITION DENIED ON THE FIND. OF TRIAL COURT,

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

FOURTH AMENDMENT UNITED STATES CONSTITUTION  
PROTECTION FROM UNREASONABLE SEARCHES AND SEIZURES". THE RIGHT OF THE PEOPLE TO BE SECURE IN THEIR PERSONS, HOUSES, PAPERS, EFFECTS, AGAINST UNREASONABLE" SEARCHES AND SEIZURES, SHALL NOT BE VIOLATED, AND NO WARRANT SHALL ISSUE, BUT UPON PROBABLE CAUSE SUPPORTED" BY OATH OR AFFIRMATION AND PARTICULARLY DESCRIBING THE PLACE TO BE SEARCHED, AND THE PERSON OR THINGS TO BE SEIZED. WARRANTLESS BLOOD DRAW.

FIFTH AMENDMENT UNITED STATES CONSTITUTION  
PROVISIONS CONCERNING PROSECUTION AND DUE-PROCESS OF LAW, NOR BE DEPRIVED OF LIFE LIBERTY, OR PROPERTY WITHOUT DUE-PROCESS OF LAW; NOR SHALL PRIVATE PROPERTY BE TAKEN FOR PUBLIC USE, WITHOUT JUST COMPENSATION, MY BLOOD"  
[ PLACING LYING WITNESSES ON THE WITNESS STAND AND ALSO WITHHOLD EVIDENCE FAVORABLE TO - THE ACCUSED THAT WAS MATERIAL TO GUILT OR INNOCENCE. VIOLATING BRADY?  
[SIXTH AMENDMENT] EFFECTIVE ASSISTANCE OF COUNSEL].

FOURTEENTH AMENDMENT TO - THE UNITED STATES CONSTITUTION  
[CITIZENSHIP RIGHTS NOT-TO BE ABRIDGED] NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABRIDGE THE PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE UNITED STATES; NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY, WITHOUT" DUE-PROCESS OF LAW; NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAWS.  
THE LAB TECH KAREN REAM TESTIFIED SHE TEST. FOUR BLOOD SAMPLES AND CAME UP WITH FOUR DIFFERENT NUMBERS? FROM TESTING THE SAME BLOOD? THEN SHE STATED SHE ADDED THE NUMBERS TOGETHER THAT'S HOW SHE CAME UP WITH THE 0.153? I THOUGHT IF THE BLOOD CAME FROM THE SAME PERSON ALL THE NUMBERS SHOULD BE THE SAME. ALL NUMBERS SHOULD ③ MATCH?

### STATEMENT OF THE CASE

ON MAY 03, 2015 ME AND MY WIFE STEPHANIE WILSON, ME CARL ANTHONY WILSON WERE PULLED OVER FOR SPEEDING? I WAS TAKEN TO SMITH COUNTY JAIL AT 10:24<sup>PM</sup> MAY 03, 2015 AT 12:27<sup>AM</sup> MAY 04, 2015 MY BLOOD WAS FORCEFULLY TAKEN FROM ME BY A BUNCH OF SHERIFF DEPUTIES AND JAILOR'S, I ASKED IF THEY HAD A BLOOD SEARCH WARRANT THEY DID NOT SAY ANYTHING" THEY SAID THAT I CONSENTED TOO, IT, THE BLOOD DRAW. I DID NOT. THE LAB TECH TESTIFIED THAT-TESTING OF THE BLOOD PRODUCED FOUR DIFFERENT SETS OF NUMBERS, FROM THE SAME TESTING OF THE SAME BLOOD? HOW IS - THIS POSSIBLE? THE ASSISTANT... DISTRICT ATTORNEY JACOB PUTMAN WITH-HELD THOSE SAME FOUR NUMBERS" HE WAS ORDERED TO -TURN OVER EVIDENCE FAVORABLE TO -THE DEFENDANT ME CARL ANTHONY WILSON" HE DID-NOT DO -SO HE PRESENTED THOSE NUMBERS TO THE JURY DURING MY TRIAL AND I GOT SIXTY YEARS IN PRISON FOR WHAT? THE NURSE FROM THE BLOOD-DRAW MAY 03, 2015 RONALD HOLT LIED ABOUT VERIFYING A WARRANT, OFFICER JASON RAILSBACK TESTIFIED THAT HE WAS 100% MAY 01, 2015 SURE IT WAS BECAUSE HE WROTE IT DOWN IN HIS LITTLE BLACK BOOK THAT'S WHAT HE ALSO TOLD THE JURY THE PROSECUTION ALSO GOT HIM TO SAY MAY 02, 2015? THE PROSECUTOR JACOB PUTMAN ALSO GOT OFFICER JASON RAILSBACK TO COMMIT PERJURY SAYING I CONSENTED TO -THE WARRANTLESS BLOOD DRAW? I HAVE EXHIBITS IN-TOW WITH THIS PETITION TO SHOW DIFFERENT. JASON RAILSBACK WAS (4) LOOKING FOR DRUGS HE SEARCHED MY CAR?



## STATEMENT OF THE CASE

MY APPEAL ATTORNEY AUSTIN REEVE JACKSON FILED A FRIVOLOUS APPELLATE BRIEF. MR. JACKSON STATED ON HIS BRIEF THAT MR. MELVIN THOMPSON WAS INEFFECTIVE FOR FAILURE TO OBJECT TO JASON PUTMAN'S COMMENT ABOUT PRISON GOOD TIME AND PAROLE LAW. MELVIN THOMPSON DID OBJECT TO THE JURY CHARGE AT THE BENCH. AUSTIN REEVE JACKSON FAILED TO FILE A MOTION TO SUPPRESS THE WARRANTLESS BLOOD TEST ON THE FIRST DIRECT APPEAL IN THE 12TH COURT OF APPEALS, TYLER, TEXAS. HE ALSO FAILED TO ARGUE ABOUT THE BRADY VIOLATION THAT TOOK PLACE DURING THE PROCEEDINGS IN MY JURY TRIAL. MR. JACKSON DID NOT ADVOCATE FOR ME IS IT BECAUSE I'M A BLACK PERSON?

IN A CASE FROM 241ST JUDICIAL DISTRICT COURT OF SMITH COUNTY TEXAS, TYLER [WHITE-MAN]. TR. COURT NUMBER 241-1540-12] CASE WAS REVERSED AND REMANDED FOR FURTHER PROCEEDINGS. [WARRANTLESS-BLOOD DRAW].

SAMUEL C. GENTRY VS. STATE OF TEXAS, TRIAL COURT NUMBER 242-1540-12] APPEAL COUNSEL FOR GENTRY AUSTIN REEVE JACKSON] AUSTIN REEVE JACKSON DID NOT ADVOCATE FOR ME CARL ANTHONY WILSON. HE DID NOT DO ANYTHING FOR ME AT ALL HE WENT AFTER MR. MELVIN THOMPSON WHO HAPPENS TO BE BLACK.

## STATEMENT OF THE CASE

THE OPINION WAS DELIVERED AUGUST 27, 2014  
THE PANEL CONSISTED OF WORTHEN, C. J., GRIFFITH, J.  
AND HOYLE, J. AT THE TIME OF DECISION JAMEST.  
WORTHEN WAS THE CHIEF JUSTICE.

THE COURT REVERSED THE CASE BECAUSE OF THE RULING  
IN MCNEELY VS. MISSOURI, 133 S. CT. AT 1552.  
THE OPINION IN MCNEELY CAME DOWN APRIL 17, 2013  
SEE AULES, 134 S. CT. AT 902, THEY CONCLUDED THAT THE  
SUPREME COURT INTENDED ITS DECISION IN MCNEELY  
TO APPLY RETROACTIVELY. IF ATTORNEY AUSTIN REEVE  
JACKSON HAD OF FILED THE PROPER BRIEF I HAVE  
NO DOUBTS ABOUT MY FREEDOM. AUSTIN REEVE  
JACKSON ALSO FAILED TO OBJECT TO - THE BATSON  
VIOLATION ON THE SEATING OR EMPANELING OF THE  
PETIT JURY. ONE OF ITS MEMBERS JUROR NUMBER  
30 STATED THAT SHE WAS ASSOCIATED WITH THE  
GROUP MOTHERS AGAINST DRUNK DRIVERS SHE WAS  
SEATED ON THE PETIT JURY. BUT ALL BLACK  
PEOPLE WERE STRUCK FOR CAUSE. I'M BEGGING  
THE UNITED STATES SUPREME COURT TO PUT  
A STOP TO THIS INJUSTICE IN TYLER, TEXAS  
AND ALL OVER THE COUNTRY, PLEASE BROADEN  
THE RULES. MY NAME IS CARL ANTHONY WILSON  
AND I GOT A RAW DEAL I GOT SIXTY 60 YEARS FOR,  
BUT I'M STILL A FIRM BELIEVER IN OUR JUSTICE  
SYSTEM. JESUS CHRIST IS MY LORD AND SAVIOR.

# STATEMENT OF THE CASE

APPEAL ATTORNEY AUSTIN REEVE JACKSON DID NOT INVESTIGATE MY CASE." CARL ANTHONY WILSON IF HE WOULD HAVE INVESTIGATED HE WOULD HAVE DISCOVERED THAT THE [POSSESSION OF MARIJUANA CHARGE IN CAUSE NUMBER 7-89-633 7TH DISTRICT COURT PLEA BARGIN ON JANUARY 22, 1990 IS NOW A STATE JAIL FELONY AND HAS BEEN SINCE 1997]. BECAUSE THE TEXAS LEGISLATURE AMENDED TEXAS PENAL CODE ANN. 12.42 AFTER MY CONVICTION, THE SENTENCE IMPOSED UPON ME EXCEEDS THE STATUTORY MAXIMUM BY 50 YEARS! BECAUSE I WAS CHARGED WITH POSSESSING UNDER FIVE POUNDS, OF MARIJUANA NOW A STATE JAIL FELONY.

TEXAS CONTROLLED SUBSTANCES ACT  
PUNISHMENT RANGES

HEALTH AND SAFETY CODE PENALTY GROUP 2-A  
H.S.C. 481.1161

MORE THAN 4 OZ. TO 5 POUNDS MARIJUANA  
STATE JAIL FELONY. I HAD LESS THAN FIVE POUNDS.

# STATEMENT OF THE CASE

## UNDER SECTION 12.42

~~STATE JAIL FELONY CANNOT BE FURTHER ENHANCED~~  
AS A REGULAR FELONY. AND A MOTION TO QUASH  
SHOULD HAVE BEEN GRANTED. IF AUSTIN REEVE  
JACKSON WOULD HAVE FILED A MOTION TO QUASH,  
UNDER SECTION 12.42 (E)

TEXAS PENAL CODE C. SUPP. (2012) ONLY REGULAR  
FELONIES CAN BE USED TO ENHANCE OFFENSES  
DESIGNATED BY SECTION 12.42 (B)(C) OR (D).

APPEAL ATTORNEY AUSTIN REEVE JACKSON FAILED  
TO ARGUE THAT MY TIME EXCEEDS STATUTORY  
MAXIMUM. THE POSSESSION OF MARIJUANA  
CONVICTION IS ONE OF THE PARAGRAPHS THAT  
IS CHARGED IN THE INDICTMENT.

IN CAUSE NUMBER 7-89-633 7TH DISTRICT  
COURT OF SMITH COUNTY, TEXAS TYLER  
APPEAL ATTORNEY AUSTIN REEVE'S JACKSON DID  
NOT ADVOCATE FOR ME. I TOLD HIM THAT  
THE POLICE DID NOT HAVE A WARRANT FOR  
MY BLOOD, I ALSO WROTE AND I TOLD MR.  
JACKSON DURING MY DIRECT APPEAL BEFORE  
HE FILED THAT FRIVOLOUS BRIEF TO FILE FOR  
SUPPRESSION OF THAT BLOOD TEST. LIKE HE DID  
IN THE SAMUEL C. GENTRY CASE. CASE GOT REVERSED.

#### REASONS FOR GRANTING THE PETITION

THE COURT RULED IN *BIRCHFIELD VS. NORTH DAKOTA* 136 U.S. 2160], POLICE CANNOT USE SANCTIONS TO COMPEL A WARRANTLESS BLOOD DRAW. ALSO WARRANTLESS BLOOD DRAWS OR A NONEXISTENT CRIME THIS CRIME NO-LONGER EXIST?

THE COURT RULED [HELD] IN *MASSARO VS. UNITED STATES*, 538 U.S. 500 [2003].

AN INEFFECTIVE ASSISTANCE CLAIM BY A STATE PRISONER MAY BE BROUGHT IN-A COLLATERAL PROCEEDING UNDER 28 U.S.C. 2254 WHETHER OR NOT ISSUE COULD HAVE BEEN RAISED ON DIRECT APPEAL.

I'M ASKING THE UNITED STATES SUPREME COURT TO BROADEN THE PROTECTION THAT THE CONSTITUTION DEMANDS I DID NOTHING TO DESERVE 60 YEARS IN PRISON! IT'S A LOT OF PEOPLE IN-THIS PRISON AND THEY ARE SCARED. IT WAS AND IS A LOT OF PROSECUTORIAL MISCONDUCT INVOLVED IN MY CASE AND OVER 80% OF THE CASES IN-THE STATE OF TEXAS, THEY CARE ABOUT CONVICTIONS IT-DOES NOT MATTER IF YOU DID ANYTHING OR-NOT. PLEASE UNITED STATES SUPREME COURT HELP SAVE INNOCENT PEOPLE FROM THE STATES THAT CARE ABOUT WIN AT-ALL COST AND CONVICTS. PLEASE COME UP WITH SOME LAWS TO PROTECT ALL PEOPLE FROM THIS PRISON MACHINE IT'S LEAVING FACTUALLY INNOCENT PEOPLE'S RIGHTS UP.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Paul D. Anthony Wilson

23RD  
Date: AUGUST 23, 2022

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

CARL ANTHONY WILSON <sup>PRO-SE</sup>  
(Your Name) — PETITIONER

VS.

BOBBY LUMKIN — RESPONDENT(S)

**PROOF OF SERVICE**

I, CARL ANTHONY WILSON, do swear or declare that on this date, AUGUST 19<sup>TH</sup>, 2021, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above 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:

OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
KEN PAXTON POST OFFICE BOX 12548  
AUSTIN, TEXAS 78712-2548

I declare under penalty of perjury that the foregoing is true and correct.

Executed on AUGUST 19<sup>TH</sup>, 2021

Carl Anthony Wilson  
(Signature)