

No. 21-5692

FILED
AUG 13 2021
OFFICE OF THE CLERK
SUPREME COURT, U.S.

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

THOMAS GEORGE CRDAYBEEK — PETITIONER
(Your Name)

vs.

Bobby Lumpkin - TACS - ID — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

THOMAS GEORGE CRDAYBEEK
(Your Name)

2101 FM 369 NORTH
(Address)

LOMA PARK, TEXAS 76367
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- ACCORDING TO THE UNITED STATES CONSTITUTION AMENDMENT V AND CLEVELAND BOARD OF ED. V. LOUDERMILL, 105 S.Ct. 1487 (1985), Am I NOT ENTITLED TO THE RIGHT TO DUE PROCESS?
- ACCORDING TO THE UNITED STATES CONSTITUTION AMENDMENT VI AND SMITH V. PHILLIPS, 455 U.S. 209, 224 102 S.Ct. 940, 949, 71 L.Ed 2d 78 (1982), Am I NOT ENTITLED TO PROTECTION FROM A BIAS JURY TO WHICH DOCTRINE EXTENDS TO COVER IMPLIED BIAS?
- DID NOT THE UNITED STATES COURT OF APPEALS OWE ME THE MINISTERIAL DUTY OF PROVIDING A FULL AND FAIR HEARING AS AN ARTICLE III COURT?
- ACCORDING TO 28 USC § 2253 (c)(2) AND: SLACK V. MCDONIGL, 529 U.S. 473, 483 (2000), DOES MY IMPLIED BIAS CLAIM WITH APPROPRIATE SUPPORTING EVIDENCE NOT CONSTITUTE THE SUBSTANTIAL SHOWING OF THE DENIAL OF A CONSTITUTIONAL RIGHT?
- DOES A COURT HAVE A DUTY TO RECOGNIZE EVIDENCE IN A DEFENDANT'S FAVOR?
- WAS IT ABUSE OF DISCRETION FOR JUDGE HIGGINSON TO OPINE IN CONFLICT OF: REMMER 11, 350 U.S. 377 (1956); SMITH V. PHILLIPS, 455 U.S. 209 (1982); BROOKS V DRETKE, 444 F.3d 328 (5th Cir 2006); URANGA V. DAVIS, 893 F.3d 282 (5th Cir 2018); AND JAINES V. KERNER, 404 U.S. 519 (1972)?
- IS IT FUNDAMENTALLY UNFAIR WHEN PROCEDURAL DUE PROCESS IS HINDERED THEREBY CREATING CONDITIONS WHICH PREJUDICE A PRO SE LITIGANT?
- IS, AS STATED IN THE OPINION BY THE FIFTH CIRCUIT COA, IMPLIED JUDGE BIAS CLAIM AN OPEN QUESTION OF CLEARLY ESTABLISHED FEDERAL LAW, AND IF SO, IS THE SUPREME COURT OF THE UNITED STATES CAPABLE AND WILLING TO ADDRESS THE ISSUE BY ESTABLISHING A STANDARD FOR THE COURTS TO FOLLOW AS APPARENTLY IS NEEDED AND/OR NECESSARY?
- IS IT FAIR TO HAVE AN OFFICER OF THE COURT ON THE JURY, LET ALONE AS JURY FOREMAN?

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

STATE OF TEXAS V THOMAS CRAANBECK, NO. 10573 90TH DISTRICT COURT OF YOUNG COUNTY, TEXAS. JUDGEMENT ENTERED NOVEMBER 13, 2015

THOMAS CRAANBECK V LORI DAVIS - DIR. TDCJ-10, NO. 7:17-CV-167 US DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS. JUDGEMENT ENTERED JANUARY 25, 2019

THOMAS CRAANBECK V BOBBY LUMPKIN - DIR. TDCJ-10, NO. 19-10173 US COURT OF APPEALS FOR THE FIFTH CIRCUIT. JUDGEMENT ENTERED JUNE 17, 2021

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Slack v McDaniel, 529 U.S. 473, 483 (2000)	4
Cleveland Board of Ed v Loudermill, 105 S.Ct. 1487 (1985)	5
Smith v Phillips, 455 U.S. 209, 224 102 S.Ct. 940, 949 71 L.Ed 2d 78 (1982)	5
Brooks v Dietke, 444 F.3d 328 (5th Cir 2006)	5
Uranga v Davis, 893 F.3d 282 (5th Cir 2018)	5

STATUTES AND RULES

28 USC § 2253 (e)(2), 28 USC § 2254 (d)(1)	4, 5
UNITED STATES CONSTITUTIONAL AMENDMENT IX	5
SUPREME COURT RULE # 10 (c)	5

OTHER

TEXAS PENAL CODE § 22.02 (b)(2)(B)	4

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 _____ to the petition and is

☐ reported at _____; 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 _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

☐ For cases from **state courts**:

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

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

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.

JURISDICTION

☒ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was June 17, 2021.

☐ 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).

☐ For cases from state courts:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ 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).

STATEMENT OF THE CASE

ON NOVEMBER 28, 2014 INCIDENT OCCURRED AT PETITIONERS RESIDENCE TO WHICH HE WAS ULTIMATELY INDICTED AND THEN CONVICTED OF ON NOVEMBER 13, 2015: TEXAS PENAL CODE § 22.02 (b)(2)(B) TO WHICH PETITIONER RECEIVED A LIFE IN PRISON SENTENCE.

PETITIONER HAS AND HAS BEEN INDIGENT, AND HAS BEEN FORCED TO USE COURT APPOINTED COUNSEL AT TRIAL AND UPON APPEAL IN WHICH PETITIONER HAS CONTESTED THE EFFECTIVENESS THEREOF.

IN PETITIONERS PRO SE HABEAS PROCEEDINGS HE HAS TRIED TO ADDRESS THE ISSUE OF BIAS JUROR TO WHICH SUBSTANTIAL EVIDENCE EXISTS IN THE TRIAL COURT RECORDERS REPORT INCLUDING THE TRIAL COURT JUDGE HIMSELF INTERVENING IN VOIR DIRE TO TRY TO SILENCE THE JUROR IN QUESTION DURING QUESTIONING THAT WAS LEADING TO GROUNDS FOR DISMISSAL OR AN ATTEMPT THEREOF AS CAN BE PROVEN BY THE RECORDERS REPORT: VOLUME 2, PAGE 54.

U.S. DISTRICT COURT JUDGE REED OCONNOR CONTENDED IN THE REVIEW OF PETITIONERS § 2254 THAT NO VIOLATION OF MY RIGHTS HAD OCCURRED AND DENIED APPEALABILITY, YET UPON FILING MOTION FOR COA US CIRCUIT JUDGE HIGGINSON THOUGH MAKING AND MINORING WORDS GRANTED THE RIGHT TO APPEAL BASED ON 28 USC § 2253 (c)(2) AND: SLACK V MCDANIEL, 529 U.S. 473, 483 (2000) "A SUBSTANTIAL SHOWING OF THE DENIAL OF A CONSTITUTIONAL RIGHT."

ADVERSELY, UPON REVIEW OF THE EXACT SAME BRIEF - LITERALLY WORD FOR WORD - THAT PETITIONER RESUBMITTED AS HIS APPELLANT BRIEF CIRCUIT JUDGE HIGGINSON CHANGED HIS OPINION DISPUTE HIS FOOTNOTE OF JUDGE AND JURORS RELATIONSHIP AND HIS STATING PETITIONERS FAILURE TO PROVIDE NECESSARY PROOF OF THE EXISTING IMPLIED BIAS WHEN IT IS SUFFICIENTLY DOCUMENTED IN THE RECORDERS REPORT: VOLUME 2, PAGES 46, 54, 87-91, 176-177.

NOTABLY CIRCUIT JUDGE HIGGINSON DENIED THAT HIS OPINION IS NOT INTENDED FOR PUBLICATION, NOR DID HE GRACE IT WITH HIS SIGNATURE AS ISSUED ON JUNE 17, 2021, WHICH WAS POSTMARKED THE 18TH, AND RECEIVED ON THE 30TH, LEAVING PETITIONER 12 HOURS DAY TO COMMENT IT.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in dark ink, consisting of a series of loops and a long horizontal stroke, positioned above a solid horizontal line.

Date: August 13, 2021

THE UNIVERSITY OF CHICAGO

1954

1954

1954

1954

1954

1954

1954

1954

1954

1954

1954

1954