

21-5699
No. _____

ORIGINAL

Supreme Court, U.S.
FILED

SEP 01 2021

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Washington, D.C. 20543-0001

Al-Kareem R.R. Collier — PETITIONER
(Your Name)

vs.

Bobby Lumpkin, Director,
Texas Department of Criminal Justice,
Correctional Institutional Division — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals, Fifth Circuit, New Orleans, Louisiana
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Al-Kareem Rasool-Rachmaan Collier, TDCJ # 02259492
(Your Name)

Coffield Unit
2661 FM 2054
(Address)

Tennessee Colony, Texas 75884-5000
(City, State, Zip Code)

(903)-928-2211
(Phone Number)

QUESTION(S) PRESENTED

1. Were the elements of the alleged offense explained, in the complaint made to the police department's dispatch?
2. How did the police come into contact with the alleged victim and the petitioner?
3. Is there a Warrant of arrest (or search and seizure) on file, and issued on behalf of the petitioner?
4. Are the requirements of probable cause for arrest promptly recorded in the district where the alleged offense was committed?
5. Was a discretionary review of the officer, petitioner, and the merits of the case held?
6. Were the Grand Jurors of McLennan County, State of Texas, duly organized at the July Term, A.D., 2017, of the 54th Judicial District Court of said County, qualified to serve?
7. Was an outside influence improperly brought to bear on the Grand Jury?
8. Is the Indictment valid?
9. Is there an obstruction of justice, created by state action in violation of the Constitution or law of the United States?
10. Was there a direct review on Contempt in the determination of legal proceedings?
11. Has the petitioner been pursuing his rights diligently?
12. Why were the pre-trial omnibus motions not presented to the Convicting Court by the defense Counsel?
13. Why did the Convicting Court deny the petitioner's rights to a speedy trial?
14. Why did it take the trial Court (441 days) after the petitioner's incarceration, to place him on the Court's trial docket?
15. Were there any procedural defaults?
16. If a forensic expert's analysis of the evidence had been established, on all evidence in the case, could that have determined a connection of the evidence to the alleged crime?
17. Was the alleged offense actually committed?
18. Is the petitioner actually innocent?
19. Could a juror reasonably have voted to find the petitioner guilty beyond a reasonable doubt?
20. Is the alleged victim's testimony about the merits of the case essential facts constituting the conviction of the alleged offense?

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

The State of Texas v. Al-Kareem Collier, Cause No. 2017-2037-CI, In the 19th District Court of McLennan County;
Judgment entered March 29th, 2019.

The State of Texas v. Al-Kareem Collier, Cause No. 2017-2037-CI, In the 19th District Court of McLennan County,
Forwarded to the Court of Criminal Appeals of Texas; Judgment entered November 4th, 2020.

Al-Kareem R.R. Collier v. Bobby Lumpkin, Cause No. 6:20-CV-00908, In the United States District Court
for the Western District of Texas, Waco Division; Judgment entered November 13, 2020.

Collier v. Lumpkin, Cause No. 20-51010, In the United States Court of Appeals, Fifth Circuit; Judgment
entered July 13th, 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 : *United States Court of Appeals for the Fifth Circuit, final Order* ..

APPENDIX B: *United States District Court for the Western District of Texas, final Order*

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Motion to vacate sentence, a claim of Unconstitutional search and seizure:

[see Kaufman V. U.S., U.S. Mo. 1969, 89 S. Ct. 1068, 394 U.S. 217, 22 L. Ed. 2d 227, on remand 323 F. Supp. 623].

Insufficient Evidence, Meritorious Claim: [see Ex Parte Barfield, 697 S.W. 2d. 420 (Tex. Crim. App. 1985)].

Insufficient Evidence, Exhausted Claim: [see Donahue V. Cain, 231 F. 3d 1000, 1004 (5th Circuit 2000)].

STATUTES AND RULES

Unestablished Probable Cause for Arrest Without Warrant: [see Federal Rules of Criminal Procedures, Rule 5(b)].

Pretrial Motions or Petitions: [see statute, Title 28, United States Codes, Subsection 2072(b)(3)].

Prejudice, unadjudicated ruling: [see statute, Title 28, United States Codes, Subsection 2254(d)].

Opinions and Expert Testimony: [see Federal Rules of Criminal Procedures, Rule of Evidence, Rules 702, 703].

OTHER

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 _____; 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 B 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 July 13th 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Unlawful Search and Seizure. "The right of the people to be secure in their persons, homes, and papers, and effects, against unreasonable search and seizure, shall not be violated, and no warrant shall order, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." [see United States Constitutional Amendment IV]

Ineffective Assistance of Counsel. "In all criminal prosecutions, the accused shall enjoy the right to a public Speedy trial, by an impartial jury of the State and district where in the crime shall have been committed, which district shall previously be ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witness against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense." [see United States Constitutional Amendment VI]

Insufficient Evidence. "All persons born or naturalized in the United States, and Jurisdictions thereof, are citizens. No state shall make or enforce any laws which abridges the privileges or immunities of citizens of the United States; nor shall state deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction equal protection of law." [see United States Constitutional Amendment XIV]

STATEMENT OF THE CASE

The alleged victim and the petitioner have been in a relationship since the 16th day of November Year 2015, and they were living together at the time of the petitioner's arrest. The local police department had promptly sent police officers to investigate the cause of disturbance. The officers had arrived at the location of complaint, and unlawfully knocked, opened the door of the petitioner's home and then announced themselves. The petitioner, thereafter, responded from the far side of the home. The alleged victim had then asked the petitioner to go and find out what the police had wanted. The petitioner entered the front-room of the home, had seen the front-door open, and three police officers standing near the threshold of the front door. The petitioner had questioned the officers' concern for being at his home, but the officers did not respond. The petitioner began to slowly close the door. The police had re-opened the door. The police had entered into the home and commanded the petitioner to submit to hand restraints. The petitioner, again, questioned the police's reason for being in the home. The police officers, thereafter, slammed the petitioner to the floor of the home; handcuffed the petitioner; searched the home; and took the petitioner to the County Jail. On September 16th, 2017, the petitioner submitted a statement and DNA/Rape Kit Lab Test to the local police department's detective. On the 1st day of December Year 2017, the petitioner submitted a statement to the Court appointed attorney, and requested the omnibus motions to be filed in the district Court. 7 months after the petitioner's incarceration, on the 27th day of April Year 2018, the Court appointed attorney motioned for withdrawal; and a new Court appointed attorney was assigned. The petitioner submitted a statement and request the filing of omnibus motions. On the 29th day of March Year 2019, the petitioner was presented personally to the Court, for the first time; the petitioner, again, requested several motions to be filed with the Court. The defense Counselors continued to insist otherwise. The Court appointed attorney persuaded the matter of the government's plea bargain. The discovery form was filed with the Court on March 29th, 2019 and acknowledges five items. The Indictment and conviction is based on the petitioner's statement alone, but was not constitutionally supported by additional proofs; that a crime was actually committed? The alleged offense charged is sexual assault, but actual "Abuse" was not proven. The presumption of sexual assault has been recorded in favor of the prosecution and conviction of the petitioner in exclusion of comparing historical facts with law of the United States. The arresting officers' misconduct of violating the rights of privacy is to be reviewed. In knowledge of the past criminal activities and convictions of crimes rumored of the petitioner, must be compared to the dark and dubious mode of thought of the arresting officers, to presume that the petitioner had or would be considered to have committed the alleged offense.

The petitioner had not committed the acts of sexual abuse, nor any other crime, in the presence of the arresting officers.

REASONS FOR GRANTING THE PETITION

I, Al-Kareem Rasool-Rachmaan Collier, the Petitioner, feels and believes the petition should be granted because: there are substantial showings of the denial of constitutional right; there is an absence of available State corrective process; and there are procedural defaults that render such process ineffective to protect the rights of privacy and due process.

The alleged victim and myself, had the right to be secure in our home; the arresting officers bring harm onto our home, persons, and property. The arresting police officers disapproved of my right of privacy (strongly) and unlawfully opened the front door of my home; and then the police entered my home (unlawfully) by crossing the threshold of the front door; and then the police searched my home and seized me without an Ordered Warrant or Probable Cause for arrest. When this information was dialoged to the proper authorities, the State of Texas, used my statement to prosecute and (unadjudicated) conviction of Al-Kareem R. Collier.

The court appointed attorneys failed to offer the full professional attention to the request for the correct omnibus motion to be filed on my (the petitioner's) behalf. The whole of the case is Prejudice, because the witnesses and evidence have not been directly examined and cross-examined: the specific instances mentioned on the face of the Indictment have not been made or tried; and the relationship between the accuser and the accused was not reviewed.

The United States Constitutional laws prohibits a conviction, except by proofs beyond a reasonable doubt.

The reason for granting the petition for relief, is not for the unlawful arrest and the fruits thereof, because the evidence of the case has not been made or tried on the merits and the status of the case is Prejudice.

The conviction of sexual assault has not been thoroughly reviewed and is in violation of due process of law, because of the Prejudice.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Althaus", is written over a horizontal line.

Date: September 1st, 2021