

JUN 23 2021

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No. 21-5861OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

WASHINGTON, D.C. 20543PRO SE BRADLEY GARRETT — PETITIONER
(Your Name)

vs.

LUMPKIN DIRECTOR TDCJ — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON & 5th cir.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

BRADLEY GARRETT#2052570
(Your Name)COFFIELD PRISON TDCJ 2661 fm 2054
(Address)Tennessee colony, Tx, 75884
(City, State, Zip Code)not known
(Phone Number)**ORIGINAL**

QUESTION(S) PRESENTED

THE QUSTION IS NOT MERELY THE WEIGHT OF LIBERTY OF PROPERTY WITHOUT LANGUAGE OF THE 14th AMENDMENT.. ONCE IT IS DETERMINED THAT DUE PROCESS APPLIES THE QUSTION REMAINS WHAT IS DUE PROCESS? IT HAS BEEN SAID BY YOUR COURTS THAT DUE PROCESS IS FLEXABLE AND CALLES FOR SUCH PROCEDURAL PROTECTIONS AS THE PARTICULAR SITUATION DEMANDS

AT THE TIME OF TRAVEL THE DISTRIC COURT WAS OR HAD RULEED IN THE FAVOR OF THE STATE DOES THE RULES APPLY TO THOSE WHO ARE BAR TIME IN TRANSFER AND UNIT MAIL NEVER REACHED PETIONER UNTIL MONTH LATER AFTER THE THIRTY DAYS LAPSED?

PROPER ACCESS TO LEGAL MATERIAL WHILE INCARCERATED UNDER TWENTYFOUR HOUR LOCK DOWN IS TO THE STANDARD OF UNIT OR WHAT IS NEEDED TO PROPERLY RESPONED TO COURTS PROMPTLY?

UNDER LAW OF OATH WHAT IS CONSIDERED TRUE PURGERY?

CAN PURGERED TESTIMONY MAKE ANY WITNESS NON CREDIBALE?

CAN A MATERIAL ITEM STILL BE CONSIDERED ANY EVIDENCE IF IT HAS 1. BEEN CONTAMINATED? 2.HAS MORE THAN ONE DNA IN IT BUT NOT OF ANY TO THE VICTIM?

WHAT IS THE RULEN ON DNA TRANSFER?IF A PERSON IS NOT PROVED TO BE AT THE SCENE OF A CRIME BUT DNA IS PRESENT IS HE STILL GUILY?

WHAT IS THE RULING ON TRIPLE DNA WITH CONTAMINATION OF WEATHER ELEMENT ?

IS EVIDENCE EVIDENCE AFTER THE SEVAYOR HAS REVIEW THE CRIME SCENE THOUROUGHLY POINTED OUT BY WITNES BUT NOT TESTIFYED TO OR DISCIBED?

IF A BATSON IS CALLED IN THE COURT AT THE FINISH OF THE VIDOR AND THE STANDARD OF RACE OR ETHNICITICITY HAS NOT BEEN REACHED BY VISABLE STANDARD IS THAT ENOUGH?

IN A JURY SHUFFLE CAN ONE JURIOR BE SKIPED AND REPLACED WITH THE NEXT IN LINE?WITH NO CAUSE TO WHY?

WHAT IS THE STANDERD OF DUE PROSES DEPIVATION OF LIBERTY SUBSTANTIVE AS WELL AS PROCEDURL?

HAS THE STANDER UNDER WINSHIP BEEN CHANGED OR IS THE SHODOW OF A DOUT A FLEXABLE ISSUE?

DNA WAS USED TO STRENGTHEN CASE AS TO PRESENTS AT THE SCENE BUT IT DOESNT PROVE EITHER PRESENTS OR CRIME IS DNA SUPORTED BY THE COURTS ILLIGALE SEARCH AND SEIZER OR TANT OF TREE?

WAS MY COUNSEL INSUFICENT IF THAT SAME DNA WAS NOT USE TO PROVE THAT TESTOMNEY OF A PHYSICAL ALTERCATION COULD NOT HAVE BEEN DO TO TRANSFER OF DNA?USED TO PROVE THE WAY THE MURDER ACCURED.

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

GARRETT V.DAVIS 4:17-cv-03363 U.S.DISTRIC COURT SOUTHERN DISTRICT OF TEXAS HOUSTON AUGUST 31 2018 ruled dissmiss without prejudice

GARRETT V.DAVIS et al., civil action H-18-3337 U.S.districe COURTS FOR THE SOUTHERN DISTRICT OF TEAS HOUSTON JUDGMENT ENTERED OCTOBER 18,2018 JANUARY 26,2021 MEMORANDUM AND JUDGMENT ORDER 4:18-cv-3337

GARRETT V.DAVIS H-18-3338 UNITED STSTES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION DECEMBER 4 2018 judgment

GARRETT V.HARRIS COUNTY JAIL,et al.,H-19-1939 judgment entered august 9,2019 4:19-cv-01939

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
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huddleston v.u.s686 99L.Ed 2d771 108s.ct 1496 R&R@1081 1080..	9
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ex parte siebold 100 u.s 371 376 25 L.Ed717	
wain wright v. sykes 433uws 72 79 97 S.cT 2497 2502 53 L.Ed.2d 594	
morrissey v. brewer 408 u.s 484 32L.Ed 2d 484 92 sct 2539 2600	

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ER 404(11) under rule(404b) 9

violations of the 6th amedment and 14th amendment to
confront also resoable dout clause

5th amendment deprivation of life liberty or propertys with
out due process under federal authority

4th amendment violation of probable causes

illegal search and seuir of dna

batson judged by a jury of peers and of ethnic statue

violation of the three step clause

jury shuffling

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DENIED MAY 6, 2021

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APPENDIX F

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 D 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 C 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 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 TRAIL COURT 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.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was MAY 6 2021 -APRIL 5, 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: MAY 6, 2021, and a copy of the order denying rehearing appears at Appendix D.

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 AUGUST 23, 2017. A copy of that decision appears at Appendix A.

A timely petition for rehearing was thereafter denied on the following date: SEPTEMBER 13 2017, and a copy of the order denying rehearing appears at Appendix A.

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

THE 14th amendment section #1. ALL PERSONS BORN OR NATURALIZED IN THE UNITED STATES AND SUBJECTED TO THE JURISDICTION THEREOF ARE CITIZENS OF THE UNITED STATES AND OF THE STATE WHEREIN THEY RESIDE . NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABRIDGE THE PRIVILEGES OR IMMUNITIES OF CITIZANS OF THE UNITED STATES; nor any DEPRIVE ANY PERSON OF LIFE LIBERTY OR PROPERTY WITHOUT DUE PROCESS OF LAW, NOR DENY ANY PERSON WITHIN ITS JURISDICTION THE EQUAL RIGHT OF PROTECTION OF LAWS

IF THE FOURTEENTH AMENDMENT APPLYS TO ALL OF THE UNITED STATES THE QUSTION IS IS TEXAS APART OF THES STATES AND DOES THE RULES GIVE YOU A RIGHT TO TAKE AWAY MY PRIVILAGE TO ARGUE IN THE FIRST APEAL MY ATTORNEY AGUED ABOUT THE HAT AND THE WAY IT WAS HANDLED AS THE LIGHT SHINES ON THE FOURTH AMENDMENT MORE THAN THE FOURTEETH BUT THEY BOTH GO HAND AND HAND AS TO AFTER A ILLEGAL SEACH AND SEIZUR OF DNA AS THOUGH YOU DID' t know more than ONE DNA WAS PRESENT FORCES ME TO TURN OVER PROPERTY THAT DOESNT PROVE INTHIS CASE PRESECES OR ACT OF SUCH ILLIGALITYS TOWARD TOWARD TEXAS OR THE UNITED STATES AS A HOLE BUT DEPRIVES ME OF PROPERTY AND FREEDOM THAT THE CONSTITUTION STATES THAT I SHOULD BE ABLE TO ENJOY FREELY AS A CITIZIN OF THE UNITED STATES OF AMERICA IN THE FIRST COURT OF APEAL THERE DESIGN

TO AFFIRM WAS BASED ON THIS CAP THAT WAS NEITHER AGAIN PROFF BEYOND A REASON OF PRESENT OR CRIME THE CRIMINAL COURT OF APEAL REFUSED BECAUSE OF FORM OF P.D.R OR NO REAL KNOWLEDGE OF FORMATE GOING PRO SE THEN DENIED ME REHEARING BECAUSE OF UNIT TRANSFER AND I WAS SUBJECTED TO DELAY EVEN WITH TIMLY INFORM OF ADRESS CHANGE THE MAIL STILL DID NOT MAKE IT TO ME ON TIME FOR A BETTER RESULT HOW DO I PROVE THAT RULE 1998 sub(a) amendment rule 28(a)(D)(5)(6) the first is staten we are basicailly subjected to what everthe advisory committty states we have no other choicethen to use what is desinged for us weather it fails us or not

in the same event this hasaccurred several times this has accured in everyone of the appedix from A&D MAIL SEVED TIMLY HAS BEEN A ISSUE THE DISTRIC COURT BASED THERE OPPION ON LAYLA WUKKE TESTIMONY CALLEN IT COMPELING NOT GIVE LIGHT TO THE FACT THAT SHE TESTIFIED TWICE BOTH TIMES SHE TOLD A DIFFRENT STORY AND AGAIN SHE WAS THE ONLY ONE TO TESTIFY THAT PETIONER MURDERED SCOTT CLARK STILL THE COURT LEAN TOWARD TESTIMONY MARION SANDERS STATED THAT THE STATE VISITED HIM TO OFFER HIM A DEAL TO DO AWAY WITH A SETENCE OF FAMILY VIOLINCE THAT HE WAS STILL ON BAIL FOR PENDING THE TIME OF THE CASE EDWARD WOODROW THE OTHER VICTIM WAS IN TDCJ AT THE TIME AN WAS SHIPPED IN TO TESTIFY FOR POSSABIL RELIEF FOR WHAT HE WAS DOWN FOR AND AS HIS CRIMINAL HISTORY SHOWS HES A CONTENUED OFFENDER WHO AT THE TIME SHOULD HAVE BEEN FACEN MORE THAN TEN YEARS AT THE FEDERAL LEVEL THERE USING PAPER WORK NOT THE FACTS TO BE REVIEWED STATEN A VIOLATION OF SUB C. NONE EXHAUSTION OF STATE REMIDIES OR TIME BARES IMPROPER FILEN ECT. EVERY THING BUT THE FACTS THAT HAVE ALREADY BEEN STATED LEAVEN A VIOLATION OF THE FIFTH AMENDMENT UNDER THE TERM COMPULSORY SELF INCRIMINATION WITH THESE ISSUES YOU FOCEN ME UNDER THESE WORD AS THOUGH THEY ARE UNBRELAS TO STOP THE RAN WHILE MY FEET ARE SOAKED

CONSTITUTIONAL AND STUTORY PROVISIONS INVOLVED
CONSTITUTIONAL ERROR TO ADMIT EVIDENCE THAT IS TOTALY
WITHOUT RELEVANCE TO THE CRIMINAL PROCEEDING DAWSON
V.DELAWARE 303 U.S.139 165 110S.Ct 1093 117L.Ed.2d
309evidence as the hat and perjured testimony introduced
introduced rendered the trial constitutional and fundamentaly unfair the due process clause of the 14th amendment provides a mechanizim for relief Payne v. Tennessee 501u.s.808 825 111 S.Ct 2597 115L.Ed.2d
720theres violations of the double blind citing Tegoseak v. state 221p .3d 345:Stephen being turned around at the door all found in the 22 pages of the theshhold burden file. ineffective assistance if our own forensic specialist had been citing miller vanderson changed petition again prayes that you see what he sees and grant this relief and writ of certiorari

STATEMENT OF THE CASE

On or about the 22nd of june at a club pationer was said to have worked a man was murdered by the name of scot clark he and two other guys fullyintoxicated on pcp and alcholc created a disturbance at the club that involved the security of the club it was said that several fights broke out that night and morning and that pationer was the one who was doing the fighting at some point it was testifized that pationer became so angrey that he lifted scott clark up off his feet fully slaming him on the hood of a taho truck belonging to a layla wutkee with one hand while bandishing a gun and fireing one solid round in to ~~the~~ head of scott ~~clark~~ depriven him of life in the same movement it was testifized that he also contiued to kill one of the guys he arrived with causen also bodliy harm to him as well a edward woodrow sustained four multipul gunshots to the legs crippling him for the rest of his life although its not clear how all of this happen or procise time it all accured or were the gun or guns came from or if he was even there to begin with even the lead homicid detective in collection of footage testified he saw no crime being committed on tape theres no weapons found there are no finger prints there is only the testimony of one layla wuttke a hat that no one testifys to in discription though the hat is very unqiue even presented in black an white photo it became the center of evidence to prove presents of pationer that night at the club even thought testimony says he was else where and the DNA on the hat it self was testfied to two other DNA's of two other people are in that hat the hat in qustion the oneis said the shooter wore but no one discribed pationer was found guilty of first degree murder and senteced to 30 years in TDCJ CID with parole and this apeal since 2016 pationer has been trying to with little knowledge complete the apeal process on febuary 12th 2016 the jury brought back the verdic of guilty pationer explains it all in detail of all the issues in a 21 page break down of the case add to this petion he ask if your willing to walk through it and the transcript I'm sure you will see enough.

REASONS FOR GRANTING THE PETITION

Befor I go and take a look at the rule ten and try to find where I fit in I would like to say this in why I pray you grant this writ because petitioner was never given a proper chance do to handy caps of knowlwdge of law not only is this his first time seeing these things he's attempting it at his own risk to point out what even the jury looked over that the state allowed that the testimony doesn't even match the evide nce presented petitioner has taken a beaten from unit mail rooms to staff to being transferred several times even placed in a 23-24 hour a day lockdown to dicourage the use of the legal system the same one that turns him down and want listen to unit mailrooms doing what they fill with mail even though books say thirty days and he's recieeven corraspondance one week to days to return it to your courts with three shots a week to come up with the proper info to even know if he headed in the right direction several times even now mail is taken several more days then it should to get to him so that it can be properly answered he's left to choose to keep trying in a enviornment ment to stop his progress or become one of these mindless drug enduced men who wear this incarcáration as some kinda badge proud to be a inmate he would like to begg you to grant this writ to stop the deprivment of his due process and legal right to a fair trail without miss use of law tipped in the favor of proceccution trying to create truth truth is not as we see here bribes guieds and coercion of witnesses we just need the facts and the facts should tell it all with out a reasonable dout as winship points out ANY reason to dout is to much but when a case presents more than a reason then help is need from the true fact finders to bring things back into the scope of justic

THE UNITED STATES
SUPREME COURT, SCOTUS

BRADLEY GARRETT
V.
LUMPKIN
NO.20-20561 USDC NO.4;17-c
v-3363

THESHOLD BURDEN

petitioner believes that he has been violated in severa -l ways that due proces has been one is notice and the opportunity to be heard by anunbiased judicial platform and is aware that the state of TEXAS located in the UNITED STATES OF AMERICA UNDER THE full jurisdiction of the SUPREME COURT in a substantive an procedu -ral manner in all forms an rights we know the concept of substantive is personal liberty and is use to prote -ct fundamental rights from arbitarary deprivation by the state and goverment the story starts JUNE 22, 2014 on this date the petitioner was accused of and indited by a grand juryin the city of houston harris county located in TEXAS OF first degree murder of aone scott clark the prosicution states that the petitioner with a weapon did and knowingly cause bodily harm to deprive life from clark scott king and ask that the jury find him guilty of murder this accured on the date of febuary 9th 2016to the date of febuary 12th 2016 trial jury ended in sentencen 30 years with appealett privillage petitioner acknow -leges that the privallages given to him to attack the collateral under inital appeal PDR, 2254 and the 11.07 the 2255 gives rule of jurisdiction as of this date in the above

style the petitioner was informed that at this moment the fifth circuit has NOT the jurisdiction to pursue any further the grounds or issues that could find relief from this sentence. This threshold is to give full view on the issues unheard by the fact finders or trier of fact. The reason for this is that the petitioner is sure that all the facts are and have been met to avoid rejection and another depravment of due process before reaching the proper parties after the opening statement. The trial states with one BILL FEATHERSON located in transcript RRPP18 v3. In this witness questioning by the state there's a video being shown to the jury that the state is claiming to be real time footage of the murder after the fact direct on top of the body as Ms Baldwin calls it pg 31 14-18 line. Exhibit no. 50 a DVD print out of Bill Feathersons cell phone of the scene of the crime even with him filming the scene. He and his Lieutenant Michael Jackson states on pp26 v3 that he couldn't make out a full description yet. Petitioner's transcript index log states that a 911 phone call was made with description of suspect an white male was described approx 6ft tall. Please see the exhibit recorded labeled s-1 admitted pp25 v3. The DVD taken by cell phone labeled s-50 located pp28 v3. Now again recall pp26 v3 lines 1-18 on pp34 v3 7-13 asked again about the phone calls to 911 yet he stated early in testimony under oath that he didn't get a good description of the suspect but he saw again listen to the 911 calls. Petitioner feels that this along with other testimony that is very similar to this

kind of testimony all through the states witnesses and fomation of the states plan to controdic and under mind the laws and rules set by the united states legal system to keep up the numbers of convictions more wrongfully than right in the state of TEXAS

depriven petitioners as my self of due processprocedural or substantive as I stated in the intro or this threshold petitioners attorney was incompatint because of not bringing things like this to light the fact finder was at fault because these things were over heard and

recorded in transcript yet nuthen was done about it to bring light to the deprivment citing crane v.kentucky 476 us 683 690 106 s.ct2142(1984)

several of these witnesse testimony perjury even detectives as well as so called eye-witness accountes leads you not to lean to the credibility of any of the eye witness accountes yet the state still calles it compelling testimony for the rest of what will be pointed

out we will cite

medina v.barnes 71f.3d 363

at this point you have to be as I would and that understanding say well this is a isolated testimony that can be explained via bthe fact that the 911 phone call says that of a white male and the pitioner is a black male about 5'9 5'10 230 to275 in weight but lets walk though more testimony like this the next witness the state calles is an officer patrol by the name of harper who was the patrole that answered the 911 phone call

outside of somethings that were out of his control he did nothing but his job but as we move to the head homicide detective we start

the head homicide detective

Mark condon who is as he says
a homicide gang murder squadsays he
was called about 8:15am now
may the courts be aware that
this lead detective testifed not once but twice
found at 46 v3 73v3 66 v5 78 v5
and 97 v5 but first lets walk
though 46 v3 8:15 is when he
got the call he says on pp51v 3
that it takes him 45mins to
a crime scene who can for see
that but it is his truth so
he goes on about his partner
first he says they arrive together
then he says on pp52 I arrived first
he arrived after then he is
shown whats marked as exhibit 5-30
these are photos of the crime scene
fine rite but what strikes me as
strange is that although officer
harper the first patrol cop
after the two security guardes on
the scenestated that he was not
able to secure the full scene
of the crime just the section
where the body lay now mark
condon gets on the stand an
under oath on pp54v3 and 55v3
states how important the tappen of the crime
scene is see harpers testimony on pp42v3
43v3 44v3 also notice that
on pp55v3 mark condon lead
homicide detective recalls
hat, blood ,shells and a twenty dollar bill
were is this going if you keep
reading to pp56v3 he speaks
on markers that patrol put down
as the coversation keeps going
he makes a comment about the
use of rocks to hold cups in
place he was asked was it windy
he says he doesnt recall when
asked if he remembers weather he states
he thinks it may have rained
what in the 45min it took you saw no rain
or the pictures of a wet boddy on the
ground wet vehicals condensation under the cups
does not tell the story it self
line 20 of pp56v3 tells of a erring
exhibit no.10 thers a shell
on the hood he mentions layla wuttke
the number one witness for the state
suposed on her vehical is wwer the
murder accuredmark condon was asked

was there any evidence retreved from the vehical he said not inside and what about the outside all of which came up inconclusive because what mark condon isnot saying and the state is dancen around is that it rained for more than two hours on the crime scene befor and while he was there he showed up to a already contaminated crime scene which started back with the two security blue moon officers prefilming the crime scene for themselves were we will later find outthat mark condon did not discover the cell phone footage tilldays later even after the inditment was settled seep66v3 her he states that a Mr. freeman gave him the imformation to file murder charges but here in pp72v 3 his report says he was looking for a ricky never displayed with short hair the photo array presents long hair even dredlocked men then on the next pp73 the redirect by state asked onequstion and again they go to laylas testimony befor she testifyes to it or anything as though statecounsel is sure of it befor it happens as though some sort of coerion or script was being used to get to the conviction planed he contrdics him self by staten in pp74 v3 that another officer put together the spread first he said he did from freemans video he futher states that he took the photo array to woodrow the other victim inthe crime scene who was shot at this point in the hospital heavy sudateduder what ever pcp is still in him and hospital given drugs to stop pain his bones are broken from the buletts duy nguyen testifys next to the statement that mark condon will be re-called duy nguyen is the forensic science specailist who seveyed the crime sence the statement that makes this interesting is that the evidence in this case was a trainees first day as stated in pp79v3 line 4-5 he says I was cstill training his next ststment makes you think a little more line 6-9 states that

that he usually talks to a homicide detective to see what he needs so as he states he needs the homicide detectives there to collect what they need in the pp88v3 the state is asking about the position of the hat and shoe in pp89 the court over rules the objection about the questioned crime scene items the court allows Mr. Nguyen states he may have been running away and he ran so the shoe and the hat came off that's how close in proximity the hat and the shoe is he also states that it looks like the shooting started from the door out to the parking lot he also states he looked like meaning Mr. Scott Clark victim was trying to get to the car if so were was his car because Woodrow and Sanders both in their testimonies state they had no car they were all on foot all fifty of them but we will get to them the forensic specialist or trainee confirms that on pp97v3 line 2-8 that the crime scene was rained on Ms. Baldwin continues to question him about the contaminated scene he proceeded as though he doesn't know or was not that pp98 v3 line 14-20 my question is that okay to still collect samples of contaminated evidence if that's what it is pp111v3 the admitted paper bag exhibit no. 43, 42 and the center item of evidence the supposed worn baseball cap by the petitioner at the time of the murder pp 114v3 line 4-25 asking how far did he observe the crime scene pp115 asking him about surveillance equipment Ms. Baldwin walks through his log making sure he understands that the crime scene is contaminated but he continues as though he doesn't know any better pp116-119 all she even makes clear that there's no weapon base to even say were the fragmented projectiles could have come from the question were they return fire or from the gun that killed Clark Scott he can't answer those questions Baldwin recross pp120-121 v3 she backs and asks the question are you not aware of the crime scene

He still doesn't understand but confirms that if there is any question to if the crime scene was contaminated we are sure to say this because of the admitted statement of not one but two plus exhibits photo there was no crime in him training that day but could there have been various mistakes made that could have been avoided had a person with experience worked the scene but this is not the worst of it one of the main points that trial attorney Baldwin touched on was these same items brought by analysis who did work on these items yet only one showed up which brought up a sixth amendment confrontation which still has not been explained aside them saying that Clay Davis was the overseer of the analysis so it's okay for him to testify that it was all his work and Marrie Rumble and other analysis are just parts of the chain the Supreme Court ruled that that was fair to stand in as long as he did the work petitioner states it still does not answer what happened to it in the move in the chain while it was in the hands of these other analysis moving on to the next witness MAURIAN SANDERS he starts off with one contradiction after another he first starts pp122 v3 sayen that this pig guy is his uncle but somehow only the state knows who pig is when asked if he knew pigs real name his answer is no see pp123 v3 line 1-25 he also was asked about little wood he called him again only the state knows who he is referring to before you get past pp124 you start to realize that the state is going to lead this testimony but he brings light to several points like the time they got to the club he says 4am Layla says 2am or 6am Woodrow the other victim that was shot says otherwise no one even knows when he explains that he and these guys he was with continually stepped out to get high off PCP cigarettes on pp

126v3 he as I said induced some information that no one else opened he states that there was trouble in the club on line 13-19 describes how he felt the continue of his statement confirms there was trouble in the club that lead out side lines 20-25 speaks of a altercation on pp127 he brings references to two other individual that are not named therewith them he refers to them as homboys and explain there actions to leave in and out of the club not once or twice now he says three times pp128v3 he brings out that the altercation was with females he states that on pp129 that the female(s) were with some dudes see lines 1-14 claims he never saw the person they were fighting pp130 v3 claims it was the first time he saw the guy butchages his stoy again and says the guy was all over inside and out again states a girl was involved guns were drawed as he fought them off pp 131v3 security became involved pp132v3 he states he step in to stop it and that mr sanders tryed to fight the security as he admitted that he was still high from the pcp ciggeretts he says security passed his gun then he says gunbelt he states that he sees another person with a gun now if your folloen he has testifyed to now three diffrent guns on the scene pp133v3 we still know who this pig is now he claims he doesnt know woodrow or wood as he calls him I assume line 22-25 he states hes going to try to get more of the I assumed 50 homboys that they were with earlyer from the neighborhood so lets stop here to discuss that know theres fighten that is confimed the victims clothen was tested for traces of any other persons DNA but was not used as to proff of innocent citing toney v.gammon 79f.3d 693 a jones v.wood 114 f.3d 1002 the blood on clothen of clark scott and although to me would be really good points we have to under stand that there may have been lots of evidece lost yet nun of it was explored verbatim to whats not theer fingerprints servalince camra fottage although there is some mark condon an the review of this fottage show that there is no sign of petitioner in or

around the crime scene so I assume that all of this falls under chain of custody as the challenge of such matters goes to the weight not the admissibility of despite the fact that DNA was not presented for review pertaining to presence at the scene versus use the hat that neither show presence or crime time frame or any other link to give truth to the conviction handed down by jury and judge

these things in the scope of ER404(11) under rule (404(b) huddleston v.us 485 u.s.686 99 led2d 771 108 s.ct.1496, R&R at 1081, 1080 although the first move for appeal was pointed at the DNA missing links there were other as petitioner shows her things that were gross neglagnet issues that just dont add up to law as shown all theses double contradictions by important witnesses as we go futher we even find that the line ups picks were done by the officers instead of the witnesses

some by hand others by suggestion but not proper under the rules of blind line up so lets continue through mr sanders testimony to find out what else he reveals about this case petitioner calls it a coercion gone wrong

pp133v3 line 20-25 says he was going to get homboys out the neighborhood pp134 line 1-2 he changes the story in line 6-8 he describes a hat or the hat and clothen of the person with the gun line 10-25 he speaks about a hat describes it as a all black fitted baseball cap the hat in question is a black hat but not fitted it has a buckel back and has five point stars all over it the state asks the question was it turned in a spacific direction left or right the hat is under states exhibit s-43 see the pictuer copare it to the testimony see if this is the hat discribed I would assure its not

he describes a 5'5 5'7 5'8 person thick not chubby or heavey build eyes and a big nose dark or brown skin pp135 pp 136-137 he testifies he ran off and found the two blue moon security bill featherston and micheal jackson when he reaches them shoots rang out he says he didnt see who did the shooting pp139v3 he states that in line 10-12 that the line up may have been suggestive

he changes his story again and states upon being shown his line up admonishment that the petitioner was the one given the gun this makes no scence he went from not known to now implication of the petitioner with the gun as we move toward the ends of his testimony see pp and cross exam 145-147 he testifys here that he was visited by the state to testify in this case for mercy for a felony case pending out of the 178 distict court he even goes as far as to state in line 18-20 the month they came to visit him exactly 4months befor this trail accured now my thought is they let him sit he did and signed the admonishment for the state dated for the date of june 22 2014 as though he did it that day and they let go on bond just a guess pp148v3 retail a diffrent story now he states that they split up at the club and wood or little wood the other victim who was shot did not go in to the club which is significant because later woodrow tells the stoy that he wasnt allowed in the club with the wif beater a tank top under shirt on he says he bought a shirt to come in the club but on camra he was seen with the tank top wif beater on even after being shot when defence begans to qustion him about his statment of little wood woodrow he became angrey pp149v3 lines 1-8 and had to apologize about his mood swing the court informed him of the correction of his behavior pp150-151 re capesthe phisical altercation and again says it started with him but ealyer said it started with little wood filming and a female that is still unknown he goes in depth about the use and history of his use and the desesed clark scott use of pcp and how it was used abusivly that night she turns the attention to agin understand that the line up was suggestive pp152-153 next it took several times to understand but with the same answer and qustion so you pick the one with the big nose I wonder was it that way for all the admonishments did every body have a thing you find out not quite but to get what they were looking for yes the use some tactic even mark condon testifying as I said befor that he did it for edward woodrow and let him sign it violation and still suggestive layla wuttke is the next to testify she to testified twice see how her story changes over and over again

LAYLA WUTTKE is the next to
testify first she explains her
positions as this finishes
-s she starts to explain the
story of the altercation that
morning as the state implies
pp155v3 she starts by page
pp161 she starts to explain
how the three gentleman clark
woodrow and sanders started
to argue with the security
guard then pushes we
saw she says were thrown
she indicates that stephen
was the security in the
fight with the three men
but she states petitioner
did not work at h20 that night
but came there to get paid from
another club pp163v3 she states
that she first saw petitioner at
the front of the bar bought 6am
pp164v3 she states when the
altercation happen he was in
a vehical say he exited the
vehical when the altercation
escalated she states that
in lines 12-25 they tryed to
seperat first question who is
they if petitioner and stephen
were the only ones involved
they can stop a altercation if
one is in a fight or aguing
she states in line 22-23 that
the petitioner fought the older
gentalman in pp165v3 she clears
who the older gentalman was its
clark scott or as sh puts it
the one that was killed she again
makes referances to more than
one security but she implied
the petitioner was her security
at least that's what sanders says
and woodrow to once we get to
him and his testimony she clarifys
sanderson ran she speaks of no
guns drawn on the gentalman just
fighting she states more than
one fight accuerd she identifys
petitioner in the court room but
if that's all it takes to convict
in the state of TEXAS one person
pointen and saying he did it
jim crow is more successful than
i thought I thought it took the

of at lease two or three
it states that even in the bible
pp167 she states that the older
gentalman now clear is scott
clark the deceased asumen still
high off pcporiragenin lines9-11
he states know one knows who
he is hes sceaming she got in
her vehical pictures of it in
exhibit no.5 a key pieace of
information in line 22-25 she
states I opened my car door and
I got in heres the key befor I
could close my door she says
the guy the older gentalmans was
in front of my car still talking
still going on again she says
still going on now right here
is where we put on our thought
caps why did scott clark attack
her as she states what reason
would he have as she tells it
shes just some one viewing a
altercation heres somthing
else to think about recall
a exhibit with mesexhibit
marked 27 on the picture you
see a pearl like erring and a
shell casen the shell case is
on the drivers side of the car
so is the erring did scott clark
lose it then why is not other
jewlry on th ground or hood if
all this fighting accured more
over were is the DNA he is seen
in exhibit picture №.24xwaasing
mutipul pieces of necklaces wrist bands
and a watch never got broke came
off nuthen with all this testified
phisical hard fighting slamming on
car hoods and no DNA transfer
sounds kinda unbelievable but
as I said for the lead homicide no
detective it her story pp168v3
lines 4-12 she states tussle
then she states petitioner pulls
a weapon gun and shot him she
states that stephen was at the
left of the vehical now I am
not a genuis but I do know left
right everything I mean all of the
item are on the left side of
the truck now if as said in line
19-20 stephen was on the front
end left side that which is the

drivers side of the vehical pp
169v3 she states he pulled th
-e gun from behind then she sates
for the first time stephen gave
the petitioner a gun in the first
tussle so why did he waite to
use it sound like something is
not being said or the full story
is not being toldnor this story
was referbus to look like the
petitioner did it but its not adding
upfor the last few lines of pp169
shes not sure or confused about
therquestion did she see this
through the front wind shield
I assume the statevis referencen to
theshooting
pp170 v3 is a nother confus
statement she now says they both
have guns or both there arms
are raised as though they both
have gunns in line 19 if your
not sure of one how can you be
sure of to andwhy would a co
woker of a job runn from people
who woul protect and why behiind
a concret pole and not in side
then she refused to go in side
even after the shooting stopped
enough to know every one else
left but how would you know others
left out the back and if mr garrett
left out the back where is the
car he was in were did it go
why was stephen so okay to stay there
as she states it happen he a
excecery to a murder here is
another issue bill featherson
said he and his partner saw
some one but stated nuthen about
a possiable fire fight as layla
states it as if they walked right
up on the shooting couldnt have
they had a cammara phone they
would have caught that remeber
it was in real time they break
she is to return the next day
to testify futher startes on
pp7v4-pp51v4 at this poi on pp
10 she indicates now she sitten
her car with the doorpartly closed
and somthing else has happen
on pp11now it the petitioner who
is fighten with the deased
and stephen is now with the bars

petitioner and stephen are now shooting at mr woodrow she states on pp15 the state is now leading again as he did with sanders cause he knows that the story she is telling is so well hopeful you can see layla says she did not see stephen shoot but he looked like he was while she was crouched behind the cement pole obviously watching the action on pp16v4 she describes the deceased as high how did she know he was high did she know him does she get high and here is what blows me away on pp16 she is carrying a phone on while she is testifying in the court room during trial layla answers the question pp17 she says its normal for people to be high and aggressive she changes her story but her actions as she explains no she speaks volumes how do you call not aggressives screaming and threats she had to know him heres another key point pp19v4 line 7-16 she states woodrow was pat search but he said he couldnt put on the shirt to go into he didnt woodrow is going to state he went in the bar he bought a tee shirt from some one leave and he went in to the club were he saw the petitioner working but we will get there the real fire startes on pp29v4 and pp30v4 defence baldwin catches the surgery then she catches somethen else I cant say what but it seems that the questions of her listen to recordings was one thing but when she was asked about meeting with the distic attornys office she became nerves shock up line7-25 on pp31v4 baldwin discusses when the incident happen between 7am and 6am she states then shes asked when did these men get there she states 6am now come on sanders said that they got there bout 4am she stated the were pat searched she also stated that she was outside when they walked up now

how shes not outside till after
6am that means they were there
two hours more purgry pp35v4
statements made after sanders
was hit or threats line 7-13
threats made by the deceased
clark scott pp36 yet she claim
she was not afraid that would
make any one believe she knew
the deceased or these guts period
she was asked could they have
gottem weapons she states possable
so she knew they would be able
to acses weapons lines 14-22
scott clark breath threats line
18
"I'll have all of you killed
line 19-20 layla agrees
pp37-48v4 summerybalwin speaks
to the witness about an the
enital fight or fights that I
still cant believe happen cause
there is no proff. again where
is the DNA from all the so call
tussle
brutal slamming on hoods if this
happen I cant believe it happen
without a fight we know frm pp38
that shes say woodrow never went
in the club so the lie hes about to
tell under oath purgry to him
as well baldwin trappes another
lie about the hat but no on
describes the hat in evidece
not one person pp41-42 is about the hat
as well was the petioner wearing
the hat described the next pp
45-46v4 wasconcer to who left
how they left when they left
and a little relationship humor
but better on ppwas the key given
by defence attorney found on
pp48v4 at the end of the testimony
line3-19 state piggy backes her
hat qustioning now we know that
the shooter didnt have that hat
only la states she found the hat a
hat the hat state has a evidence
its interesting though no one
describes the hat not even layla
and she found it while hidden
from all the violince how quincidental
on pp49-51v4 laylas asked 9-18
about how many people were wearing
hats she says to but funny she cant rember

what color the defendants hat
was again she said in the recording
black like sanders were they
reading from the same now she
doesnt know now in line 17-25,
she reviles that she does know
these guys: she knew they had
no car she states they walked
up from bissonnet how did she
kno that remember she could have seen them
arrive she was inside at 4am
if that when they got there a
phone perhaps the same phone
stephen took: perhaps she end
with state saying that tose guys
had been there befor anstarted
no trouble baldwin recrosses
she ask layla about how she knew
about the walk on bissonnet
she replyes yes I did baldwin
counters what direction you never
said baldwin asked you would
not know if they had a car
some were else or parked it in
the strip now baldwin makes
a back to the first statement
she made to detectivescegielski
on the june of the 22nd of 2014
she lied at trail duing her
statement to the policedetectiv
she never said a color hat yet
she pointed them to a hat
and she states at the end of
her court apperance I just said
baseball cap the only color I
remember
was the color the one that is
now deseased this is the last
of the witneses that the state
brought to prove this charge so
far I may be wrong I dont see
anything that sustaines the
conviction handed down by jury
trail of the 180th court
EDWARD WOODROW is that last w
-itness: it begins with stste
state acknowlogen that woodrow
was already in TDCJ for tamper
with evidence sentence out of
brazoria drugs he testifYES of

atime at the clube they arrived
he says 3:30am some time close to
4am he was askēd where were you
before prior to coming he

He stated he and pig were at dees a niger african club rihght across the street when asked what time he and pig left the club to come over to h2o he states 2am. so he would have made it befor 3:30am but okay it his story but be mindful of three diffrent times of arrival none of which match the time layla would have been present to see them arrive or be search pp16v5 line 9-19 as I said her it is on pp18v5 see line 1-20 woodrow white shirt not bought but some on gave him cause they were leaven the club after he got it he said he went in to play pool he describes how he had trouble in the club but only speaks of the phon call on the way out pp19v says he had two phones said he was beig accused of being the police security takes his phone pp20v5 find out him and the manager knew each other pp21 indicates petioner as a bouncer and security guard says he seen petioner a couple of times in the clu -b pp22v5 he states he was told petioner worked there called for hear say then said he saw petioner two months straight he identifys petioner again as the man in the courtroom he states when he came up that the petioner and security was in the front at the door in the front pp23v5 says security asked him for the code to the phone he would not so they start to fight he and the security seepp24-25v5 he pig clark scott and the security are fighten pp26v5 he says pig scott clark stated that some one hit him in the face with a gun but he says he did not see that the gun and the belt was in the same place they went back to arguen about the phon dee the manager comes out tels the guard and petioer to go inside the comply pick up there thing and leave he said petioner picked up the gun and go inside he states thats the last person he saw the gun with he was asked pp28v5 did you see the petioner with a gun out side befor he pickup the gun to go inside no he say no sir pp29v5 says pis is still screaming threat assumeddees talken to him pp30v5 the door swings open and shotts go off he states he saw no one he took offc running

pp31v5 describes himself as shot four times he says he was hit with a glock 9mm he states he saw other security training dogs coming he speaks on his condition his bones are broken from the knees down with plates and screws pp33 states again after being asked who was last seen with the gun he states the petitioner pp35v5 says he had known Clark Scott 14 years says he opened at 2:00am the time they arrived or left Dee's place say it closes at 7am 8am now here is where this gets tricky the Woodrow has basically two broken legs screws and plates when did he have a chance between surgery pain medication etc. not saying it's not possible but we will see what Mark Condon has to say about the line up state shows him a bullet fragment as thought as defense said he can't say whether that came out of him but he says yes anyway so state was allowed to admit the package pp40v5 Ms Baldwin goes over more prior conviction 6 counts of PCP possession from 08-2013 she asked if that night all three were smoked PCP he said yes from Dee's to H2O he says yes he was asked to describe the two security guards this time he speaks of a female security not the petitioner he was asked if he went in the club again says yes did he recall interview with Mark Condon see pp41v5 pp42v5 asked if he just came from TDGJ last night he said yes he said that he did meet with state but just to ask what happened not to refresh his memory she said to him do you recall you never said anything about another shirt and going in the club he says no she says that's something you just remember today he says yes the next statement he makes takes it all and is later even asked to mark Condon at his second testimony he says because I remember seeing the defendant petitioner on the balcony of the club you know he was sitting down watching around the I went inside the club to shoot pool you know just kinda hanging now wait at this point I have an exhibit #5 a picture of the whole front building from top to bottom wide range you can see the roof no balcony no ladder to climb mark Condon is again going to be asked the same question concerning his investigation

he answers I dont know it could have been a balcony smug like with a grinn defense attorney goes in to adressing all the things he never said that hes saying now like he couldt go in because of the wif beater he bought a shirt to go in the club or got ashirt from someone to go in to the club you never tol him you were inside playen pool that you saw petio =ner garret insid the club she says you just recall all of this today he says yes he gave a discription of the clôthen of the person with the gun she ask now you believe to be the petioner she said he described a person in black shirt an pants he said yes she asked and to be clear you never saw petioner garret shoot any one correct he states yes and now some how she says that you believe petionergarrett is the one is the one p'nt picked up the gun correct he says yes see pp44v5 lines 1-25 in line15-25 he starts t reveal the condition condon found him in when condon went to qustion him get state mente and to the photo array he states he had four bullets in his legs condon state that he found him to be in so much pain he used his reaction to th photo arry to pick the person for him he never told condon he had frecwent the club for two months you basicaly never made a statment at all at the time documented because with seguryes to fix his legs pain the after pain medica -tion then he catches new charges along with failure to I.D as a sex offender its in the recordes check the criminal history he was facen mulitipul charges that some how vanished or vgot through out via tdc and his testimony at petioners trail that the end of his testimony mark condons

Second tstmony is last an final mark cond-on basicly answered qustions of how he got to the points of his investigation and basicaly by the time he said he went home on the night of the 22nd of june he had his man weather truth or none I would like to start here first pp81v5 line 10-25 by the 23rd of june he filed murder charges with the DA got a warrent all thats fine thats:procecdure but on line 18-25 so you didnt get the footage from them you say till after it went viral to tv pp82v5 video suvalancesline5-f9 line nineteen there is no crime captured pp83v5 says you can not make out faces

no height no weight says he obtained the footage on the 30th 8 to 9 days later: the surveillance video is there fill free to see it the exhibit 103 pp85v5 line 10-14 pp86v5 lines 1-15 he states that woodrow was forthcoming with information I still cant see how four bullets broken bones and surgery I would believe he was sleep state asked about layla he said she did not want to talk there why that's the question why if the petitioner the shooter is gone what's wrong this on statement makes me fill unsettled in line 17-18 she was cooperative so you mean she supplied you a suspect and you went with that no real investigation just off her word pp88v5 defence is now questioning condon baldwin in lines 12-21 ask about finger prints he states nono on the path finder he wrestled grappled picked up and slammed a man holden him down with one hand an shooting but no finger prints she didn't ask about DNA transfer though ther should have been DNA transfer finger nails clothen wristbands : knecklaces around his neck sence petitioner was said to had held deased down by his neck now in pp89v5 1-25 hes asked about other h2o security guardes he said that on that date only stephen was there and blue moon security and you didn't check them for footage or matrail from the crim scene until it went viral or tv as he stated how many other people had things as I stated earlie in this threshold the scene was contaminat when the security ran threw it he asked about his walk through observation and search of h2o he goes though back offices doors as he states there wasnt a door lock we did not open pp90v5 as they searched there were no weapons found he states no he admites that predudice just may have made its way into this investigation by not looking at the evidence in full scoop pp91-92v5 both pages of questions of eviden -ce that something was not right he didn't have the full story but who cares this girl just gave me all I need someone to fall guy even found out that stephen wasnt out there at all that he did not participat bor see the incident he said im not sure how to answer that its easy yes or know did you know these things befor you began to file carges or to the work as he called while he was peacock testifying for the state as you vaule one life you vaule all

pp95 this is were you know some underhand
pp96v5 baldwin ask him were you here yester
day in line 7-25 of pp95 fist he answered
her yes i was in the witness room from 3:00pm
to 5:00pm but why waiten on stephen she asked
him did you see freeman come up to the court
house he replyes I may have seen come one
he goes on to say but he didnt recogniz him
its been a while he said he states futher
that he belived it was a altercation and
that the deasesed made some strong threats
he agreed in pp96v5 she even ma the statment
one of them that clark scott was qoted say
-ing to people found in line 4-5 about ligh
ten this m@** f#\$\$#up now I dont know
after that he confirmed that clark in ded
indeed made that statment then she asked
him the qustion of woodrow I like to call
it are there any balconies he said not that
I recall the retracts I mean there could h
have been what kinda answer is that the he
goes on well I was only in there 45min
well your honors I guses this guy is addic
ted to the 45 min clause you can almost see
that there is nuthen serious about this in
-vestigation other than the day the petion
-er recieved 30 years for a sarcatic missc
aige of justice Im just trying to show you
the honorable supreme cout that this was not
a fair trail I will say that the
batson that counsel called for was legal
if you could see it you would be able to see
that a jury of my peers of my race was not
there yet the court said it was I assume
now if you claim it then thats what you are
these days in a day in time were a mans
bathroom is t that any more and a women
bathroom is nolonger sacret its why it lea
-ves no other choice other than to cite mil
ler v. anderson as in miller petitioners
only chance is to establish that there was no
objective evidence placing him at the scene
of the crime we see that this is the case
I've been disagreed with told that these wi
tnese had compelling testimony I dont see
it I know all the element are there citing
expost facto rules of evidence I'm asking
you to at least take a look and see if you
can see what I see there is no evidece to
sustain this conviction gentry v. sinclair
693f.3d867(cas 2012) weaver 450u.s@28-29
101 Sct 960 other than analist and guy who
did suggjessive double bind broken rule
line upsthat the hole case thank you for
your time

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,
prose BRADLEY GARRETT INMATE 2052570

Date: July 29th 2021
July 29th 2021