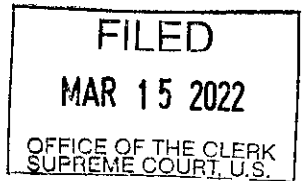


No. 21-7490



IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

JEREMY PIERRE SPENCER PETITIONER
(Your Name)

vs.

BOBBY LUMPKIN — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals - Fifth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JEREMY PIERRE SPENCER
(Your Name)

2664 FM 2054
(Address)

Tennessee Colony, TX 75861
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

The issues you wish the Court to decide are:

- 1.) Attorney was Ineffective Assistance of Counsel - Failed to Prepare A Defense, Failed to call Character Witnesses, Failed to hire, - or use Private Investigator, also Coerced me - Appellant to, take the Stand.
- 2.) Asking for Forensic DNA-Testing - Chapter 61-Motion
There was NO Evidence, NO Weapon, or NO DNA - I, Appellant Committed A Crime - Newly Discovered Evidence, and Evidentiary Hearing.
- 3.) Judge Committed Harmful Trial Error's by Not Declaring A Mistrial due to Judicial Bias, Cumulative Error's, Plain/Fundamental Error's, Structural Error's, Restraint in Courtroom, and Absentia, and being Attacked, and, Assaulted by bailiff's (3) different times in Trial, in front of the Jury.

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

N/A

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4-36
REASONS FOR GRANTING THE WRIT	37
CONCLUSION.....	38

INDEX TO APPENDICES

APPENDIX A	<i>Decision of State Court of Appeals</i>
APPENDIX B	<i>N/A</i>
APPENDIX C	<i>N/A</i>
APPENDIX D	<i>N/A</i>
APPENDIX E	<i>N/A</i>
APPENDIX F	<i>N/A</i>

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Barker vs. Wingo	9, 29,
Long vs. State	15, 21,
Withrop-Redin vs. United States	15, 17, 25, 28, 30, 32, 34, 36
United States vs. Canales	15, 17, 23, 25, 28, 30, 32, 34, 36
United States vs. Garcia	15, 17, 23, 25, 28, 32, 34, 36
United States vs. Joseph	15, 17, 23, 25, 28, 30, 32, 34, 36
United States vs. Durham	15,
United States vs. Miller	15,
Banks vs. United States	17,
United States vs. Eaton	17, 32,

STATUTES AND RULES

Section - 21.0021 (b) of the Texas Family Code	
Art. 28.10 - Amendment of Indictment	11,
Art. 38.08 - Defendant may Testify	12, 20, 23
Art. 2.08 - Neglect of Duty	13, 15
Abuse of Discretion	15, 17, 33,
Cumulative Error	15, 17, 23, 25, 30, 32, 33, 36
Evidentiary Hearing	15, 17, 25, 30, 32, 33, 36
Newly Discovered Evidence	15, 17, 23, 25, 32, 33, 36
Plain/Fundamental Error	15, 17, 23, 25, 30, 32, 33, 36
Restraints In the Courtroom	15,

OTHER

N/A

See Additional Attached Pages

TABLE OF AUTHORITIES CITED

<u>STATUTES AND RULES</u>	<u>PAGE NUMBER</u>
Prosecutorial Misconduct	17, 36
Structural Errors	17, 25, 33,
Sufficiency of Evidence	17,
Federal Rule of Evidence-103(e)	17,
Ineffective Assistance of Counsel	23, 33,
Art. 28.01 - Pre Trial	23,
Competency	23,
Mental Illness - Penal Code - §.01	23,
Coerced by Lawyer	23,
Indigent Trial Tool	23,
Speedy Trial Act	23, 29, 30,
Mathias Rule	23, 33,
Diminished Capacity	23,
Inadmissible Evidence	24,
Art. 38.23 - Evidence Not to be Used	25, 26,
Motion In Limine	25,
Exclusionary Rule	25,
Illegal Search/No Search Warrant	27,
Art. 17.151 - Release Because of Delay's	29, 30,
Art. 1.05 - Right of Accused	30,
Turner Conduct	33,
Prejudicial Contamination	32,
Change of Venue	33,
Art. 31.03 - Granted On Motion of Defendant	33,
Closing Statement	36

TABLE OF AUTHORITIES CITED

<u>CASES</u>	<u>PAGE NUMBER</u>
Strickland vs. Washington	23, 34
Pate vs. Robinson	23,
Loyd vs. Smith	23,
Lockett vs. Anderson	23,
United States vs. Hicks	23, 29,
Richard vs. Thaler	23, 34
Mapp vs. Ohio	24, 27,
Taylor vs. Kentucky	25, 28, 34, 36
United States vs. Lui	25, 28,
Neder vs. United States	25,
Herring vs. United States	28,
Strick vs. United States	29,
Chandler vs. Florida	33,
Brady vs. Maryland	34
United States vs. Carter	34
Stoot vs. Carr	34
Ex Parte Duff	34
United States vs. Sanchez	36
United States vs. Conrad	36
United States vs. Smith	36
United States vs. Beckner	33

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 No; 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 No. 9-17-00062-CR, 2018 WL 6186109; 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 7-3-2019.

☒ 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 3-4-2022.
A copy of that decision appears at Appendix A.

☐ 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).

2.)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

UNITED STATES CONSTITUTIONAL RIGHTS

5th Amendment

6th Amendment

8th Amendment

14th Amendment

STATEMENT OF THE CASE

This is Jeremy P. Spencer T.D.C. # 2119456, an inmate,
in T.D.C., at Michael Unit, 2664 FM 2054
in Tennessee Colony, TX 75861.

I'm writing in response to there being Great Prejudice
in Jefferson County, Beaumont, TX that I did
not have a Fair-Trial

My first lawyer, "Graylyn Cooper", runs up to the
jail which my Ex-wife contacted him in August,
- 2014, he comes to the jail, tell's me he'll get
all my charge's dropped - which were False-Charges,
if I "File" the Court Appointed lawyer that was,
just recently Appointed to me, by signing this sheet
of paper "Graylyn Cooper" put's in front of me,
and he tell's me give him my "Bank-Card" out,
of my property which he say's →

See Additional Attached Page's

he will charge me \$2,500 to Dismiss All my Charge's, which are All FALSE from the start. Once he got my bank-card, I did not hear from him, he Never Answered my letter's, nor did he Accept any of my, Phone-call's, and I only saw him at Court maybe, (2), or (3) times he was my lawyer for the (2)-year's he was my lawyer before he Re-moved-His-Self from my case, and he also kept my Money, the \$2,500 he took off my bank-card.

Judge Raquel West Refused for Graylyn Cooper to give my money back, and she said "NO", I felt he did his job.

* That's the first Mistake.

Judge Raquel West tell's me in Court March of 2016, that she feels bad my first lawyer - "Graylyn Cooper" took my money then got off my case, she tell's me, she will Appoint me "New-Counsel", and even though, it's "Short-Notice", we will Proceed with Mr. Spencer's, Trial, April 11, 2016, and there will be NO-MORE-Set-Off's, and she say's "Let-This-Be-for-the-Record" ("Proof-Is-ON-the-Record"), ("On-the-Transcript") for my March, 2016 Court-Appearance. She said "We will Proceed with, Trial April 11, 2016, and "There will be No-More-Set-Off's", — I've been "Set-Off" about "8-to-10-times", after April 11, 2016, "check All" my Court-dates", and, my Trial date, — went to Trial A Year Later February, - 2017. Let me go back for a minute, before Graylyn —

Removed himself from my case, he keep's telling me, he's going to my charge's Dismissed on the 2014, - charge's, but the D.A. keep's setting my court-dates, off, Graylyn Cooper finally tell's me I'm going to, Bond you out of jail, me, and the Judge - Judge, - Raquel West - because you've been in jail long enough, - 8-month's. He say's my next court date is in May, 2015, and he will get "All" my 2014-Charge's dropped, May - 2015, he's going to Bond me out until then. I tell him "No", I'll sit in jail until my Court; - date, so I can put All this behind me, because people have a History - my Family, and my wife, of calling the Cop's on me "for No-Reason" - being, Hateful, and Evil, and if I stay in jail until my, Court-date I know I can put this behind me. Graylyn Cooper, and Judge Raquel West take it upon, themselves to Bond me out of jail, and Also put a Re-Straining-Order on me from going home, to my house with my wife, which we just moved into 8-month's ago, and I Never lived there. By not Allowing me to go home to my house with my wife - the Judge - Judge Raquel West, and my lawyer Graylyn Cooper just made me homeless. I give the Judge - Judge Raquel West my Grand-mother address, or my old address 308 E. Elgie St. in Beaumont, TX 77705, my grandmother Garage - Apartment, which is Abandon Now, but it's the only place I could think of to stay until my -

- Court-date. Once out on Bond while I'm staying at my Grandmother Rent house - Garage Apartment until my court-date, - (9) day's later the Cop's come to my Grandmother house and tell me to come out with my hands-up, "I'm Under-Arrest" - they tell me my wife, and her mother are in the Hospital in Critical-Condition, and I'm the Suspect. I do know that if something happens to the wife, or the Husband, the Spouse is the first - Suspect. The cop's tell me my wife, and mother have been stabbed. To put me - "Under-Arrest" the Cop's force my 70 - something year, old Grandmother to sign A Trespassing-Order for me, or on me for being at my own - Grandmother's house. That's Crazy. They needed A Reason to take me Downtown for Questioning. After Questioning, even after I requested A lawyer - Detectives continued to question me for (6) hour's, then called and - begged the Judge to Approve A Arrest Warrant for my Arrest - the said "NO", but the Detective continued to beg the Judge until the Judge gave in to get off the phone, because I could hear the Judge, and the Detective kept saying I know, you're at home with your Family. Detective had No-Evidence to Arrest me but he still tell's me I'm Under Arrest for Aggravated Assault with A, - Deadly Weapon. Now I'm in jail for A Felony - charge when All I had was A few False - Misdemeanor charge's pending. When I go to court-

Pg 8

- Graylyn Cooper the D.A. offering (5) year's I tell him I did not do Anything. He tell me just take the (5) year's, I tell him "NO", I tell him, This is A Big Man You Got Me In, - I Told, You Not To Send me Out - He look's at me, in the Courthouse dungeon, and tell's me with A, - "Smile", and "Smuck" on his face - "with his hand's - in the Air", and say, "Hey It's Not My Fault". He can't even keep a Straight-Face. I ask for the Judge to Remove him as my lawyer, but he already Requested to be Removed from my Case.

- At my Pre-Trial Hearing Judge Reguel West tell's me, and the Court that she will Remove Graylyn, - Cooper as my lawyer, and Appoint New Counsel.
- My Next Court date April 11, comes around, and "Judge, - Reguel West", "Appointed Ryan Matucka", and she tell's me "He's A Personally Good-Friend of Mine" ("Conflict, - of - Interest!")

- * Since March 28, 2016 - Court-dates have been Set-Off, (8) - rare times, - April 11, 2016, May 31, 2016, - Sept. 29, 2016, Oct. 10, 2016, Nov. 28, 2016, Dec. 2016, Jan. 2017, Feb. 21, 2017. That's A Total of (18)
- Set-Off's from - May 20, 2015. I heard that the law, is only Allowed (3) Set-Off, and NO-MORE than That!
- I put in for A Speedy Trial Request - in Nov., or, - Dec. 2015, and Change of Venue - due to Media Coverage -

Pg. 1

which would Deny me A Fair, and Impartial Trial.
That's A Violation of Speedy Trial Act Request that I
Filed A Year Ago from March 29, 2016. That Violates the
- 6th Amendment to the U.S. Constitution Right's from
Serving Lengthy Jail-Time While Not Convicted, On FALSE
- CHARGES which is A Violation of the 6th Amendment
to the U.S. Constitution - *See: Barker vs. Wingo.

* I've been A victim of Police Brutality, Assaulted by,
- Graunds, and Officer Use of Excessive Force, A Victim-of;
Cruel and Unusual Punishment - Violation of the 8th Amendment.

* Also: The 5th Amendment - You can't be Deprived of
- Life, Liberty, or Property without Due-Process.

* Also: The 14th Amendment - Equal Protection of Law,
and the State Cannot Deprive No Person of Life
Liberty or Property without Due Process of Law.

* This is the Supreme Law of the Land, which means All,
State's must Comply with.

Lawyer Ryan Matuska, once Appointed my lawyer, Never
came to visit me at the jail for a whole year,
the 1, or 2 - times he did show up at the Courthouse
for my Court Appearance, "I tried to ask him what's
going on with my case", his Reply is - The D.A.,
- "Don't Have Anything", "Don't Worry" - I try to ask
question he cut's me off, sipping on his cup of Coffee,
plus he look's High, cut's me off then Runs out the -

- door to Never be seen again, until the Night Before,
- Trial. "Ryan Mataska comes see me the Night Before,
- Trial at the jail for the first time, in Over-A-Year and tells me He Did Not Prepare - Anything - A Defense for Trial, he tells me he just came to tell me, D.A.'s Offer, because - "By Law He's Required To Do, - So", "but other than that He Would Not Have Come".
- * I tell Ryan Mataska - "How Can We Go To Trial,
- When You Never - Investigated, or Prepared A Defense for Trial", and "You been my Lawyer for Over A, - Year". I tell him, "I want To Fire Him As My, Lawyer", "He Can Get Off My Case", "He tells Me, - No He's Fine Staying On the Case". "I try to talk to him, and he does not want to listen to me, or, Anything I have to say." "I can't even ask him a, question without him Acting like I'm Bothering him, or, getting on his Nerves, he Playing On His Phone the, 1, or 2 - times I did see him". "I filed A (13) - Motion - Hybrid" - to the "Court Clerk - Jamie Smith", "Judge Raquel West", the D.A., and my lawyer - Ryan Mataska, Never got Any Response - "It Should Be On File As, - Proof".

The Day of Trial there was an Error on my Indictment which states, "I was in A Dating Relationship or Romantic Relationship with my Mother-In-Law - Jacqueline Mayon - "described by Section - 71.0021(b), - of the Texas Family Code". Judge Raquel West - Amended the Indictment right there before Trial starts -

- "by drawing A Line thru the First Degree Felony", and,
- "peniciling in - 2nd Degree Felony at the top of the page", also "Judge Reguel West - draw's a line thru, the line which state I was in A Romantic, and,
- Dating Relationship with Jacqueline Mason - my Mother-in-Law, the Victim - described by Section - 71.022(6), of the Texas Family Code".

* That's the Second Error, or Violation of the Law.

* Art. 28.10. - Amendment of Indictment

- (a) After Notice to Defendant, a matter of Form, or Substance, in an Indictment, or Information - "may be Amended" at,
- "Any time" - "before the Trial" on merit's commences. On the Request of the Defendant, the Court shall Allow the Defendant not Less than (10) Day's, or a shorter Period if Requested by the Defendant to Respond to the Amended Indictment, or Information.

* I + say's can Amend Indictment (10) day's Before Trial, Not (5) - minutes Before Trial Start's.

* Also - Did Not Par-take in Jury Selection - Lawyer Ryan, Mataska made Jury Pick's, and Selection's on his Own ("Violation")

* I just would like to Add, after Jury Selection - Vire-Dire, I had to use the Restroom really bad before we started Trial, so I raised my hand to tell the Judge I have to use the restroom, Judge, and Court's tell me Not -

- to Interrupt the Court, but they Not Understanding my Situation - "I have A Bladder Problem" - "due to me, Dying" - (2) different-times "in" "June - 2011", and "August, - 6, 2013" "from (2) different" - "Head-Strikes", and due to me dying, and my Organ's shutting down the side Effect's is A Bladder Problem - Doctor's Can't Figure it Out, It's All There On my Medical Record's, I try to Explain to the Judge, and the Court's but they just think I'm playing or trying to stall Trial, they Not, Understanding I can't hold it until it Recurs at Trial. Now the Judge, and Court's, and Jury Looking at me Crazy. They Finally Allow me to use the Restroom.

* Next the Court's States that I'm Not going to take the Stand to Testify, and the Jury should not hold that as A sign of Guilt, because by Law that's A Defendant's Right - Art. 38.08. - Defendant May Testify

One of the Juror's A Lady Say - That might seem Unnatural if someone is Lying on you, and you just sit there, and Not Say - Anything.

* She said if someone in Court, or Trial is Lying On, you Speak-Up, - Your Voice IS Your Best Defense

* She was Right, because "That IS Unnatural," because when, they started Lying On me in Trial I could Not Just, Sit there, and Say Nothing, So I Spoke Up when They -

- Lied, and by doing Exactly what the Juror said to do, Made me Look Crazy - Again when Witnesses Lied on me, that's when - The Balitt's - Hawthorn, and, Balitt - Martin Jump's On Me - Put Me In A Choke - Hold, and Cover's my Mouth, and Drag's me Out the Courtroom, for Standing and Addressing the Judge, and, Jury by saying Good-Morning before Trial Started, and, Speaking-up, when the Witnesses Lied On Me.

* Balitt tell's me I Scared the Jury, I say How, You-Jumped-Over-the-Table, Covered my my Mouth Put Me In A Reverse-Choke-Hold, and kicked-the, Crap-Out-of Me On the Way Out the Courtroom in front the Jury.

* Third Error, or/ Violation - Art. 2.03 - Neglect of Duty

** Attention **
Judge Reguel West, Balitt's, and my Lawyer Ryan Matuska - All come in the little Conference-Room, that's behind the Courtroom, and said, "She's Not, - Changing the Jury", and "Trial Will Proceed", "She's Not, - Declaring A Mistrial".

** Attention **
Judge Reguel West then tell's me, "Don't Worry About, - It You'll Give the Time Back In the Next Court".

* Being Attacked by Balitt's in front the Jury, and "Judge Reguel's, - West, "Not Picking A New Jury", or "Declaring A Mis Trial" -

- the Trial Court Committed A Horrible Trial Error,
"which caused A Auto-Matic (Guilty Verdict), "Blinding,
- the Jury", and "Violating Defendant's Due-Process".

* On Trial Transcript Vol. (4), of 5 - pg. 9 - Lines - 7, 8, 9, 10, - 20, and 21 - Judge Raquel West States - Mr. Spencer was, or had to be taken out of the Courtroom by bailiff, - (Hawthorn) Forcibly.

* Upon Returning to the Remainder of my Trial, I was, Handcuffed, and Shackled during the Remainder of Trial

* On Brief for Appellant - on page - 27 - Dustin Calmer Appellant - Appeal Lawyer States - That Appellant Behavior was Not so Disruptive to Warrant the Immediate Violation, of his Right's without Consideration of Any other Action's

* On Trial Transcript Vol. (4), of 5 - pg. 9 - Lines - 7, 8, 9, and 10 - Judge West States - however, based on what went, on and what the Bailiff - (Hawthorn) feels is Most Appropriate Mr. Spencer is in Handcuff's, and we're going, to Leave him in - (Handcuff's).

* Placing the Burden On the Defendant to Show that the Jury, Could See the "SHACKLES", and that the Jury was "INFLU-
 -ENCED" By that in Order to "Prevent-Error". What Better Evidence Could there Be to Show - "Dangerousness" than to have the "Defendant" "SHACKLED" while being "TRIED".

19.15

- Case Established Extremely Unfair Precedent.

* Long vs. State, 823 P.W. 2d 259

* It was a Harmful Trial Error, to Have Defendant Handcuffed (Shackled) in Restraints in the Courtroom, in Front the Jury, when Defendant was wearing a, Stun-Belt - underneath my clothes Everyday of Trial, that was placed on the Defendant, and "Secured" by, bailiff - (Hawthorn) the same bailiff that Assaulted me, and the One who Told - Judge Reginald West, - "What Bailiff (Hawthorn) Feels is Most Appropriate, Mr. Spencer is in Handcuff's, and we're going to leave him in (Handcuff's)".

* That's a Violation of - Abuse of Discretion, Art. 2.03e, Neglect of Duty, Cumulative Error, Evidentiary Hearing, Newly Discovered Evidence, Plain/Fundamental Error, and, Restraints in the Courtroom

Winthrop-Redin vs. United States, 767 F.3d 1210, 1215 (11th Cir. 2014),
United States vs. Canale, 744 F.2d 413, 430 (5th Cir. 1984),
United States vs. Gaccia, 19 F.3d 1123 (6th 1994), United States vs. Joseph, 716 F.3d 1273, 1277 (9th Cir. 2013),
United State vs. Durham, 287 F.3d 1297, 1307-09 (11th Cir. 2002),
United States vs. Miller, 531 F.3d 310, 315 (6th Cir. 2008)

Fourth Error/Or Violation - Charging Defendant of Aggravated Assault with A Deadly Weapon - when NO weapon was, Ever Presented in Evidence

* On Trial Transcript Vol. (2) of 5 - on pg. 37 - Lines - 5, and 6 - D.A. Kenneth Florence states - "We Are Here, On an Aggravated Assault with A Deadly Weapon Case".

* On page - 27 - Line - 3 - Victim Jacqueline Mason states, She Didn't See A Knife,

* On page - 43 - Line - 20 - Mr. Matuska states - I Didn't, See A Picture of A knife,

* On page - 44 - Line - 5 - Officer Pratt states - I Personally Did Not Observe A Knife, No Sir.

* On Trial Transcript Vol. (4) of 5 - pg. 43 - Lines - 9, and 10, Moni saying She Didn't See A Knife At All

* ALSO: Was Indicted for one Person - Assaulting Jacqueline, Mason, ~~the~~ the victim, but was - Charged for Assaulting (2) victim's when victim Daughter - LIED, and, Testified I Assaulted Her as well, - Moni Mason Have Long History of Calling Cop's On me, and Making, - FALSE-CHARGES ON me, then Dropping CHARGES

Fifth - Error/Or Violation - D.A. Rachel Groves Tell's,
Another D.A. At the Beginning of Trial - "We Don't,
- Have Any Evidence On Defendant" - "NO-FINGERPRINTS,"
"NO-WEAPON," "NO-DNA," "NO-NOTHING"

* There was "NO-EVIDENCE" Defendant Committed A Crime,
nor was there A Weapon in Evidence, nor Did Witness'es,
Testify they saw Defendant with A Weapon, nor Did they,
Give A Description of Size, Shape, or Sharpness, nor was,
there "ANY" "DNA-EVIDENCE"

* On Trial Transcript Vol. (2) of 5 - pg. 85 - Lines - 17, 18,
19 - Lawyer Ryan Matuska States-to the Jury - Aren't,
We Entitled To Some Basic Thing's Like - "EVIDENCE",
- "FINGERPRINT-EVIDENCE", or "DNA-EVIDENCE"

Abuse of Discretion, Cumulative Error, Evidentiary Hearing, Newly,
- Discovered Evidence, Plain/Fundamental Error, Prosecutorial Misconduct,
Structural Error's, Sufficiency of Evidence, Federal Rule of Evidence;
- 103(e)

- * Winthrop-Redin vs United States, 767 F.3d 1210, 1215 (11th Cir. 2014)
- * United State vs. Carolee, 744 F.2d 413, 430 (5th Cir. 1984),
- * Winthrop-Redin vs. United States, 767 F.3d 1210, 1216 (11th Cir. 2014),
- * United States vs. Garcia, 19, F.3d 1183 (6th 1994)
- * United States vs. Joseph, 716 F.3d 1273, 1277 (9th Cir. 2013)
- * Banks v. United States, 920 F. Supp. 688 (E.D. Va. 1996),
- * United States vs. Eaton, 784 F.3d 298 (6th Cir. 2015).

Sixth Error/er Violation - Witnesses LIES On Defendant's
Witnesses Tell (2) Different Stories - Aggravated Perjury

* On Trial Transcript (4) of 5 - pg. 101 - Lines - 18, 19, 20, 21, and 25 - Lawyer Closing Statement - he's saying: - Now Moni, and Jacqueline's Story Are Strange In, many Ways. Let's Look Closely At What They're Saying That Doesn't Seem To Make A Lot of Sense.

* Jacqueline On the Other Hand Didn't See A Knife

* On page - 102 - Lines 1 - thru - 17 - Ryan Mataska saying Jacqueline Didn't Even Know She Was Cut, but "Testified", That She Witnessed - Jeremy - Body - Slamming - Moni, In - the - Front - Yard.

* Moni Not Only Didn't Say That, but Had Come Out of Her Way To Say She Could "Take-Jeremy", as in A Fight, and That Wasn't A Problem.

* These two don't go together, I'm sorry that doesn't make Any Sense. I don't Understand the holes in their Story.

* She Didn't See A Knife, Moni Didn't See A Knife, Don't Even Know What Stabbed Me. I Submit To You That's Not, "Credible" - "Two People" with that Story.

pg 17

- Continue

* On Trial Transcript (4) of S - pg. 38 - Mom states,
- She Told People at Hospital "Anything", because She
Didn't Have Insurance.

We Must Conclude the Judgement in this Case was
Overwhelmingly Against the Great Weight, and Preponder-
-ance of Evidence on the threshold question of whether
the Defendant was Guilty

* No Rational Jury could Decide from the Evidence
Presented that the Defendant was Guilty.

* Their Rejection of this Evidence Appears Arbitrary to
this Court.

* There was No Testimony about the Sharpness of the Knife.

* The Actual Knife was Not Introduced into Evidence.

* When these Factor's listed are Considered in the context
of the Instant Case, we Hold there is Insufficient
Evidence to Prove Guilt.

* There is No Evidence whatsoever Regarding Appellant is
the Suspect in the Crime, nor did he use a Weapon
or Knife.

Seventh Error/Or Violation - Did Not Want To Take the "Stand", Lawyer Ryan Matuska - Coerced Me To Take the "Stand"

Coerced by Lawyer - Ryan Matuska To Take the Stand.

* Coerced - Intimidating Behavior that put's A Person in Immediate Fear of the Consequences in Order to Compel that Person to Act Against His, or her Will.

* Art. 38.08. - Defendant May Testify - Any Defendant in a Criminal Action shall be permitted to Testify in his Own, behalf therein, but the Failure of Any Defendant to do, or Testify shall Not be Taken as a Circumstance Against him, nor shall the same be Alluded to, or, Commented on by Counsel - in the Cause.

* My lawyer - Ryan Matuska tell's me while I was in the holding-cell during Trial, where they placed me, for Lunch, that - "He Did Not Have A Defense", and, "He Never Prepared One", and "My Only Choice Was To, Take the Stand", or Get 20-years. I Never Wanted, To Take the Stand, he Explained to the Jury during, Jury Selection — ("Voir Dire Examination")

On page - 35 - Lines - 18 - thru - 23 - Judge Ragnel West. Saying - I Don't have to Testify, and that Should Not be, Circumstance Against me. _____

— On page — 34 — Lines — 15, 16, and 17 — Judge West states the Law does Not Require the Defendant to Prove His Innocence, or Produce Any Evidence at All.

✓ * Attention: I read this "LAW-REFERENCE-BOOK",
by - "M. Bakur" —, and He stated in his book
 that he's A Successful Lawyer in New York,
 and he says — If your Lawyer Tell's You
To Take the Stand — You are getting Ready
to get "Rail-Road", and he, or she is Not,
— for your Best-Interest!

* Also: Ineffective Assistance of Counsel

* Lawyer Ryan Mataska was my Lawyer for Over-A-Year,
 he was Never Present at my Court-date Appearance's,
 he Never came to see me, or visit me at the Jail to,
 Discuss the Case, or Investigate the Case or Prepare
 A Defense. He Never Answered Any of my letter's.

I also mailed Ryan Mataska, and Judge Reguel West
 A List of Character Witnesses on my Behalf,
 like my Employer, my Priest, Co-Worker's, Friends
 of the Family, my - M.H.M.R - case worker - for my
 Mental-Illness - Bipolar/Schizophrenia, my Doctor, and
 Police Officer's at Police Station who could Verify
 I filed over 2, or 3 - Police Reports on Witnesses —

- asking them to put A Restraining-Order on them in March, April, May, June, July, and August of - 2014.
- * Lawyer Ryan Motenka Never Investigated, or use the Private Investigator that I'm Entitled to due to being Indigent and also Investigator is Provided with No Charge for Court Appointed Lawyer's
- * Also: Once I took the Stand I became Hostile because I was Coerced, and the D.A. was Attacking me, put words in my mouth, and Twisting my word.
- * I start using Profanity.
- * On Trial Transcript Vol. (4) of 5 - pg. 10 - Lines - 11 - thru - 13, Defendant States - He's Not getting Medical Attention Being Refused - Psych - Meds for my mental-Illness, and, being Brutally - Beaten by Grand.
- * On Trial Transcript (4) of 5 - pg. 141 - Lines - 11 - thru - 14 Larita Spencer - Defendant Mother States - "She's been trying, to get him Mental Help, past (3) years - Jail won't give him his Medication - Ability - Sing for Bipolar, and Zyprexa - 10mg for Mood-Stabilizer."

Pg 23

- On Brief for Appellant On Page - 13 - The Record also Reflects, that "Appellant" - "Suffered From Mental Health Issues" that likely Explained his Behavior.

Ineffective Assistance of Counsel, Art. 28.01 - Pre-Trial, Competency, Mental-Illness - Penal Code - 8.01, Coerced by Lawyer, Art. 38.08 - Defendant May Testify, Indigent Trial Tools, Speedy Trial Act, Mailbox Rule, Newly Discovered Evidence, Plain Fundamental Error, Cumulative Error, Diminished Capacity

Strickland vs. Washington, 466 U.S. 668 104 P.Ct. 2052, 80 L.Ed. 2d 674 (1984), Pate vs. Robinson, 383 U.S., 375 86 S.Ct. 836 15 L.Ed 2d 815 (1966), Loyd vs. Smith, 889 F.2d 1416 (5th Cir. 1990), Lockett vs. Anderson, 230, F.3d 625 (5th Cir. 2000), United States vs. Garcia, 19 F.3d 1123 (6th Cir. 1994), United States vs. Joseph, 716 F.3d 1273, 1277 (9th Cir. 2013), United States vs. Canales, 744 F.2d 413, 430 (8th Cir. 1984), United State vs. Hicks, 779 F.3d 1163 (2015), Richard vs. Thaler, 710 F.3d 573-576-79 (5th Cir. 2013)

Eighth Error/Or Violation - Inadmissible Evidence

Picture's was Inadmissible, because were to "GRUESOME".
Was Not Supposed To Show Jury.

* On Trial Transcript Vol. (2) of 5 - Lines - * (20 - thru - 21 - pg. 19).
 Page - 19 - Lines - 20 - thru - 21 - Judge Rachel West states,
 "Make Sure Jury Does Not See Pictures of Witness, Explicit,
 - or Gruesome Photo's."

* On pg. 20 - Lines - 5, 6, 7, 8 - thru - 20, and 21 - "GRUESOME,"
- TESTIMONY

* See: Long v. State, 823 S.W. 2d 259

* Also: On Trial Transcript Vol. (3) of 5 — On pg. 60 - Lines;
 2, 3, 4, 5, 7, 8, 9, 10, 24, and 25 — * "Brandy Dixon" - I.D.
 Technician for Beaumont Police Department, went inside my
 Grandmother's Garage Apartment, which is in the back-yard
 of my Grandmother's house — which is "Family Home Tract",
 and "Garage Apartment" is on Adjoining Property - Private Property,
"without" A "Search Warrant", which is "Illegal Search", and,
 violates the 4th Amendment — Evidence Obtained in Violation
 of the 4th Amendment — to "Exclude Evidence" - "Discovered"
 as A "RESULT" of Police - Misconduct

* Mapp vs. Ohio - (1960)

— Also: "Took Photos", and "Entered into Evidence", and
as Exhibit-42 — "A Set of my Car-keys"

*Art. 38.23 — Evidence Not To Be Used

Cumulative Error, Exclusionary Hearing, Motion In Limine,
Newly Discovered Evidence, Plain/Fundamental Error
Structural Error, Art. 38.23 - Evidence Not to be Used
Exclusionary Rule

Taylor vs. Kentucky, 436 U.S. 478, 488, 98 S.Ct. 1980, 56 L.Ed
2d 468 (1978), United States vs. Canales, 744 F.2d 913,
- 430 (5th Cir. 1981), Winthrop-Redin vs. United States, 767 F.3d
1210, 1216 (11th Cir. 2014), United State vs. Lui, 941 F.2d
844, 846 (9th Cir. 1991), United States vs. Garcia, 19 F.3d,
1123 (6th 1994), United States vs. Joseph, 716 F.3d 1273, 1277,
- (9th Cir. 2013), Neder vs. United State, 527 U.S. 1, 119 S.Ct.,
1827, 144 L.Ed 2d 35 (1999).

Pg. 26

Ninth Error/ or Violation - Evidence Not To Be Used

Art. 38.23 - Evidence Not To Be Used

* Criminal History - from past - 10-years at the time,
- of the Charge - from - 2015 - on - back

* Car-keys

* Witnesses - Perjured Testimony

Tenth Error / or Violation - Illegal Search / No Search Warrant

On page - 52 - Trial Transcript Vol. (3) of 5 - Lines - 13 - thru - 19, and page - 54 - lines - 6, and 7

Detective - John Court stating - Defendant had been taken into Custody for Un-Related Offense at, 308 E. Elgie St. location.

Was Arrested on FALSE - Trespassing Charges, -
* (That were later Disproven), at my Grandmother's house to put me in jail, because Cop's didn't have Warrant to Arrest me for Aggravated Assault.

I have copy of warrant for Arrest, and Precept to Serve Copy of Indictment which is dated May 20th, and May 21st - 2015.

I was Arrested April 3, 2015.

Also: Brandy Dyson - I.D. Technician for Beavercreek Police Department

On page - 60 - Lines - 2, 3, 4, 5, 7, 8, 9, 10, 24, and 25 - States She took photo's of a set of my car key's that was Entered into Evidence, as Exhibit #42 - which was in my Grandmother's Garage Apartment she owns in her backyard (Private Property), - Homestead is Any Family, Owned Property including Any - House, Garage, or, Building on Adjoining Land. "Illegal Search"! Violates 4th Amendment - Mapp v. Ohio (1960)

— Continued

Taylor v. Kentucky, 436 U.S. 478, 488, 98 S.Ct. 1930,
 56 L.Ed. 2d 468 (1978), United States v. Canales,
 744 F.2d 413, 430 (5th Cir. 1984), Winthrop-Redin v.
 - United States, 767 F.3d 1210, 1216 (11th Cir. 2014),
Herring v. United States, 555 U.S. 135, 144, 129 S.Ct.
 695, 172 L.Ed. 2d 496 (2009), United States v. Lui,
 941 F.2d 844, 846 (9th Cir. 1991), United States v.
 - Garola, 19 F.3d 1123 (6th Cir. 1994), United States v. Tappin,
 716 F.3d 1273, 1277 (9th Cir. 2013)

Eleventh Error/Or Violation - Violation of Speedy Trial Act

Defendant was Detained in jail pending Trial of a
 Accusation against him from 2015 — to — 2017 as,
 a "Pre-Trial Detainee" — which Violated his
 6th Amendment — Right to A Speedy Trial —
 Serving lengthy Jail Time — without being Convicted,
 — of A Crime ..

* Banker vs. Wings — State Anything past (17) — Months —
 Violates the 6th Amendment — Right to A Speedy Trial.

* That serves to prevent Undue, and Oppressive Incarceration.

* Speedy Trial Act - Violation of Speedy Trial Act = Dismissal.

* Strunk vs. United States, 412 U.S. 434, 440, 93 S.Ct. 2260,
 — 37 L.Ed 2d 56 (1973) — Only possible Remedy Vacate,
 — Sentence, and Dismiss.

* United States vs. Hick's, 779 F.3d 1165 (2015)

* Also: Bond was Expensive Amount — \$2-Million-Dollar's
 — without Any Evidence Against Defendant.

Art. 17.151. — Release Because of Delay's — Sec. 2. —
 A defendant who is detained in Jail pending Trial
 of An Accusation Against him must be — "Released" either —

Pg 30

- on "Personal Bond", or by "Reducing the Amount of Bail" Required if the State is not ready for Trial of the Criminal Action for which he is, being Detained within:

* (1) 90-days from the commencement of his Detention if he is Accused of A Felony

* Art. 1.05 - Right of Accused - "Shall have A Speedy Trial"

Speedy Trial Act, Art. 17.151. Release of Delays, Abuse of Discretion, Cumulative Error, Evidentiary Hearing, Plain/Fundamental Error, Art. 1.05 - Right of Accused

Winthrop-Redin vs. United States, 767 F.3d 1210, 1215, - (11th Cir. 2014), United States vs. Canales, 744 F.2d 413, - 430 (5th Cir. 1984), Winthrop-Redin vs. United States, 767 F.3d 1210, 1216 (11th Cir. 2014), United States vs. Joseph, 716 F.3d 1273, 1277 (9th Cir. 2013)

Twelfth Error / or Violation

- * On Trial Transcript Vol. (4) of 5 - pg. 6, and 7,
- * I was Assaulted by badiff's - "Martin", and badiff - "Hankerson"
and Handcuffed during Remainder of Trial in front
of Jury, All, because I stood to say "Good-morning",
addressing the Court as a sign of Respect,
- * Also: Getting Emotional from seeing my wife for the
First-time in (2) years, and from D.A. putting
words in my mouth.
- * Also: Jury said during the "Jury-Selection", That's -
"Un-Natural" to just "Sit-There", and Not
"Speak-Up" for "Yourself" if someone is Lying
on You, Do-Everything" "in your Power" to "Stand-Up,"
and "Speak", and say You Didn't Do It.
- * "Your Voice Is Your Best Defense"
- * On Trial Transcript Vol. (4) of 5 - pg. 96 - Lines -
10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, and 25 - and On,
pg. 97 - Lines - 7, 8, 9, and 10
- Also: A Couple of Juror's was Law Enforcement, or,
had Law Enforcement in their Family, "was-Not-A-
-FAIR-TRIAL".

Pg ~~32~~

- Juror's with Law Enforcement Background is:

* Ms. Araina Young Daniels,

* Trial Transcript Vol. (2) of 5 - pg. 117 - Lines - 7, and 8,
-(Law Enforcement)

Mr. Donald Wayne Harrock,

* Trial Transcript Vol. (2) of 5 - pg. 116 - Lines - 12, 13,
- and 14 - *Military*, *Legal Training*, *Military Police*,
-(Law Enforcement)

* "Prejudicial - Contamination"

Cumulative Error, Evidentiary Hearing, Sufficiency of Evidence,
Newly Discovered Evidence, Plain Error/Fundamental Error

United States vs. Aguales, 744 F.2d 413, 430 (5th Cir. 1984)
Withrop-Redin vs. United States, 767 F.3d 1210, 1216,
(11th Cir. 2014), United States vs. Eaton, 784 F.3d 298,
(6th Cir. 2015), United States vs. Garera, 19 F.3d 1123,
(6th 1994), United States vs. Joseph, 716 F.3d 1273,
1277 (9th Cir. 2013)

Thirteenth Error for Violation - Violation of Change of

- Venue Motion, and Request

* Art. 31.03 - Granted On Motion of Defendant,
- (Change of Venue)

Defendant "Filed", and "Mailed" "Numerous" - Motion's
 to the "Judge" - "Raquel West", and my "lawyer(s)" -
"Caylyn Cooper" - (my lawyer at the time), and "New Lawyer" -
"Ryan Mataska",

* Asking for A Change of Venue - Due-To - "Highly Publicity -
- Exposure" from - "Local News Coverage", and "Newspaper,
- Articles" - which "Resulted in A Prejudicial Trial,
therefore being "Denied - A - FAIR - TRIAL".

* Change-of-Venue-Motion went - "Un-answered"

* Art. 31.03 - Granted On Motion of Defendant - (Change-of-Venue)
Change of Venue, Abuse of Discretion, Cumulative Error,
Evidentiary Hearing, Ineffective Assistance of Counsel,
Newly Discovered Evidence, Plain/Fundamental Error, Structural Error,
Juror Conduct, Mastro-Rule,

Chandler v. Florida, 499 U.S. 574, 101 S.Ct. 802, 66
L.Ed. 2d 710 (1984), United States v. Beckner, 69 F.3d
1290, 1293 (5th Cir. 1995)

— Winthrop-Rodriguez v. United States, 767 F.3d 1210, 1215 (11th Cir. 2014),
Taylor v. Kentucky, 436 U.S. 478, 488, 98 S.Ct. 1930, 56,
 — L.Ed. 2d 968 (1978), United States v. Canales, 241 F.2d,
 413, 430 (5th Cir. 1981), Winthrop-Rodriguez v. United States,
 767 F.3d 1210, 1216 (11th Cir. 2014),

* Strickland v. Washington 466 U.S. 668 104 S.Ct. 2052 (1984),
 * Ex parte Duffy, 607 S.W.2d 507 (Tex Crim App. 1980),

United States v. Garcia, 19 F.3d 1123 (6th 1994),
United States v. Joseph, 766 F.3d 1273, 1277 (9th Cir. 2015),

Brady v. Maryland, 373 U.S. 83, 87, 83 S.Ct. 1194, 10 L.Ed.,
 — 215 (1963), Neder v. United States, 527 U.S. 1, 119 S.Ct.
 1827, 144 L.Ed. 2d 35 (1999), United States v. Carter,
 646 F.2d 234 (5th Cir. 1981), Richard v. Thaler, 710 F.3d,
 573, 576-79 (5th Cir. 2013), Stout v. Cain, 570 F.3d
 669, 671 (5th Cir. 2009).

Fourteenth Error/er Violation - Prosecutorial MisconductOn Trial Transcript Vol. (2) of 5 - pg. 12 - Lines 14 and 15,

* "D.A." - "Kenneth Florence" - "Retired D.A." - "From Dallas" States - He Counseled Witnesses on what to say.

* On Trial Transcript Vol. (2) - pg. 16 - Lines - 8, and 9,

* D.A. - stated "She's" Difficult To Control

* On Trial Transcript Vol. (4) of 5 - pg. 69 - Lines - 13,

* D.A. States - "It Was You", pg. 69 - Lines - 20 - "You Cut Them",

* Pg. 71 - Lines 1 - "Tell Them You Cut Moni, and Jacqueline"

* Pg. 71 - Lines - 13 - "We Already Know You Did It"

* Also: D.A. Calculating time to Jury during the Sentencing Phase, telling the Jury if you give the Defendant the MAX he'll be out in (10 - years)

* On Trial Transcript Vol. (4) of 5 - pg. 158 - Lines - 3,

* D.A. States - Defendant's A Relatively Young Man. He might, be out in (10) - years if you gave him the Maximum (20 - years)

Lines - 7, 8, and 9 - D.A. States - I ask you Consider the Max, The Max here is 20 - years.

- Prosecutorial Misconduct - A prosecutor's duty is, to seek Justice, and Prosecute with "Earnestness, and Vigor", Not Use Improper Methods Calculated, to produce Wrongful Convictions

* Improper Methods - ^{vs} (As Leading A Witness), etc.,
 - For other Technical Reasons

Cumulative Error, Closing Statements, Prosecutorial Misconduct
Evidentiary Hearing, Newly Discovered Evidence, Plain / Fundamental;
 - ERROR

Taylor v. Kentucky, 436 U.S. 778, 988, 98 S.Ct. 1930, 56 L.Ed. 2d 468 (1978), United States v. Canales, 744 F.2d 413, 430 (8th Cir. 1984), United States v. Sanchez, 659, F.3d 1252, 1261 (9th Cir. 2011), United States v. Conrad, 380 F.3d 851, 855-56 (8th Cir. 2003), United States v. Smith, 982 F.2d 681, 684 (1st Cir. 1993),
Winthrop-Redin v. United States, 767 F.3d 1210, 1216, (-11th Cir. 2014), United States v. Garcia, 19 F.3d 423 (6th 1994), United States v. Joseph, 716 F.3d 1273, 1277 (9th Cir. 2013).

REASONS FOR GRANTING THE PETITION

Appellant is being illegally detained of his liberty at the Texas Department of Criminal Justice, at Michael Unit in Tennessee Colony, TX.

Appellant illegal Confinement, and Restraint are being imposed upon him pursuant to a Judgement of Conviction registered against him by the 252nd Court of Tetterson County, TX.

Appellant Conviction, and Confinement were obtained in Violation of Texas and United States Constitution, and his 5th, 6th, 8th and 14th Amendments herein after set forth in such manner as to have, intentionally deprived him of a fair, and impartial trial, Violating his Due Process Clause making the proceedings illegal.

Appellant Prays this Court Grant him Relief. He further Prays for any other, and further relief which this court may deem just, and proper under the circumstances.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jeremy P. Speech

Date: March 11, 2022