

22-5186

No. _____

FILED

MAY 07 2021

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Brandon Richardson PETITIONER
(Your Name)

vs.

Gov. Gregg Abbott RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The United States Fifth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Brandon Richardson
(Your Name)

1390 FM 3328
(Address)

Tennessee Colony, TX 75880
(City, State, Zip Code)

903-928-2227
(Phone Number)

RECEIVED

JUL 26 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1. Why is the unquestionable evidence, that evidence being TDCI-CID own 'Security Surveillance System' which consists of over 300 hundred mounted Video Cameras that covers the area's of incident in question, not being brought forward to Prove the truth and settle this claim?
2. Why was TDCI CID's 'Surveillance System' not presented to Jurors in order to make a Just and fair decision?

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:

1. Captain Thaddaeus Hart 2. Sergeant Juan Trevino, 3. Lt. Saturno Salinas, Sgt. Brandon Belote, Davis Bunch, Nasser Refugio Campos, and Nasser Sonia Moron.

RELATED CASES

1. Washington V. Texas 388 U.S. 1419
2. U.S. V. Blackwell 459 F.3d 739, 735, 6th Cir. 2006
3. U.S. V. Tines 70 F.3d 891-96 of Denial of Testimony.
4. Jones V. Hameldman 869 F.2d 10-23, 10-28-29
5. Rhodes V. Chapman 452 U.S. 327, 347, 1015 at 2392 (1981)
6. Rasin V. Hadiman 883 F.2d 269, 278-79

Identification of the Parties

Petitioner gives notice, pursuant to United States Supreme Court Rules, Rule 14(b), that the following are interested parties in the present Petition:

Petitioner, Pro Se:

Brandon Richardson, # 740705, 3001 S. Emily Dr., Beeville, Texas 78102

For Respondent Greg Abbott:

Texas Attorney General Ken Paxton, P.O. Box 12548, Austin, Texas 78711-2548

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APPENDIX B	U.S.D.C. 'Memorandum and Recommendation' June 7, 2016 Fed Judge B. Janice Elington
APPENDIX C	U.S.D.C. 'Memorandum and Recommendation' October 28, 2016 Fed. Judge B. Janice Elington
APPENDIX D	U.S.D.C. 'Order Adopting Memorandum and Recommendation' District Judge M. Gonzalez Ramos Jan 21, 2016.
APPENDIX E	U.S.D.C. 'Order Adopting Memorandum and Recommendation' District Judge M. Gonzalez Ramos Nov. 28, 2016
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TABLE OF AUTHORITIES CITED

CASES

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STATUTES AND RULES

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix pg 5 to the petition and is

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

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

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

☐ For cases from **state courts**:

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

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

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

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

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

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

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

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

*Fifth Amendment, Sixth Amendment and
Fourteenth Amendment*

Statement of The Case

Petitioner is a Prisoner Confined in Texas Department of Criminal Justice (TDCJ), who filed a Civil claim Pursuant to 42 USC § 1983 alleging Eighth Amendment violations of 'Excessive Use of Force' and Deliberate Indifference to his serious medical needs. A jury trial was held resulting in Jury ruling in favor of the Defendants, on or about March 26th 2019.

In said ruling, by filing Pro Se, as well as In Forma Pauperis, Petitioner did appeal to the Fifth Circuit Courts. Which denied appeal and upheld U.S. District Court (D.S. 224) decision. Fifth Circuit stated that Plaintiff Petitioner did not show support of 'Ineffective Assistance of Counsel'. Yet Plaintiff was not raising the claim of such, although Pro Bono appointed Counsel did not do an adequate Presentation of Plaintiff's claim. In Plaintiff's Appeal to the Fifth Circuit, the argument was, being denied the Right to Present Expert Witnesses testimony, and other existing evidence to jurors in order to prove claim. That being the just of Plaintiff's argument.

Statement Of The Case

Petitioner/Plaintiff, had hernia for eight years, until hernia became strangulated inside testicles. Which caused Plaintiff to collapse. Instead of administering proper medical treatment, due to TDEJ's staff and UTM B's nurses deliberate indifference, Plaintiff suffered cruel and unusual punishment by way of excessive use of Force. Medical knew of Plaintiff's medical condition, yet delayed treatment and allowed Plaintiff to be assaulted by TDEJ's security staff.

Petitioner/Plaintiff was rushed to the hospital the same day for 'Emergency Surgery' Records as well as Video Surveillance shows and proves these claims.

Reasons For Granting The Petition

Petitioner humbly Submits these reasons to
The most Honorable Courts:

Petitioner grounds for granting Petition is
due to unreasonable application of clearly
established Federal laws Pursuant to Rule
10(8)(2)(c) of Fed. R. App and Rule 201 of
Fed Rule of Evidence. Rules that clearly states
'Any and All evidence uncovered during Dis-
covery shall be presented at trial.

Witnesses Stephanie Klash's Deposition, and
Dr. Alvaro L. Rolong's Expert testimony not
being presented to Jury deprived Petitioner
of his Due Process Rights to have a fair and
impartial trial. Plaintiff/Petitioner is entitled
to present evidence in order to prove claim to
jury. Due to 'Ineffective Assistance of Counsel
who was appointed to Petitioner/Plaintiff, Non-
Verbal objections to not allowing testimonies
and other existing evidence, (missing Video footage)
caused serious harm and damage to Petitioner &
Plaintiff claim. For these reasons, as well as
Defendants willing to pay \$20,000 or more
to Plaintiff to settle claim, gives reason to
grant the Petition.

Reasons For Granting The Petition

Petitioner humbly submits these Reasons to the Most Honorable Court:

Petitioner grounds for granting Petition are pursuant Rule 10(e)(2)(c) of Fed. R. App. and Rule 201 of Fed. R. Evid of not being able to introduce Any and All evidence to prove his claim. Witness Stephanie Nash's Deposition, and Dr. Alvaro L. Rolong's Expert testimony not being allowed at trial to Jury deprived Petitioner of his Due Process Rights. Plaintiff/Petitioner shall be allowed/entitled to present Any and evidence uncovered in Discovery to Jury in order for Jury to make a 'Just' and 'unbiased' decision. Due to 'Ineffective Assistance of Counsel' who was appointed, Non-verbal objections to not allowing testimonies and other existing evidence (Missing Video footage) the extent of damage and harm was not shown clearly to Jury.

For these simple Reasons Petitioner humbly petitions this Most Honorable Court for its intervention.

REASONS FOR GRANTING THE PETITION

Petitioner humbly submits these Reasons to the most Honorable Court:

Petitioner grounds for granting Petition are Pursuant Rule 10(b)(2)(c) of Fed. R. App. and Rule 201 of Fed. R. Evid of not being able to introduce Any and All evidence to prove his claim. Witness Stephanie Nash's Deposition, and Dr. Alvaro E. Rolong's Expert testimony not being allowed at trial to Jury deprived Petitioner of his Due Process Rights. Plaintiff/Petitioner shall be allowed/entitled to present Any and evidence uncovered in Discovery to Jury in order for Jury to make a 'Just' and 'Unbias' decision. Due to 'Ineffective Assistance of Counsel' who was appointed, Non-verbal objections to Not allowing testimonies, and other existing evidence, (Missing Video footage) the extent of damage and harm was Not shown clearly to Jury.

For these simple Reasons Petitioner humbly petitions this most Honorable Court for its intervention. As well as Defendants willing to make settlement of \$20,000 to Plaintiff, instead of a trial.

Argument

Petitioner argues that by not allowing crucial evidence to be presented to the jury, the courts did not give a fair chance to prove claim. The burden of proof falls on the Plaintiff. Expert Witness who has direct knowledge of incident, as well as relevant information would have showed the proof of claim. Just as the existing video footage covering all areas of incident. The absence of said evidence made it very unreasonable for Jurors to make a just decision. The omission of evidence made it possible to misconstrue the truth.

Petitioner only argument is not being able to offer evidence to support claim. Federal Rule, Supreme Court Rule, as well as Constitutional Rights all support such.

Conclusion

Petitioner has suffered, and still suffering from mental Anguish, as well other health issues due to the neglect and mistreatment of TDCJ and UTM B.. These health issues all stemming from this one health problem.

Therefore, petitioner prays for Relief from this Most Honorable Supreme Court.

Respectfully submitted

Brandon Richardson
date December 7th 2021

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Brandon Richardson

Date: May 23rd, 2022