

22-5315
No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

AUG - 1 2022

OFFICE OF THE CLERK

Ryan Rydell Bonner — PETITIONER
(Your Name)

vs.

Fourteenth Court of Appeals — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

TEXAS COURT OF CRIMINAL APPEALS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

RYAN Rydell Bonner
(Your Name)

8101 FM 969
(Address)

Austin Texas 78724
(City, State, Zip Code)

832-319-0512
(Phone Number)

QUESTION(S) PRESENTED

QUESTION 1.) CONSTITUTIONAL LAW TO-WIT STATUTES, FIRST AMENDMENT AND STATUTORY VAGUENESS:

BECAUSE FIRST AMENDMENT FREEDOMS NEED BREATHING SPACE TO SURVIVE, GOVERNMENT MAY REGULATE IN THE AREA ONLY NARROW SPECIFICITY?

QUESTION 2.) CONSTITUTIONAL LAW TO-WIT FREE SPEECH THERETO, CLEAR AND PRESENT DANGER:

ALTHOUGH SPEECH IS OFTEN PROVOCATIVE AND CHALLENGING, IT IS NEVERTHELESS PROTECTED AGAINST CENSORSHIP OR PUNISHMENT UNLESS IT SHOWN TO BE LIKELY TO PRODUCE A CLEAR AND PRESENT DANGER OF A SERIOUS SUBSTANTIVE EVIL THAT RISES FOR ABOVE PUBLIC INCONVENIENCE, ANNOYANCE, OR UNREST?

QUESTION 3.) CONSTITUTIONAL LAW OF EVIDENCE TO-WIT BURDEN OF PROOF THERETO UNLAWFUL ACT:

"UNLAWFUL"- MEANS CRIMINAL OR TORTIOUS OR BOTH AND INCLUDES WHAT WOULD BE CRIMINAL OR TORTIOUS BUT FOR THE DEFENSE NOT AMOUNTING TO JUSTIFICATION OR PRIVILEGE.

QUESTION 4.) DID CONGRESS, WITH THE ENACTMENT OF ad
REPLETUM SUBJICIENDUM INTEND TO RESTATE, CLARIFY, AND SIMPLIFY
THE PROCEDURE IN THE NATURE OF THE ANCIENT WRIT OF ERROR CORAM NOBIS. DOES IT PROVIDE AN EXPEDITIOUS REMEDY FOR CORRECTING ERRONEOUS PROSECUTORIAL DISCRETION WITHOUT RESORT TO HABEAS CORPUS.

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

ROBERT DAVID WEBB, 991 S.W. 2d 408 (Tex. App. 1999)

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CASES

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GOODING v. WILSON,
405 US 518, 31 L.Ed 2d 408, 92 SCT 1103
HOUSTON v. HILL,
482 US 451, 96 L.Ed 2d 398, 107 SCT 2502
WATTS v. UNITED STATES,
394 US 705, 22 L.Ed 2d 664, 89 SCT 1399

STATUTES AND RULES

28 U.S.C. § 1257(a)
28 U.S.C. § 1651

SUPREME COURT RULE 14.1

OTHER

UNITED STATES v. MORALES,
272 F.3d 284 (5th Cir. 2001)

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

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

OPINIONS BELOW

☐ For cases from **federal courts**:

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

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

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

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

☒ For cases from **state courts**:

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

- ☒ reported at <https://search.txcourts.gov/Case.aspx?ca=PD-0205-22>; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the Fourteenth Appeal court 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.

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 5-25-2022.
A copy of that decision appears at Appendix C.

☒ A timely petition for rehearing was thereafter denied on the following date: 6-29-2022, 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. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

THE QUESTIONS PRESENTED IMPLICATE THE FOLLOWING PROVISIONS OF THE CONSTITUTION OF THE UNITED STATES AND THE FOLLOWING PROVISIONS OF UNITED STATES CODES:

1st AMENDMENT: CONGRESS SHALL MAKE NO LAW RESPECTING AN ESTABLISHMENT OF RELIGION, OR ABRIDGING THE FREEDOM OF SPEECH, OR OF THE PRESS; OR THE RIGHT OF THE PEOPLE PEACEABLY TO ASSEMBLE AND TO PETITION THE GOVERNMENT FOR A REDRESS OF GRIEVANCES.

14th AMENDMENT: ALL PERSONS BORN OR NATURALIZED IN THE UNITED STATES AND ~~OF THE STATE WHEREIN THEY RESIDE~~ SUBJECT 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 CITIZENS OF THE UNITED STATES; NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW; NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAWS.

28 USC § 1257(a): STATE COURTS: CERTIORARI

a) FINAL JUDGEMENTS ON DECREES RENDERED BY THE HIGHEST COURT OF A STATE IN WHICH A DECISION COULD BE HAD, MAY BE REVIEWED BY THE SUPREME COURT BY WRIT OF CERTIORARI WHERE THE VALIDITY OF A TREATY OR STATUTE OF THE UNITED STATES IS DRAWN IN QUESTION OR WHERE THE VALIDITY OF A STATUTE OF ANY STATE IS DRAWN IN QUESTION ON THE GROUND OF ITS BEING REPUGNANT TO THE CONSTITUTION, TREATIES, OR LAWS OF THE UNITED STATES, OR WHERE ANY TITLE, RIGHT, PRIVILEGE, OR IMMUNITY IS SPECIALLY SET UP OR CLAIMED UNDER THE CONSTITUTION OR THE TREATIES OR STATUTES OF, OR ANY COMMISSION HELD OR AUTHORITY EXERCISED UNDER, THE UNITED STATES.

28 USC § 1651: THE SUPREME COURT AND ALL COURTS ESTABLISHED BY ACT OF CONGRESS MAY ISSUE ALL WRITS NECESSARY OR APPROPRIATE IN AID OF THEIR RESPECTIVE JURISDICTIONS AND AGREEABLE TO THE USAGES AND PRINCIPLES OF LAW.

STATEMENT OF THE CASE

ON OR ABOUT SEPTEMBER 1, 2020, MR. BONNER FILE HABEAS CORPUS ad SUBJICIENDUM SEEK IMMEDIATE RELIEF FROM ILLEGAL CONFINEMENT BASED ON THREE EVENTS: 1) EVIDENCE OF INTOXICATION SHOULD BE SUPPRESSED AS A PRODUCT OF AN ILLEGAL SEARCH; 2) EVIDENCE OF INTOXICATION WAS PRODUCT OF ILLEGAL DETENTION; 3) EVIDENCE CONCERNING STATEMENTS MADE WHILE ILLEGAL DETENTION AND/OR VOLUNTARINESS OF ANY ADMISSION OR CONFESSION PURSUANT TO THE FIRST AMENDMENT.

MR. BONNER RAISED THREE VERY SPECIFIC GROUNDS FOR RELIEF WHICH ARE PARTICULARIZED IN HIS ad SUBJICIENDUM AND MADE A PART OF THE CORRESPONDING APPENDIX B

MR. BONNER FILED A RESPONSE BRIEF, THERETO COUNSEL'S ANDERS BRIEF IN FOURTEENTH COURT OF APPEALS SPECIFIC SELECTIVE PROSECUTION ON NOVEMBER 29, 2021 SEEKING RELIEF FROM APPELLATE COURT. ON MARCH 10, 2022 APPELLATE COURT DENIAL RELIEF.

ON OR ABOUT APRIL 13, 2022 PRO SE PETITION FOR DISCRETIONARY REVIEW WAS FILE AND REFUES ON MAY, 25, 2022. A PRO SE MOTION FOR REHEARING WAS FILED ON JUNE 6, 2022 AND DENIED JUNE 29, 2022 SEE APPENDIX D

REASONS FOR GRANTING THE PETITION

RULE 14.1(h) STATES THAT "A DIRECT AND CONCISE ARGUMENT AMPLIFYING THE REASONS RELIED ON FOR ALLOWANCE OF THE WRIT. ~~SEE~~ RULE 10!"

VOID-FOR-VAGUENESS:

TEXAS PENAL CODE SEC. 36.06(c) OBSTRUCTION OR RETALIATION

WHEN A VAGUENESS CHALLENGE INVOLVES FIRST AMENDMENT CONCERNS, THE STATUTE MAY BE HELD FACIALLY INVALID EVEN THOUGH IT MAY NOT BE UNCONSTITUTIONAL AS APPLIED TO THE APPELLANTS CONDUCT.

FIRST AMENDMENT ~~████~~ FREEDOMS ARE IMPLICATED, A LAW MUST BE SUFFICIENTLY DEFINITE TO AVOID CHILLING PROTECTED EXPRESSIN.

FIRST AMENDMENT NOT IMPLICATED, BURDEN ON APPELLANT TO ESTABLISH STATUTE UNCONSTITUTIONAL APPLIED TO HIM.

* OVERT ACT - AN OUTWARD ACT HOWEVER INNOCENT IN ITSELF, DONE IN FURTHERANCE OF A CRIMINAL ATTEMPT:

A VAGUENESS CHALLENGE IS APPLICABLE TO ALL CRIMINAL LAWS, NOT MERELY THOSE THAT REGULATE SPEECH. A STATUTE WHICH EITHER FORBIDS OR REQUIRES AN ACT IN TERMS SO VAGUE THAT A PERSON OF COMMON INTELLIGENCE MUST GUESS AS TO THE, AS TO THE MEANING AND WILL DIFFER AS TO THE STATUTE'S APPLICATION LACKS THE FIRST ESSENTIAL OF DUE PROCESS. A LAW MUST BE SUFFICIENTLY DEFINITE SO THAT ITS TERMS AND PROVISIONS MAY BE KNOWN UNDERSTOOD AND APPLIED OR IT IS VOID AND UNENFORCEABLE.

* VAGUENESS OF ALLEGATIONS

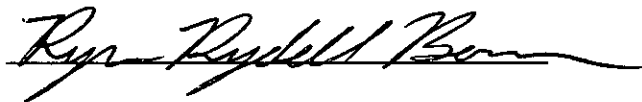
MR. BONNER HAVE STANDING TO BRING FACIAL CONSTITUTIONAL CHALLENGE TO STATUTE PROHIBITING ASSAULTS ON PUBLIC SERVANTS, CLAIMING, THAT BODILY INJURY WAS TOO VAGUE TO BE CONSTITUTIONALLY APPLIED IN THIS CASE, TO-WIT:

A THREAT, CONDUCT THAT IT NOT ITSELF UNLAWFUL, MUCH LESS CRIMINAL, UNLESS IT CONSTITUTES AN ASSAULT.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 7-30-2022