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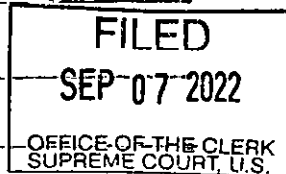
IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

" IN RE: CRAAYBEEK

ON PETITION FOR WRIT OF HABEAS CORPUS :



UNITED STATES COURT OF APPEALS FOR THE

Fifth Circuit

FROM CASE NO. 19-10173

- PETITION FOR EXTRAORDINARY WRIT OF HABEAS CORPUS -

THOMAS GEORGE CRAAYBEEK - PETITIONER PRO SE

TDCJ # 2034863

% THE JAMES V. ALLRED UNIT OF TDCJ - 10

2101 FM 369 NORTH

LOMA PARK, TEXAS 76367

QUESTIONS PRESENTED:

WAS THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT BOUND BY SUPREME COURT LAW FOR PRECEDENT TO FOLLOW THE EXISTING PRECEDENT SET BY BOTH THE SUPREME COURT AND THE FIFTH CIRCUIT FOR THE IMPLIED BIAS DOCTRINE OF THE SIXTH AMENDMENT OF THE UNITED STATES CONSTITUTION UNDER THE CIRCUMSTANCES PRESENT IN THIS CASE AT BAR?

LIST OF PARTIES

ALL PARTIES APPEAR IN THE CAPTION OF THE CASE ON THE COVER PAGE

RELATED CASES

THE 40TH DISTRICT COURT OF YOUNG COUNTY, TEXAS

CAUSE NO. 10573

STATE OF TEXAS V THOMAS G. CRAAYBEEK

November 13, 2015

COURT OF APPEALS FOR THE SECOND DISTRICT AT FT. WORTH, TX

NO. 02-15-00454-CR

CRAAYBEEK V THE STATE OF TEXAS

August 26, 2016

TEXAS COURT OF CRIMINAL APPEALS

WR-86, 931-01

CRAAYBEEK, THOMAS GEORGE

July 12, 2017

U.S. DISTRICT COURT - N. DIST. OF TX

No. 7:17-cv-107

CRAAYBEEK V LUMPKIN

JANUARY 25, 2019

U.S. COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 19-10173

CRAAYBEEK V LUMPKIN

JUNE 17, 2021

UNITED STATES SUPREME COURT

No. 21-5692

CRAAYBEEK V LUMPKIN

November 15, 2021

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APPENDIX "A"	5TH Cir. NO. 19-16173	JUNE 17, 2021	10 pgs.
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Jurisdiction

28 USC 1651 (2)

Article III, Section 2

Constitutional and Statutory Provisions

18 USC § 242

28 USC § 453

28 USC § 2254

Article III, Section 2

US Const Amend V

US Const Amend VI

US Const Amend XIV

STATEMENT OF CASE

ON NOVEMBER 28, 2014 PETITIONER WAS ACCIDENTLY SHOT HIS SPOUSE TO WHICH A CONCERNED THIRD PARTY CALLED 911 ELICITING A RESPONSE FROM LAW ENFORCEMENT WHICH TURNED INTO SOMETHING ELSE.

PETITIONER WAS INCARCERATED FOR THE CHARGE OF ASSAULT OF A PUBLIC SERVANT BY THREAT WITH A DEADLY WEAPON - TEXAS PENAL CODE § 22.02(b)(2)(B) TO WHICH HE PLED "NOT GUILTY" AND PROCEEDED TO TRIAL.

DURING VOIR DIRE, A POTENTIAL JUROR THAT EVENTUALLY BECAME THE JURY FOREMAN, DID OF HIS EXTENSIVE CAREER IN LAW ENFORCEMENT, THE FACT THAT HE WAS PREVIOUSLY EMPLOYED BY ONE OF THE AGENCIES INVOLVED IN THE CASE, CURRENTLY WAS OFFICING WITH THEM DIRECTLY, HAD HIS BADGE HELD BY ANOTHER AGENCY INVOLVED IN THE CASE, AND EVEN THE JUDGE ADMITTED TO AN ONGOING WORKING RELATIONSHIP SPANNING SOME 5 YRS.

HE ADMITTED TO KNOWING THE IDENTITY OF VICTIMS AND/OR WITNESSES AS WELL.

PETITIONER'S COURT APPOINTED COUNSEL FAILED TO OBJECT AND/OR STRIKE THIS POTENTIAL JUROR.

PETITIONER WAS FOUND GUILTY AND SENTENCED IN TRIAL COURT CASE NO. 10573 ON NOVEMBER 13, 2015 TO LIFE IMPRISONMENT.

PETITIONER WAS APPOINTED APPELLATE COUNSEL TO WHICH THE COURT OF APPEALS FOR THE SECOND DISTRICT OF TEXAS DENIED CASE NO. 02-15-00454-CR ON AUGUST 26, 2016.

PETITIONER THEN FILED HIS ARTICLE 11.07 APPLICATION FOR WRIT OF HABEAS CORPUS PRO SE AND BROUGHT UP THE ISSUES OF IMPLIED JUROR BIAS AND INEFFECTIVE ASSISTANCE OF COUNSEL FOR THE FIRST TIME.

THE TEXAS COURT OF CRIMINAL APPEALS DENIED WRIT NO. W886,931-01 WITHOUT WRITTEN ORDER ON JULY 12, 2017.

PETITIONER FILED HIS 28 USC § 2254 WITH THE U.S. DISTRICT COURT FOR THE N. DISTRICT OF TEXAS TO WHICH JUSTICE REED OCHSNER DENIED WITH PREJUDICE ON JANUARY 25, 2018.

PETITIONER FILED AND WAS GRANTED CERTIFICATE OF APPEALABILITY BY THE COURT OF APPEALS FOR THE FIFTH CIRCUIT BY CIRCUIT JUDGE STEPHEN A. HILGERTSON ON THE GROUNDS OF IMPLIED JUROR BIAS AS CASE NO. 19-18173.

PETITIONER'S PRO SE APPEAL FOR CASE NO. 19-18173 WAS DENIED AND CONVICTION AFFIRMED ON

JUNE 17, 2021 BY CIRCUIT JUDGE HIGGINSON FOR THE COURT.

TIMELY FILED MOTION TO REHEAR DENIED BY SAME.

PETITION FOR WRIT OF CERTIORARI - NO. 21-5692 - WAS DENIED AT THE SUPREME COURT OF THE UNITED STATES ON NOVEMBER 15, 2021.

REASON(S) FOR GRANTING THE WRIT

DUE TO ISSUE(S) INVOLVING CONFLICT OF OPINION OF HIS OWN, CONFLICT OF OPINION WITHIN THE FIFTH CIRCUIT COURT OF APPEALS, AND CONFLICT BY MISREPRESENTATION OF SUPREME COURT OPINION, IT WOULD BE IN THE PUBLIC'S BEST INTEREST FOR THE SUPREME COURT OF THE UNITED STATES TO EXERCISE ITS DISCRETIONARY POWERS AS AUTHORIZED UNDER ARTICLE III, SECTION 2 TO RESOLVE THE ISSUE AS PRESENTED OF IMPLIED JUDGE BIAS AS APPLICABLE THROUGH THE SIXTH AMENDMENT. AS LISTED IN THE STATEMENT OF THE CASE, PETITIONER WOULD SHOW THIS HONORABLE COURT THAT HE HAS EXHAUSTED ALL OTHER AVAILABLE REMEDY AT LAW, BUT, WITH THE MISREPRESENTATION OF THE EXISTING PRECEDENT AS SET FORTH IN SMITH v PHILLIPS, 102 S.Ct. 940 (1982), THE ISSUES OF THE VIOLATION OF OATH & OFFICE - 28 USC 1453 - IN WHICH OATH WAS SWORN TO UPHOLD THE CONSTITUTION AND LAWS OF THE UNITED STATES, AS WELL AS THE DEPRIVATION OF CIVIL RIGHTS UNDER COLOR OF LAW - 18 USC 1242 - FOR VIOLATING THE CIVIL RIGHTS AS PROVIDED UNDER CONSTITUTIONAL AMENDMENTS V, VI, AND XIV FOR THE INTENTIONAL MISREPRESENTATION OF CASE LAW TO DEPRIVE OR DENY THE APPEAL, WHICH IS A BAD FAITH DENIAL.

PETITIONER WOULD SHOW THAT CIRCUIT JUDGE HIGGINSON, IN GRANTING COA FOR PETITIONERS § 2254 HABEAS CORPUS, CITED SMITH v PHILLIPS AS USED IN BROOKS v DREYKE, 444 F.3d 320 (5TH CIR 2006), YET UPON ISSUING OPINION IN DENYING OF APPEAL ON GROUND OF IMPLIED JUDGE BIAS, CIRCUIT JUDGE HIGGINSON INTENTIONALLY MISREPRESENTED THE CAREFULLY CRAFTED MEANING OF THE OPINION SET FORTH IN SMITH v PHILLIPS (CONCURRING OPINION BY JUSTICE O'CONNOR) AS IS EVIDENT ON PAGE 7 OF THE DENIAL OF APPEAL.

JUSTICE O'CONNOR'S OPINION IN SMITH IS VERY CLEAR AS TO ITS INTENDED MEANING WHEN SHE WROTE: "DETERMINING WHETHER A JUROR IS BIASED OR HAS PREJUDGED A CASE IS DIFFICULT, PARTLY BECAUSE THE JUROR MAY HAVE AN INTEREST IN CONCEALING HIS OWN BIAS AND PARTLY BECAUSE THE JUROR MAY BE UNAWARE OF IT... THAT IN CERTAIN INSTANCES A HEARING MAY BE INADEQUATE FOR UNCOVERING A JUROR'S BIAS, LEAVING SERIOUS QUESTION WHETHER THE TRIAL COURT HAS SUBJECTED THE DEFENDANT TO MANIFESTLY UNJUST PROCEDURES RESULTING IN A MISCARRIAGE OF JUSTICE, WHILE EACH CASE MUST TURN ON ITS OWN FACTS, THERE ARE SOME EXTREME SITUATIONS THAT WOULD JUSTIFY A FINDING OF IMPLIED BIAS. SOME EXAMPLES MIGHT INCLUDE..." (EMPHASIS BY PETITIONER)

AND IN BROOKS, AT 329, "WE MAINTAIN THAT THE DOCTRINE OF IMPLIED BIAS IS "CLEARLY ESTABLISHED FEDERAL LAW AS DETERMINED BY THE SUPREME COURT"

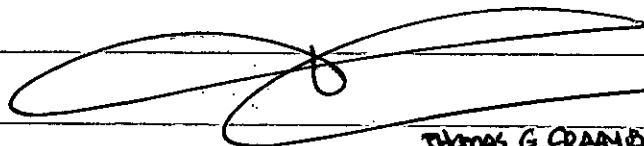
DOTH OF WHICH CONTRADICT CIRCUIT JUDGE HIGGINSON'S OPINION ON PAGES 7 CONCERNING SMITH, AND 8 FOR BROOKS.

PETITIONER CONTENDS THIS MEETS SUPREME COURT RULE 10(C), THAT THIS PETITION FOR AN EXTRAORDINARY WRIT OF HABEAS CORPUS IS HIS LAST RESORT FOR RELIEF, AND THAT TO ADDRESS THE ISSUE OF THE IMPLIED BIAS DOCTRINE SHOULD CLARIFY APPELLATE JURISDICTION.

CONCLUSION

PETITIONER REQUESTS AND EXPANDED FILE REVIEW OF THIS CASE WITH INCLUDED INSTRUCTION FROM THE SUPREME COURT OF THE UNITED STATES DICTATING WHAT IS AND WHAT IS NOT ALLOWED FOR CONSIDERATION IN THE DETERMINATION AND APPLICATION OF THE IMPLIED BIAS DOCTRINE BACK TO THE FIFTH CIRCUIT TO REDRESS CIRCUIT JUDGE HIGGINSON'S BAD FAITH DENIAL.

RESPECTFULLY SUBMITTED:



THOMAS G CRANBECK PETITIONER PRO SE

28 USC 1746(2)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING PETITION FOR EXTRAORDINARY WRIT OF MANDAMUS IS TRUE, CORRECT, AND SUBMITTED IN GOOD FAITH.



Thomas George Craambeck - Petitioner Pro Se

TDCJ # 2034863

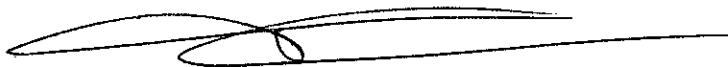
% THE JAMES V ALLRED UNIT OF TDCJ-ID

2101 FM 369 NORTH

LOWE PARK, TEXAS 76367

28 USC 1746 (2)

" I DECLARE UNDER PENALTY OF PERJURY THAT A TRUE AND CORRECT COPY OF THE FOREGOING PETITION FOR EXTRAORDINARY WRIT OF HABEAS CORPUS HAS BEEN FORWARDED BY UNITED STATES POSTAL SERVICE, FIRST CLASS POSTAGE PRE PAID, TO THE CLERK OF THE COURT OF THE COURT OF APPEALS FOR THE FIFTH CIRCUIT, F. EDWARD HERBERT BUILDING, 600 MAESTRI PLACE, NEW ORLEANS, LOUISIANA 70130-3408, ON THIS THE 16TH DAY OF SEPTEMBER 2022.

"


THOMAS GEORGE CRAMBREK - PETITIONER PRO SE