

No. 22-6139

ORIGINAL

Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

LAURENCE EDWARD THOMPSON PETITIONER
(Your Name)

vs.

BOBBY LUMPKIN — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

LAURENCE EDWARD THOMPSON
(Your Name)

2101 E. M. 369 N
(Address)

ISLAW PARK, TEXAS 76367
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Does Actual Innocence Raised In A First Habeas Corpus Petition Where The Sentence Is Complete Defeat The Supreme Court's Decision In Males v. Cook, 490 U.S. 488 (1989) In Custody Requirement?

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

Ex Parte LAWRENCE Edward Thompson, Cause No. C-2-WD11381-0000402-B, Criminal District Court No. 2. Judgment entered October 11, 2018.

Ex Parte LAWRENCE Edward Thompson, No. WR-15,158-39, Texas Court of Criminal Appeals. Judgment entered December 12, 2018.

Thompson v. Lumpkin, No. 4:19-CV-669-A, U. S. District Court For the Northern District of Texas. Judgment entered December 1, 2021.

Thompson v. Lumpkin, No. 22-10007, U. S. Court of Appeals For the Fifth Circuit. Judgment entered August 11, 2022.

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TABLE OF AUTHORITIES CITED

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STATUTES AND RULES

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Sixth Amendment, United States
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TABLE OF AUTHORITIES CITED

CASES
Salut v. Delo, 513 U.S. 298
(1995)

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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 _____; 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☐ is unpublished.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 _____; 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 August 11, 2022.

☒ 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).

STATEMENT OF THE CASE

Petitioner was convicted in Cause Number 74-03-0042-A on a Plea of Guilty of the felony offense of ~~Indecency~~ on July 29, 1974, in the Criminal District Court No. 2 of Tarrant County, Texas, and sentenced to Five (5) years in the Texas Department of Corrections.

On January 2, 2015, Petitioner filed a Motion for Post-Conviction DNA Testing, which was denied on February 3, 2015.

On October 11, 2018, Petitioner filed a State Application for Writ of Habeas Corpus Raising Actual Innocence in the Criminal District Court No. 2 of Tarrant County, Texas. On December 12, 2018, the Texas Court of Criminal Appeals denied the Petitioner's State Application for Writ of Habeas Corpus without a written order.

On August 26, 2019, Petitioner filed the Petition for Writ of Habeas Corpus in the United States District Court for the Northern District of Texas, Fort Worth Division, No. 4:19-cv-00669-A Raising Actual Innocence. Petitioner also filed a Motion for Leave to Proceed In Forma Pauperis. On August 27, 2019, the District Court issued a Memorandum Opinion and Order summarily dismissing Petitioner's Petition for Writ of Habeas Corpus, and a Final Judgment. On December 9, 2019, Petitioner filed a Motion for Relief from Judgment. On December 11, 2019, the District Court entered an Order denying Petitioner's Motion for Relief from Judgment. On July 31, 2020, the

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

AMENDMENT 6

In all criminal Prosecutions, the accused shall enjoy the Right to a speedy and Public trial, By an impartial Jury of the State and district wherein the crime shall have Been committed, which district shall have Been previously ascertained By law, and to be informed of the Nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory Process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

AMENDMENT 14

All Persons Born or Naturalized in the United States, and subject to the Jurisdiction thereof, are citizens of the United States and States 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.

STATEMENT OF THE CASE

PETITIONER wrote the Clerk requesting copies of the Pleadings and informing the Court of his address change. On SEPTEMBER 3, 2020, PETITIONER Filed A Motion To Reconsider Order. On SEPTEMBER 9, 2020, the District Court entered an Order denying PETITIONER's Motion For Reconsideration. On SEPTEMBER 10, 2020, PETITIONER Filed A Motion To Supplement Motion to Reconsider Order. On SEPTEMBER 11, 2020, the District Court entered an Order denying the PETITIONER's Motion to Supplement Motion to Reconsider Order. On SEPTEMBER 16, 2020, PETITIONER Filed A Motion To Reconsider Order. On SEPTEMBER 21, 2020, PETITIONER Filed A Second Supplemental Motion to Reconsider Order. On SEPTEMBER 24, 2020, the District Court entered an Order denying PETITIONER's Motion For Reconsideration. On OCTOBER 1, 2021, PETITIONER wrote the Court requesting copies of the Pleadings. On OCTOBER 18, 2021, PETITIONER Filed A Motion For Relief From Judgment. On OCTOBER 21, 2021, the District Court entered an Order denying PETITIONER's Motion For Relief From Judgment. On NOVEMBER 19, 2021, PETITIONER Filed A Motion To Reconsider Order. On DECEMBER 1, 2021, the District Court entered an Order denying PETITIONER's Motion For Reconsideration. On JANUARY 3, 2022, Notice of Appeal was Filed By PETITIONER. On JANUARY 7, 2022, the PETITIONER's Notice of Appeal was transmitted to the United States Court of Appeals For the Fifth Circuit. On JANUARY

4 STATEMENT OF THE CASE

26, 2022, Petitioner Filed A Motion For Leave To Proceed
in Forma Pauperis on Appeal in the District Court.
On January 28, 2022, The District Court Entered An
Order Certifying That the Appeal was Not Taken in Good
Faith and Denying A Certificate of Appealability.

Reasons For Granting The Petition

Petitioner's former Court-Appointed Attorney. All of these officials are now celebrated as pillars of the Law Enforcement community in Tarrant County and the State of Texas. Neither of these attorneys, or the informant has ever been questioned in a Court of law, under oath, about their participation in this fix. Especially, when this Court considers the Petitioner's claim of a coerced confession and Counsel's failure to seek a hearing on the Motion To Suppress Petitioner's and his co-defendant's confession.

In Lankford v. County Dist. Attorney v. Coss, 532 U.S. 394 (2001), this Court wrote, "Alternatively, after the time for collateral or direct review has expired, a defendant may obtain compelling evidence that he is actually innocent of the crime for which he was convicted, and which he could not have uncovered in a timely manner." This is exactly the situation the Petitioner has found himself in, as the Petitioner did not obtain evidence of his innocence until 2014, when someone purchased the records for him. The Petitioner can show the State's (or those in a position) determination to stop the Petitioner's effective access to the courts over the years. The Petitioner can produce evidence that every District Attorney since the one who was a party to the conspiracy, each District Clerk, and Court Reporter refused to provide the Petitioner with the necessary documents that are not restricted privacy and legal issues. Petitioner can show that the current District Attorney refused to address

Reason For Granting The Petition

The Petitioner's Miller v. Delo, 513 U.S. 298 (1995) ~~was~~ claim of actual innocence in State Court, withheld documents from the Petitioner, and the Texas Court of Criminal Appeals refused to address the Petitioner's claims.

Although, the in-custody requirement is an important factor in ~~habeas corpus~~ Jurisprudence, this Court has shown the common-sense and decency to allow a petitioner to overcome such factors by showing actual innocence. Nothing is more important than allowing a petitioner his day in Court, to show that he was convicted of a crime he did not commit, that was obtained by a conspiracy of those charged with protecting his constitutional rights. When viewed in this context, this is an "extraordinary case," Houder v. Bell, 547 U.S. 518 (2006); and the in-custody requirement is a serious impediment that is standing in way of/barring the truth, and should not be allowed to deny the petitioner to prove he is actually innocent. This Court should grant certiorari in this case, and then appoint counsel to brief and fully develop the petitioner's claims.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: _____