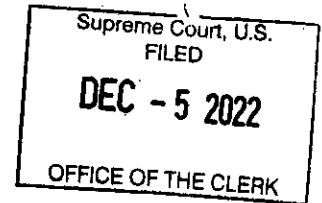


No. **22-6304** **ORIGINAL**

IN THE  
SUPREME COURT OF THE UNITED STATES



Lanny M. Bush-1917810 — PETITIONER  
(Your Name)

vs.

~~Bobby~~ Lumpkin, Director, TDCJ RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court Of Appeals, 5TH circuit, New orleans, La.  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Lanny M. Bush 1917810  
(Your Name)

3210 Fm 929-Hughes unit-TDCJ  
(Address)

Gatesville, texas 76597  
(City, State, Zip Code)

254-865-6663  
(Phone Number)

### QUESTION(S) PRESENTED

1. Was petitioner "IN Custody", when (focus of investigation) (In presence of armed Officers) behind Locked doors) (Interrogated for Hours) and Told "NOT" free to Leave?
2. Was the "Right to counsel" infringed and violated when Petitioner clearly stated "I think I need a Lawyer"?
3. Was Interrogation statement freely and Vountarilly Given when: (a) Threats to Arrest girlfriend and Nephew, w/o Probable cause, (b) Bribed with use of County Truck use If Petitioner allowed Officers to search his own, (c) hostile environment and actions?
4. Was Petitioner denied Due Process when DNA recovered at scene was only tested against Himself and not the National Data Base?
5. Did Trial court err in not granting a Mistrial when the Mention of Criminal Past in front of the jury, TWICE ?
6. Was Mention of Prior Criminal Past harmful and constituted reversal error?
7. Did Trial Counsel render "In-Effective assistance of Counsel when burden with Conflict of Interest between Petitioner and States Witness?
8. Did Said Conflict arise to the level of Harmful? Error?
9. Was Petitioner denied his Constitutional, 6th amendment right to Confront witness against him, and Compell witness in his favor by this Conflict?
10. Did Appellate counsel render effective when she failed to include mention of Priors and conflict in Appellate Brief?
11. Did trial counsel render effective of Counsel by failing to object to the Collateral Estoppel when the 35th District Attorney use a Statement against petitioner that the Prosecutor had previously said in another Court was Illegal?
12. Was Petitioner denied a Fair Trial by allowing the Introduction of "Junk Science" (GPS Mapping) that was Proven unreliable and Inaccurate?
13. Was there a BRADY-Violation when police withheld Witness statements from defense that would have created reasonable doubt in the Minds of at least one Juror?
14. Did US District Court, and Circuit Court Err in refusing to hear and Look for Petitioners Constitution claims?
15. Was Petitioner denied his Right to Relief because Lower Courts held a Pro-Se litigant to higher standards that Petitioner did not address his constitutional claims in exact wording /?
16. WAS THERE A Brady Violation when Police withheld statement of witness whom had seen and spoke to the victim days after she was reported missing, and statement from Victims Boyfriend who swore he talked to the victim days after she was reported missing.

## 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:

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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 AN 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 H 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 D 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 11<sup>th</sup> Court of Appeals - Eastland TX court appears at Appendix A/B 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 10-26-2022.

☐ 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: 11-16-2022, 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 5/8/2018.  
A copy of that decision appears at Appendix D.

☐ 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

Right to Counsel	6th ammendment
Righht to Remain silent	5th ammendment
Right to a fair Trial	6th ammendment
Right to confront witness	6TH Ammendment
Right to Compell witness	6Th Ammendment
Right to Due process	14 th Ammendment

State law; Art; T.C.C.P. the right to have a Instructed  
Ordere to the Juror about the Contested  
Ranger Statement

State law. Art;64.01 C.C.P. The right to have DNA testing done

## (STATEMENT OF THE CASE

012 Petitioner was convicted of Capitol Murder, in Coleman County Texas, in April 2012. He appealed to the Court of Appeals in Eastland Texas, 11th District. That Court reversed the Capitol Part of the Conviction citing Insufficient evidence to support the underlying Felony (Kidnapping). Petitioner and State moved for Re-Hearing. Petitioner was denied, But the State was Accepted. The Court of Criminal Appeals in Austin Texas, re-Instated the Capitol Murder. Petitioner filed his 11.07. During this stage it was alleged that the Conflict of Interest cause Reversal error. Trial Court was informed to hold a Inquest hearing from the Attorneys of Record. Both the Appeal Attorney and the Trial Attorney submitted a Sworn Statement to the Courts. Petitioner 11.07 was denied w/o Written Opinion, But the Court did have a Dissenting Opinion from two other Justices. Petitioner did follow up with his P.D.R. Petitioner then Filed his 22.54 in the United States District court, Northern District of Texas, San Angelo Texas. Once that was dismissed the Petitioner filed for Certificate of Appealability in the 5th Circuit of New Orleans, Court of Appeals.

Petitioner was convicted of Capitol Murder on Circumstantial Evidence, that He caused the death of Michelle Reiter, by means "Unknown". Petitioner alleges that with the Cause of Death and Manner of death "unknown", it cannot be classified as a Murder. State Examiner testifies that the cause and Manner was unknown, and that there were no signs of foul Play. Petitioner alleges that A deceased Body alone does not constitute a Murder. In the other aspect, In order to prove Capitol Murder the underlying felony must be proven first, in this case Kidnapping. Restraint and seclusion must be proven Prior to the Murder. In the Trial court testimony, it was proven that GPS mapping was NOT fully accurate or reliable, this is in testimony as to how the body was found. Petitioner was also burdened with having to learn of the Potential conflict from the Clerk Records. Attorney was representing one of the states witness against Petitioner, but was never allowed to Call that witness, or cross examine that witness. Petitioner was also denied his right to a fair Trial by the fact that Police withheld witness statements that People had seen and talked to the Victim day after she was reported missing. Appellate Courts have refused to rule or hear any Grounds that were raised, citing Procedural bar and "NOT" Fairly Raised" When said grounds have been raised and Brought up to the Highest Appellate court at every Stage either in PDR, 11.07, 22.54, Or Motion for New Trial.



## STATEMENT OF FACTS

Petitioner contends that certain fundamental rights afforded to him by the State Constitution and the United States Constitution, were violated in order to obtain a conviction against him.

1. Several State Laws were violated and ignored in obtaining a conviction for Capitol Murder. Of those were the right to have a Instructed order from the Judge in the use of the Contested Statement. Art; 3200. C.C.P

2. There was the Contested use of the Ranger Statement that was used in another case, where the District Attorney stated it was illegal, then use it in another Court (Colletreal Estoppel)

3. Petitioner was threatened in his 4 hour interrogation, with threats to jail his Girl friend and nephew, w/o probable cause. Denied A Attorney when requested, and Bartered with use of County truck to allow Ranger to search his truck.

4. Petitioner was prosecuted with 3 District Attorneys and only one Attorney in a Capitol Murder case.

5. Texas Court of Criminal Appeal did not allow Petitioner the opportunity to rebut the submission of the Attorneys statement when confronted about the conflict of interest.

6. Petitioner was denied the opportunity to cross examine a witness that was a states witness and also The Attorneys client.

7. Petitioner was also denied the right to Compell a witness by the attorneys conflict of interest.

8. Petitioner was denied the right to a Appeal by the District Court when the Court refused to hear Newly Discovered Evidence.

9/ Petitioner was denied the right to Due process by the District Court and the Circuit Court by claiming Procedural bar, when the Issues were Presented at every Stage of the Proceeding but were never ruled on.

10. Petitioner was denied Due Process, by the State and the District courts by not allowing DNA evidence to be tested and introduced.

11. Petitioner was not allowed to exercise his constitutional right to a fair and impartial Trial and appeal.

Petitioner contends that had he been allowed to cross examine, compel and impeach any witness, the results would have been different.

Petitioner also contends that the withheld evidence greatly prejudiced him during the appeal process. District Court, did not fully allow Petitioner the right to present a Appeal, when they denied every motion and did not consider the Pleading before them/

## REASONS FOR GRANTING THE PETITION

Petitioner moves this Honorable court and Justices to Grant this Petition based on the Unfair tactics of the lower Courts, Not hearing Consitutional Claims and Holding petitioner to Higher Standars that are not in conjunction with Supreme Court rulings. Several Factors in this Petition are Based on Question of well established law, and Lower Courts need to be guided on these Law.

Question need to be awnsered about Junk Science.

Question need to be awnsered about "IN-Custody"

Questions need to be awnsered about Conflict of Intrest, and when that Applies

Questions need to be awnsered In-Effective assistance of Counsel at the Appellate level

Question need to be awnsered about Due process, Lack of DNA Testing.

Question need to be awnsered about the "right to Counsel" and when that right is Involved.

Question need to be awnsered, if petitioner are held to the high Statndars of Lawers.

Petitioner feels that this Court should grant this petition in the Intrest of Justice

Questions need to be awnsered about what consitutes a Brady violation?  
and who is responsible?

5Th circuit made a decision about the COA , and the Consitutional issues when the two decisions are required to be made seperately.

Holding Law states that the decision for COA is to be made first, then the Consitutioinal Issues.

### CONCLUSION

Petitioner contends that the violation of his consitutuinal rights in conjunction with the Illegal tactics of the prosecution have greatly burden the Petitioner and cause undue harm Petitioniner moves for a new Trial.  
The petition for a writ of certiorari should be granted.

Respectfully submitted,

Raymond

Date: 10/5/22