

22-6304

Nov

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
DEC - 5 2022
OFFICE OF THE CLERK

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

vs.
Bobby
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) (Interragated 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 Trck use If Petitione allowed Officers to search his own, (c) hostile enviromentand actions?
4. Was Petitioner denied Due Process when DNA recovered at scene was only tested agianst 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 Intrest between Petitioner and States Witness?
8. Did Said Conflict arise to the level of Harmfull? Error?
9. Was Petitioner denied his Constitutional, 6Th amendment right to Confront witness, agianst 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 Colleteral Esstoppel when the 35th District Attorney use a Statement agianst petitionet 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 with held Witness satements from deefnse 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 standars that Petitioner didnot address his constitutional claims in exact wording /?
16. WAS THERE A Brady Violation when Policw withheld statement of witness whom had seen and spoke to the victim days after she was reported missing, and statem,ent from Victums Boufriend 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:

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
STATEMENT OF FACTS	5
REASONS FOR GRANTING THE WRIT	6
CONCLUSION.....	7

INDEX TO APPENDICES

APPENDIX A APPELLANTS BRIEF_11Th Judicial court of Appeals

APPENDIX B -11Th Court of Appeals Memorandum Opinion

APPENDIX C -Appellants Brief on ther Merits-Court of Criminal Appeal

APPENDIX D-Court of Criminal Appeals Opinion-(States Petition for
Decretionary review) and Disenting Opinion

APPENDIX E -Trial Court response to Court of Criminal Appeals Order
about Conflict of Intrest

APPENDIX F -Petitioners response to District courts Opinion
(case no;6;19-cv-00006-C)

APPENDIX G-STATES HABEASU CORPUS CLERKS RECORD (SHCR-04)

APPENDIX H- UNITED States District Court Order(6;19;cv-00006-H)

APPENDIX I-Letter to 5th circuit court

APPENDIX J-PETITIONER SUPPLEMENTAL BRIEF(Cause No;22-10345

APPENDIX K-MOTION FOR RE_CONSIDERATION (#22-10345)

APPENDIX L- Supporting Grounds for re-consideration

APPENDIX M- EnBanc decision review Dated Nov15-2022

APPENDIX N- Order from 5TH Circuit Dismissal Dated Nov-16-2022

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 6N 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 11th 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 A.

[] 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 amendment
Right to Remain silent	5th amendment
Right to a fair Trial	6th amendment
Right to confront witness	6TH Amendment
Right to Compell witness	6Th Amendment
Right to Due process	14 th Amendment

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

Petitioner was convicted of Capitol Murder, in Coleman County Texas, in April 2012. He appealed to the Court of Appeals in Eastland Texas, 11 th Cdusrtict. That Court reversed the Capitol Part of the Conviction citing In-Sufficient evidence to support the underlying Felony(Kidnapping). Petitioner and State moved for Re-Hearing. Petitionuer was denied, But the State was Accepted. The Court of Criminal Appeals in Austion Texas, re-Instated the capitol Murder. Petitioner filed his 11.07. During this stage it was allegeed that the Conflicy of Intrest cause Reversale error. Trial Court was infromed 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 denoied w/o Written Opinion, But the Court did have aDisenting Opinion from two other Justices. Pewtitioner did follow up with his P.D?R.

Petitioner then Filed his 22.54 in the Unites States Disrict court, Northern District of Texas, San Angelo Texas. Once that was dismissed the Petitioner filed for Certificate of Appealblity in the 5Th Circuit of New Orleans, Court of Appeals.

Petitioner was convicted of Capitol Murder on Circumstancial Evidence, that He cause the death of Michelle Reiter, by means "Unknown". Petitioer alleges that with the Cause of Death and Manner of death "unknwn", it cannot be classified as a Murder. State Exaimmer testifies that the cause and Manner was unknown , and that there were no signs of fould Play. Petitioner alledges that A deceased Body alone does not consitute 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 burden with having to learn of the Potiental conflict from the Clerk Recors. Attorney was representing one o the states witness agianst Petitioner, but was never allwoed to Call that witness, or cross examine that witness. Petitioner was also denied his right to a fair tr Trial by the fact that Police withheld witness statements that People had seen ann 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" Fairley Raised" When said grounds have been raised and Brought up to the Highest Appeallate court at every Statge eithe 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 capital 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 an 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 an Appeal, when they denied every motion and did not consider the Plaeding 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 Constitutional Claims and Holding petitioner to Higher Standards 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

Quetion 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 Constitutional 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 constitutional rights in conjunction with the illegal tactics of the prosecution have greatly burden the Petitioner and cause undue harm. Petitioner moves for a new trial. The petition for a writ of certiorari should be granted.

Respectfully submitted,

Raymond

Date: 18/5/22