

22-6644

No. _____

Supreme Court, U.S.
FILED

DEC 09 2022

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Sayanton 'Sy' Ghose — PETITIONER
(Your Name) [Aspiring Law Professor/MBA]

vs.

State of Texas — RESPONDENT(S)
[Galveston District Attorney]
ON PETITION FOR A WRIT OF CERTIORARI TO

→ 14th Court of Appeals - Houston
(Texas Court of Criminal Appeals rejected
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE) PDR)

PETITION FOR WRIT OF CERTIORARI

Sayanton 'Sy' Ghose MBA
(Your Name)

2665 Prison Rd 1 # 2313465
(Address)

Lovelady, TX 75851
(City, State, Zip Code)

346-400-9638 [mother = P.O.A.
(Phone Number) Lipita Sen]

ORIGINAL

ASPIRING LAW PROFESSOR SY GHOSE MBA MISSIONARY

QUESTION(S) PRESENTED

1) Novel Precedent. Nationwide Impact.

AHMAUD ARBERY REVISITED.

After the Ahmaud Arbery and Denny's Houston ILLEGAL citizens' arrest tragedies, the Ghose v. Texas case involves the 3rd such disaster.

Will the U.S. Supreme Court review and recommend a more SENSIBLE, ROB-UST, 'Safer Citizen's Arrest Protocol' by Aspiring Law Professor and Missionary Sy Ghose [MBA] ... and declare Texas' 2017 Citizen's Arrest Statute [T.C.C.P. 14.01] VOID FOR VAGUENESS ... in order to stop Ahmaud Arbery repeat tragedies?

[Aspiring Law Professor and Missionary Sy Ghose (MBA) was the victim of a baseless ILLEGAL citizen's arrest by 2 criminals (one drug affiliated, one mentally ill) on his foster daughter's birthday.]

Defendant Ghose requests a New Trial in a New Fair Venue [or custom Deferred Adjudication to DECREASE crime and INCREASE county revenue] due to VOID FOR VAGUENESS T.C.C.P. 14.01 use in his trial and constitutionally deficient jury instructions related to citizen's arrest case law.

ASPIRING LAW PROFESSOR SY GHOSE MBA MISSIONARY

USA/INDIA

QUESTIONS PRESENTED

2) Novel Precedent: Nationwide Impact.

Consider:

A) Broadway Play "The Exonerated."

B) Jamie Foxx Movie "Just Mercy?"

C) Film Contributor Sister Helen Prejean [www.sisterhelen.org]

D) Author "Dead Man Walking"

D) High Profile [case: www.freemelissalucio.org]

Racism and RAMPANT FRAUD have infected the Appeal System in small towns across America. Defendant [Aspiring Law Professor and Missionary Sy Ghose (MBA)] has a SOLUTION.

Please revisit his novel Faretta v. California [95 S.Ct. 2525] discussion.

Will the U.S. Supreme Court STOP Racism - and - Fraud - driven Appeal

TRAVESTIES by restoring Faretta protections to Appellants who prove their good character [ex: by completing a One Year Character Development Curriculum by Aspiring Law Professor and Missionary Sy Ghose (MBA)]?

ASPIRING LAW PROFESSOR SY GHOSE MBA MISSIONARY

QUESTIONS PRESENTED

2) [cont.]

Defendant [Aspiring Law Professor and
missionary Sy Ghose-MBA] requests
a New Trial in a Fair New Venue

[or custom Deferred Adjudication to
INCREASE county revenue and DECREASE
crime].

ASPIRING LAW PROFESSOR SY GHOSE MBA
MISSIONARY

QUESTIONS PRESENTED

3) Novel Precedent. Nationwide Impact.

A modern MEDICAL Concept has made a LEGAL Concept OBSOLETE.

Will the U.S. Supreme Court protect the children of innocent prisoners and public servants by reminding lower courts that the MEDICAL FIGHT OR FLIGHT RESPONSE is a necessary, UN-stoppable SELF DEFENSE reaction?

'FIGHT' explains # of bullets. [So 7 shots not overkill. 20 may be.]

'FLIGHT' explains fleeing. [So fleeing is not a sign of guilt.]

Defendant [Aspiring Law Professor and Missionary Sy Ghose (MBA)] requests a New Trial in a New Venue [or Deferred Custom Adjudication to REDUCE crime and INCREASE county revenue] because his 6th amendment right to a fair trial was compromised by Ineffective Counsel who denied him right to testify to educate jury about FIGHT or FLIGHT and by prosecutors who misled jurors by implying overkill. Sy is a Volunteer Emergency Service Professional [Public Servant].

ASPIRING LAW PROFESSOR SY GHOSE MBA MISSIONARY

QUESTIONS PRESENTED

4) Novel Precedent. Nationwide Impact. TROXEL REVISITED.

Will the U.S. Supreme Court protect children from shootings and abuse that results from states like Texas denying siblings legal STANDING to request visits with siblings and half-siblings?
[Expand Troxel case ideology.]

The defendant [Aspiring Law Professor and Missionary Sy Ghose - MBA] requests a New Trial in a Fair New Venue because his 6th amendment right to a fair trial was compromised by his Ineffective trial attorney who denied Sy the right to testify and address how Texas' narrow sibling visitation statute led to 2 criminals traumatizing his foster daughter by causing a shooting.

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

MISSIONARY SY GHOSE MBA TI
ASPIRING LAW PROFESSOR

TABLE OF AUTHORITIES

<u>CASE</u>	<u>PG #</u>
1) Andrade v. Texas - 6 SW 3d 384.	10
2) Carter v. Illinois - 329 U.S. 173. 174 - 175; 91 L. Ed 172; 67 S. Ct. 216.	28
3) Dunn v. Texas - 979 SW2d 403.	14
4) Ex Parte Drinkert - 821 SW 2d 953	12
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6) Kolender v. Lawson - 103 S. Ct. 1855 [1983].	7
7) Lowe v. U.S. - 418 F.2d 100, 103 [CA 7].	24
8) MacKenna v. Ellis - 263 F.2d 35, 41 [CA 5].	24
9) Martinez v. Texas - 142 Tex. Cr. 313 ; 152 SW2d 369.	10
10) Moore v. Michigan - 355 U.S. 155; 161; LL. Ed. 2d 767; 78 S. Ct. 191.	28
11) Perkins v. Texas - 771 SW2d 195; 812 SW2d 326.	8
12) Robinson v. Black - 812 F.2d 1084 [6th Cir. 1987].	15
13) Slack v. Texas - 149 SW 107.	11
14) Taco Bell v. Gregory M. Saleme - 701 SW2d 78.	13

ASPIRING LAW PROFESSOR SY GHOSE T2
MISSIONARY SY GHOSE MBA

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16) U.S. v. Nofziger - 878 F.2d 442 [D.C. Circ. 1989].	7
17) U.S. v. Plattner - 330 F.2d 271 [2nd of Appeals].	23
18) U.S. v. Sternman - 415 F.2d 1165, 1169-1170 [CA 6].	24
19) U.S. v. Warner - 428 F.2d 730, 733 [CA 8].	24
20) Williams v. Texas - 149 Tex. Crim. 36 ; 191 SW 2d 31 ; Arrest 63.1 ; Homicide 805.	11
21) Woods v. Texas - 213 SW 2d 685.	8
22) Yeager v. Texas - 23 SW 3d 566.	
23) Forester v. California - 95 S.Ct. 9525.	16 18-19 20-21 22-35

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2) Sec. 35 of The Judiciary Act of 1789 - 1 Stat 73, 92.	27
3)  Federal Rule Of Criminal Procedure 44.	24
4) Texas House Bill 270 - Sibling Visitation. [2005-2006 session]	38
5) Texas Penal Code 9.31[b][4] [A] - Sy Verbalized Peaceful Intent To Abandon Encounter.	15
6) Texas Code Of Criminal Procedure 14.01 - Citizen's Arrest.	7
7) Texas Penal Code 20.02 - UN-lawful Restraint [False Imprisonment].	8, 10, 14
* more on back side.	

U.S. Constitution

1) 5th Amendment.	23
2) 6th Amendment.	15, 18, 19, 24, 25, 27, 33, 34, 36, 38

TABLE OF AUTHORITIES

U.S. CONSTITUTION [cont.]

PG #

- 3) 8th amendment.
- 4) 14th amendment.

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OTHER

- 1) West Digest - Criminal Law 46.
- 2) West Digest - Criminal Law 46.3.

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STATUTES [cont.]

- 8) T.C.C.P. 28.02 - Defendant can close last.
- 9) TPC 30.05 [e][1] - Trespass w/ gun does not apply to Volunteer Emergency Service Personnel.
- 10) MSC 773.003 [10][A], [11] - Volunteer Emergency Service Personnel.
- 11) MSC 784.001 [5] - Volunteer Emergency Service Personnel.

5
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5

ASPIRING LAW PROFESSOR SY GHOSE MBA MISSIONARY

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- APPENDIX C — Statement of Procedural History.
- APPENDIX D — Appeal Court Error.
- APPENDIX E — Safer Citizens' Arrest Protocol.
- APPENDIX F — medical Fight or Flight Response.
- APPENDIX G — Federal Case Law Ignored By Texas Courts.
- APPENDIX H — Crimes Committed By Wayne And Amanda Morris.
- APPENDIX I — Fraudulent Acts By Trial Attorney.

CONT. →

ASPIRING LAW PROFESSOR SV GHOSE (MBA)

MISSIONARY

- APPENDIX J - Efforts To Dismiss Appeal Attorney
- APPENDIX K - Lies By Prosecutors - Prosecutorial misconduct
- APPENDIX L - Negotiation Offer
- APPENDIX M - U.S. Constitutional amendments. To be sent separately.
- APPENDIX N - Legal Innocence Established.
- APPENDIX O - Precautions Taken To Avoid Violence.

ASPIRING LAW PROFESSOR - Page ①
MISSIONARY SY GHOSE MBA

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 A1 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 14th court appears at Appendix A2 to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

1.

*

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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 9/21/22. A copy of that decision appears at Appendix A.

→ [] A timely petition for rehearing was thereafter denied on the following date: 10/26/22, 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. § 1257(a).

ASPIRING LAW PROFESSOR AND
MISSIONARY SY GHOSE MBA

SIS

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ASPIRING LAW PROFESSOR AND
MISSIONARY SY GHOSE MBA - PAGE 3
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Constitutional Amendment

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1) 5th Amendment

23

2) 6th Amendment

15, 18, 19,
24, 25, 27,
33, 34, 36,
38

3) 8th Amendment

34

4) 14th Amendment

23, 33

* APPENDIX M will be sent separately
if necessary with these amendments.

STATEMENT OF THE CASE

Case Law proves Sy is the victim of ILLEGAL citizen's arrest. This case should never be tried as a 1st or 2nd degree murder.

This case is a tragedy, not a set of crimes by Missionary Sy Ghose [MBA and Aspiring Law Professor].

He was lured over to his foster child's home by Wayne Harris on her birthday 6/28/17 to discuss a lucrative life insurance, his ministry [Radio LOVE India], and visitation.

Wayne began assaulting Sy for no reason at gunpoint. Wayne put Sy in EXECUTION POSITION.

Wayne behaved as if on drugs [lab result meth + and weed in home]. Amanda sped home and pointed gun at Sy's head. Sy took 20+ precautions to avoid violence. Amanda disobeyed police order to disarm/hide behind closed doors. Sy attempted to [and verbalized peaceful intent to abandon encounter]. He was directly en route to his car. [Wayne had tricked him with gun sale promise.] Sy did not provoke them. Wayne tried to kill Sy. Sy defended himself legally.

Wayne died. Amanda was shot. Churches teach, 'Those who hide and wait will spill their own blood. They will be caught in their own trap.' [Proverbs 1:18] Sy is heartbroken for their relatives and wishes they could have all been friends.

Wayne and Amanda were afraid of their crimes being exposed. Sy went into CLINICAL SHOCK. He fled after he notified foster child's grandma to rescue her. His reaction was a 100% CLINICAL FIGHT OR FLIGHT RESPONSE [which makes outdated concept of 'overkill' and 'flight guilt' obsolete]. He turned himself in en route to his wealthy uncle's estate [California] in New Mexico.

Sy felt like Harrison Ford in the movie 'The Fugitive'.

Sy was denied a fair trial in Galveston, denied right to testify with access to discovery, denied experts promised, denied a worthy MISTRIAL [after his attorney threw a fit during prosecutor closing], denied ability to close last, denied ability to address prosecution based on materially false information [28 delusions of his mentally ill ex-wife, like stalking and abuse]. Sy's ministry fights abuse / drugs / human trafficking. UN-constitutional convictions [murder and Agg. Assault with Deadly Weapon] resulted.

Sy was denied a fair appeal by 14th Court, who ignored dismiss counsel requests, prose brief docs, 124⊕ cases, 58⊕ reversible errors, 39 statutes.

§ T.C.C.P. 28.02 allows defendant to close last. Sy is a Public Servant and Volunteer Emergency Service Personnel. TPC 30.05 [e][1], HSC [773.003][10][A], [11], HSC [784.001][5].

ASPIRING LAW PROFESSOR +

MISSIONARY SY GHOSE MBA - PAGE 6
REASONS FOR GRANTING THE PETITION

- 1) GRANTING THIS PETITION is necessary because this is the #1-most-High-Profile - Case-In - The U.S.A. potentially.
 - 2) GRANTING THIS PETITION is necessary because this Writ contains 4 issues that involve Nationwide Impact and Novel Precedent.
 - 3) GRANTING THIS PETITION is necessary because 45⁺ MILLION DEATHS can be avoided once the missionary defendant Sy Ghose is freed to save villager lives globally.
 - 4) GRANTING THIS PETITION is necessary because the Texas Court Of Criminal Appeals is in violation of U.S. Supreme Court Rule 10 [b] - Federal issue 6th am. right to testify was not protected.
 - 5) GRANTING THE PETITION is necessary because the Texas Court of Criminal Appeals is in violation of U.S. Supreme Court Rule 10 [c] - U.S.S.C. Void-For-Vagueness - Doctrine is being violated by Texas - T.C.C.P. 14-01 Citizens' Arrest - New Protocol by Sy Ghose [Future J.D. needed].
New Faretha protections, Troxel expansions, and medical Fight or Flight standards needed.
- * Petition complies with U.S. Const. Art III.

6) IMPORTANCE TO OTHERS IN
SIMILAR SITUATIONS-

- A) Citizens Arrest Situations- You can prevent more un-necessary Ahm-
-and Arbery and Denny's Houston
ILLEGAL citizen's arrest deaths
by granting this writ.
- B) Hybrid Representation Excuses and
Faretta protections for pro-se App-
-ellants - You can help exonerate
thousands of INNOCENT/ excessi-
-vely prisoners by GRANTING
THIS WRIT, and rebuild families
- 7) GRANTING THIS WRIT will help
you stop Prosecutorial Misconduct
from WASTING HUNDREDS OF
MILLIONS OF DOLLARS of hard-
earned taxpayers' money.
- 8) GRANTING THIS WRIT will help
you protect thousands of INNOCENT
children from abuse while their
good-hearted Moms and Dads in
prison fight for them.

ONE

(I) Novel Precedent. Nationwide Impact.

- PROBLEM - Ahmaud Arbery revisited. Denny's Houston ILLEGAL citizen's tragedy. There will be many more deaths nationwide because of ILLEGAL citizen's arrests if you do not meet with Aspiring Law Professor and Missionary Sy Ghose [MBA] to discuss his more SENSIBLE, ROBUST, SAFER Citizen's Arrest Protocol.

Current Texas Citizen's Arrest Statute [T.C.C.P 14.01] violates U.S. Supreme Court VAGUENESS DOCTRINE. It does not make sensible recommendations about what you cannot do during a Citizen's Arrest. [See Kolender v. Lawson - 103 S. Ct. 1855 [1983].] AMBIGUOUS LANGUAGE IN TCCP 14.01 PRODUCED A RIDICULOUS RESULT. [See U.S. v. NoFeizer - 878 F.2d 442 [D.C. Circ. 1989].] An INNOCENT man [Sy] went to prison for shooting 2 criminals performing an UN-necessary baseless ILLEGAL citizen's arrest [hiding behind T.C.C.P 14.01].

Will the U.S. Supreme Court declare Texas' absurd Citizen's Arrest Statute VOID FOR VAGUENESS [to stop Ahmaud-Arbery repeat tragedies]?

• SOLUTION - Please consider:

The following case law proves Missionary Sy Ghose [MBA + Aspiring Law Professor] was the victim of an ILLEGAL citizen's arrest by criminals Wayne and Amanda Harris. Appeal attorney INEFFECTIVE for failing to share:

[1] Case - Woods v. Texas - 213 SW 2d 685.

- Lesson - You cannot pursue a suspect during a citizen's arrest.
- Application - Wayne and Amanda Harris broke common sense citizen's arrest protocol by pursuing Missionary Sy Ghose as he peacefully retreated from their property, and they trapped him on their driveway, assaulting him at double gun-point. Missionary Sy Ghose had a right to defend himself from their lethal threat. [Wayne and Amanda committed the crime of TPC 20.02 UN-lawful Arrest / False Imprisonment.]

[2] Case - Perkins v. Texas - 771 S.W. 2d 195; 812 S.W. 2d 326.

- Lesson - No breach of peace? No citizen's arrest!
- Application - Missionary Sy Ghose did not breach peace. He came in peace

with birthday presents for his foster daughter 'K'. Trial testimony by Wayne's son confirms Wayne knew Missionary Sy Ghose was coming over. That is because he had agreed to hear about Missionary Sy Ghose's lucrative life insurance business, which would have helped Wayne and Amanda.

- Lesson 2- The Judge(s) in this case ruled that the defense attorney's failure to object constitutes INEFFECTIVE COUNSEL
- Application- The trial defense attorney representing Missionary Sy Ghose also failed to object at critical points when prosecutors erred and should also be considered INEFFECTIVE. He should have ripped the 'legality' of the citizen's arrest to shreds.

[4] Case- Yeager v. Texas- 23 S.W.3d 566.

- Lesson- A citizen's arrest requires valid probable cause.
- Application- Wayne and Amanda had NO valid probable cause to arrest Missionary Sy Ghose on his foster daughter "K's" birthday. Wayne had agreed to have him over to discuss a lucrative insurance business

Missionary Sy Ghose hoped would help them. Amanda [REDACTED] testified she knew Missionary Sy Ghose had always just come over for 'K' [to give her presents]. Therefore, their citizen's arrest attempt was bogus and ILLEGAL.

[5] Andrade v. Texas - 6 S.W.3d 384. - Case.

- Lesson - Citizen's arrests are dangerous.
- Application - Wayne and Amanda were stupid to mislead League City Police in an effort to gain permission to perform a bogus citizen's arrest on Missionary Sy Ghose. Wayne and Amanda were reckless to pull guns on a missionary Sy Ghose / Friend of police / anti-active-shooter-trained Volunteer Emergency Service Professional... without expecting consequences. Missionary Sy Ghose defended himself legally.

[6] Case - Martinez v. Texas - 142 Tex. Cr. 313; 152 S.W.2d 369.

- Lesson - In a citizen's arrest, you can't pursue a fleeing suspect with intent to use lethal force, even if your captive

injured you.

- Application - Wayne and Amanda pursued Missionary Sy Ghose while he was peacefully fleeing. Their citizen's arrest was ILLEGAL. They committed the crime of False Imprisonment [TPC 20.02 UN-lawful Restraint].

[7] Case - Williams v. Texas - 149 Tex. Crim. 36; 191 S.W.2d 31; Arrest 63.1; Homicide 805.

- Lesson - You can resist an arrest [even if a cop is conducting it] if it is ILLEGAL.
- Application - Wayne and Amanda conducted an ILLEGAL citizen's arrest. Therefore, the innocent defendant had a right to resist them and use his weapon. Prosecutors erred by misleading jurors that he had no right to use his weapon.

[8] Case - Slack v. State - Texas - 149 S.W. 107.

- Lesson - The Killing of a MERE TRESPASSER is UN-justifiable.
- Application - Wayne and Amanda Harris had NO right to point guns at Missionary Sy Ghose's head for his

alleged trespass.

They were an UN-justifiable LETHAL threat to Missionary Sy Ghose.

[9] Case - Ex Parte Drinkert - 821 S.W.2d 953.

- Lesson A - Law of self-defense and defense of property requires jury to view 'reasonableness' of defendant's actions SOLELY FROM DEFENDANT'S STANDPOINT.

- Application - Missionary Sy Ghose's jury erred by not viewing the reasonableness of his self-defense reaction SOLELY FROM HIS STANDPOINT. He deserves the right to testify. He deserves a new trial.

- Lesson B - Jury cannot accept prosecutor's theory of what victim felt. Jury can only review reasonableness of defendant's actions SOLELY FROM

DEFENDANT'S STANDPOINT.

- Application - Missionary Sy Ghose's jury

erred by accepting prosecutor's Theory ab-
-out deceased's [Wayne's] motives.

Missionary Sy Ghose deserves a new
trial. Trial attorney was INEFFECTIVE
for failing to investigate these cases. 6th. am.
[10] Case - Taco Bell v. Gregory M. Saleme -
[Appellant] [Appellee]
701 S.W.2d 78.

- Lesson - Court ruled in favor of defenda-
-nt in both trial and appeal because
Taco Bell could not prove commission of
a crime justifying arrest.
- Application - Wayne and Amanda Harris
could not prove to their victim Miss-
-ionary Sy Ghose that their alleged
arrest was justified by a crime in
progress on 6/28/17.

They complained about PAST harassm-
-ent/stalking on 911 audio [Wayne and
Amanda Harris], not CURRENT. Therefore
they conducted an ILLEGAL citizen's
arrest.

Therefore, missionary Sy Ghose had
a right to resist and defend his life
BY ANY MEANS NECESSARY,
TO THE EXTENT NECESSARY.

[Prosecutor error / Legal sufficiency of evid-

-ence issue.]

Wayne and Amanda should not have disobeyed a police order to disarm and de-escalate. [Wayne may have been under the influence of drugs. 'Weed' in home and presumed positive methamphetamines result in Wayne's blood. Amanda may have been clinically insane.]

Texas Courts have already ruled that their type of UN-lawful Arrest [TPC 20.02] IS ILLEGAL.

■■■ [11] Case - Dunn v. Texas - 979 S.W.2d 403.

- Lesson A - During a citizen's arrest, a captor MUST give a potential captive NOTICE TO DEPART.
- Application - Amanda Harris did NOT give the Missionary defendant Sy Ghose NOTICE TO DEPART. Amanda disobeyed a police dispatcher, picked up her gun, pointed it at Sy's head, and stated 'NO! YOU'RE NOT GOING AWAY!' Wayne also held Sy hostage in EXECUTION POSITION in door front walkway earlier. Wayne did NOT give missionary Sy Ghose

NOTICE TO DEPART on 6-28-17.

Sy begged Amanda to allow him to peacefully abandon the encounter [in accordance with TPC 9.31 [b][4][A].

This evidence is in Amanda's 6/28/17

911 call BACKGROUND. A free Apple store app can amplify Sy's voice. This evidence was withheld [against Sy's will] from jury/trial judge/14th court.

This is EVIDENCE TO EXONERATE. [Jury instructions in Ghose trial should have included all these citizen's arrest case law.]

- Lesson (B) - A trespass is not a breach of peace.

- Application - Missionary Sy Ghose did NOT breach peace. Nor did he trespass. * 6th am. violation. Constitutionally deficient jury instructions → No fair trial for

Sy. * The cases above should be sufficient to overturn convictions against Missionary Sy Ghose and to grant him a new trial. [Appeal counsel violated:

- Case - Robinson v. Black - 812 F.2d 1084 [8th Circ. 1987].

- Lesson - Brief that raised issues that supported the government's brief points instead of defendant was ineffective assistance.]

- Application - Appeal attorney in Ghose case therefore INEFFECTIVE.

Blank
[Disregard]

- PREJUDICE - [Strickland] - Jurors would have ruled in favor of Sy if attorney shared cit. arrest case law.

2) Novel Precedent. Nationwide Impact.

- PROBLEM - Landmark case Faretta v.

California needs to be revisited due to

RACISM and RAMPANT FRAUD. Consider:

[A] Broadway Play 'The Exonerated'. [B]

Jamie Foxx movie 'Just Mercy'. [C]

Film Contributor Sister Helen Prejean

- www.sisterhelen.org. Author - 'Dead

Man Walking'. [D] High Profile case - www.free-melissa-lucio.org.

www.free-melissa-lucio.org.

Racism and RAMPANT FRAUD have infected the Appeal system in small towns across America. Defendant [Aspiring Law Professor and Missionary Sy Ghose - MBA] has a SOLUTION.

Prosecutorial Misconduct has wasted HUNDREDS OF MILLIONS OF TAXPAYER DOLLARS.

The U.S. Supreme Court would benefit by meeting Sy to learn how he can help co-

urts identify and exonerate 100,000+ INN-

OCENT or OVERSENTENCED prisoners,

after a one year discipleship, and then

lead them into full time Ministry or

Military careers. [Sy can reduce your

Writ applications by 50%.]

Sy is a Volunteer Emergency Service Personnel and victim of an ILLEGAL citizen's arrest and murder attempt.

He was UN-justly imprisoned and denied right to testify, evidence to exonerate, experts and witnessed promised, and a voice in his appeal to correct the many lies his criminal attackers brainwashed prosecutors with.

The U.S. Supreme Court can help RACISM and RAMPANT FRAUD by conducting their 1st ever full criminal trial in U.S. history [Texas-Galveston v. Aspiring Law Professor Sy Ghose - MBA/missionary]. [A New Trial in New Venue OR Crime-Fighting-Deferred-Adjudication is also suitable.]

The U.S. Supreme Court has the opportunity with the Ghose v. Texas case to leverage him to save: [A] millions of children of good hearted prisoners from risk of child abuse, [B] millions of elderly law-abiding senior citizens from heartache while their good hearted incarcerated kids fight for freedom, [C] Child Protective Services workers from needing to perform UN-necessary custody terminations vs. good hearted prisoners [Dads/Moms], [D] Habeas Corpus Clerks from being overwhelmed with ineffective Counsel claims avoidably, and [E] your suburbs from REVENGE - CRIME.

Will the U.S. Supreme Court protect

Taxpayers and Church Voters by restoring Faretta protections to Appellants who prove their character [completing a One Year Character Development Curriculum by Sy Ghose, for example]?

• SOLUTION - Please consider:

State Appeal Courts have failed to honor: The 6th amendment, and

→ The wisdom of the U.S. Supreme Court Chief Justice, and

→ the Judges of the Federal Judiciary Center, in their

→ 'manual of Recurring Problems in Criminal Trials.' [Sy's Pro-Se Brief is based on this.]

[Hence Faretta protections are needed.]

Texas Courts [14th Court of Appeals and 122nd District Court] have allowed FRAUD by a Trial Attorney against Aspiring Law Professor and missionary Sy Ghose [mBA-defendant]. Experts promised and Evidence-to-Exonerate were hidden from jury.

[Full list of Fraudulent Acts will follow in Appendix later.] Sy was COERCED not to testify, refused the right to testify with adequate discovery access and preparation, and denied a worthy MISTRIAL request after his allegedly addicted [or neuromuscular-disorder-

afflicted] trial attorney threw a fit after Sy properly objected to lies by prosecutor during closing. Trial attorney threw Sy's legal papers down in plain view of jury, making a terrible impression. [Attorney ADDICTION rumor.]

Texas Courts also failed to protect Sy from FRAUD by an UN-desired appeal attorney who filed an obviously intention-ally weak brief [Crimes = Barratry and Solicitation of Employment, Conspiracy to de-U.S. + Texas Governments]. This attorney filed a Brief: → Against missionary Sy's will, → with erroneous details harmful to Sy [and refused to correct them],

→ with ambivalent language harmful to Missionary Sy, and
→ with obvious holes for prosecutors to capitalize...

* despite ~10 attempts to dismiss this attorney in 3 Courts. Police in Galveston warned missionary Sy this attorney horsetrades clients to earn favors from prosecutors. [Federal Judges have ruled such CONFLICTS OF INTEREST require new trials.] Aspiring Law Professor and Missionary Sy Ghose-MBA-deserves a New Trial in a New Venue. He is open to a Crime-Fighting-Deferred Adjudication.

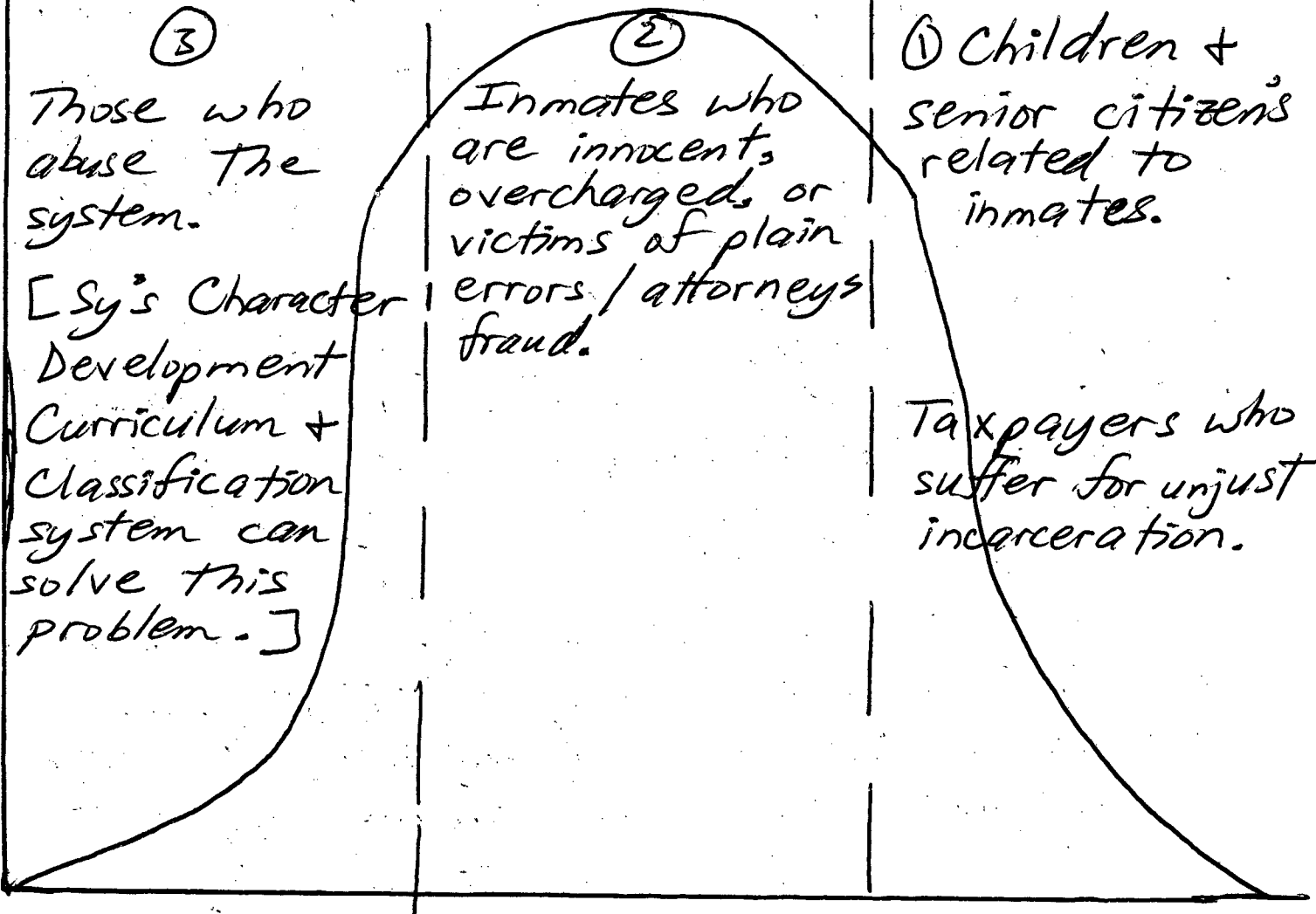
The Landmark U.S. Supreme Court case Faretta v. California - 95 S.Ct. 2525 still should be applied when FRAUD [Conflict of Interest] is obvious in the APPEAL process. 14th amendment DUE PROCESS protections should still apply to APPEALS [to eliminate Barratry, ho-rsetrading, cronyism, good-ole-boy-networks, and the Indigent-Defender-Slush-Fund-racket].

Defendant [Aspiring Law Professor and Missionary Sy Ghose] is the victim of obvious FRAUD. [Compare his UN-desired attorney Brief to Sy's superior pro-se Brief ~~XXXXXXXXXX~~ ~~XXXXXXXXXX~~, appendices, addendums]. Millions of Church Voters [Republican base] will learn of this treachery.

The following discussion was shared with the 14th Court in an effort to dismiss Ineffective UN-desired appeal attorney.]

Because the pendulum has swung too far ~~to~~ the extreme right [hurting church voters] in some cases where self representation in direct APPEAL is concerned, Aspiring Law Professor Sy Ghose [MBA-missionary] would like to revisit the noble thought processes exhibited by the U.S. Supreme Court in Faretta v. California - 95 S.Ct. 2525.

The beauty of the Faretta decision [and the best decisions in U.S. history] is that it provides safeguards for all 3 groups below:



Aspiring Law Professor and Missiona-
ry Sy Ghose [MBA] will now address
Foretta decision learnings in each catego-
ry below:

- A) Supreme Court comments about self-representation.
- B) Supreme Court comments about forced counsel.
- C) Commentary.

A) U.S. Supreme Court comments about self-representation in Foretta.
quote 1)' (1) a defendant in a state criminal case has a constitutional right to proceed without counsel when he voluntarily and intelligently elects to do so, and (2) under the circumstances of the present case, the accused was deprived of his constitutional right to conduct his own defense.'

- Application - Aspiring Law Professor Sy Ghose [MBA] voluntarily and intelligently elects to conduct his own appeal defense a necessary prerequisite to winning a fair new trial in a fair new venue.

Therefore, the appeal and new trial are linked together. They are for the purposes of protecting a defendant's 6th, 8th, and 14th amendment rights. INS-EPARABLE.

Therefore the trial, appeal, and re-trial are like 3 intertwined cords that form a 'ROPE OF HOPE AND JUSTICE' that innocent children of inmates, their senior citizen relatives and taxpayers who know the truth clinging to [especially when FRAUD obvious] To date, the 122nd trial court has abused its discretion by not recommending to the appeals Court [14th] to allow the innocent defendant Aspiring Law Professor Sy Ghose to conduct his own defense.

quote (2) "The United States Court of Appeals have repeatedly held that the right of self-representation is protected by the Bill of Rights."

The U.S. Supreme Court cited United States v. Plattner - 330 F.2d 271 [2nd Court of Appeals]: "the right to the assistance of counsel, the court concluded was intended

[quote]

- to supplement the other rights of
- the defendant and not to impair
- the absolute and primary right to con-
- duct one's own defense in propria per-
- sona." id. at 274. The Court found
- support for its decision in the langu-
- age of 1789 statute, in the statutes
- and rules governing criminal procedure
- [sec 28 U.S.C. Sec 1654 (28 U.S.C.S.
- sec 1654)], and Federal Rule Criminal
- Procedure 44; in the many state const-
- itutions that expressly guarantee self-
- representation.

On these grounds the Court of Appeals held, that implicit in the 5th amendme-
-nt's guarantee of due process of law,
and implicit also in the 6th amendmen-
-t's guarantee of rights to the assistance
of counsel, "is the right of the accus-
-ed personally to manage and conduct
his own defense in a criminal case-

330 F.2d at 274. See also U.S. ex. rel.

Maldonado v. Derm - 348 F.2d 12, 15 [CA2]

MacKenna v. Ellis - 263 F.2d 35, 41 [CA5];

U.S. v. Sternman - 415 F.2d 1165, 1169 - 1170 [CA6];

Lowe v. U.S. - 418 F.2d 100, 103 [CA7];

U.S. v. Warner - 428 F.2d 730, 733 [CA8];

Haslam v. U.S. - 431 F.2d 362, 365 [CA9].

• Application - The 122nd trial court ~~erred~~
by leaving court appointed appeal att-
-orney on Aspiring Law Professor Sy
Ghose's [mBA] case despite obvious
CONFLICT OF INTEREST and ineff-
-ective counsel issues. The trial co-
-urt forced an UN-desired appeal
on the defendant. Instead of 'SUPPLE-
-MENT~~ING~~-ING' the defendant's efforts,
the UN-desired ineffective appeal
attorney has ignored the defendant's
concerns, and undermined his points.

quote

(3) "In sum, there is no evidence that
the colonists and the Framers
ever doubted the right of self-
representation, or imagined that th-
-is right might be considered in-
-ferior to the right of assistance
of counsel. To the contrary, the
colonist, and the Framers, as well
as their English ancestors always
conceived of the right to coun-
-sel as an 'assistance' for the
accused to be used, at his option,
in defending himself. The Framers
selected in the 6th amendment a
form of words that necessarily

implies the right of self-representation.
That conclusion is supported by centuries of consistent history."

• Application - Aspiring Law Professor Sy Ghose [MBA]'s best option is to represent himself on appeal.

quote

(4) "The right to self-representation - to make one's own defense personally - is thus necessarily implied by the structure of the amendment. The right to defend is given directly to the accused..."

• Application - Aspiring Law Professor Sy Ghose [MBA] requests the right to submit his own Appellate Brief.

quote

(5) For his technical knowledge, as such, was not relevant to an assessment of his knowing exercise of the right to defend himself. In forcing Farettu, under these circumstances, to accept against his will a state-appointed public defender, the California courts deprived him of his constitutional right to conduct his own

defense.

- Application - Aspiring Law Professor Sy Ghose's technical knowledge about the appeal process is irrelevant to the appeals Court in so far as his request to proceed pro-se is concerned; that said he is committed to learning how to file an excellent appeal.

quote

- (b) 'In the federal courts, the rights of self-representation has been protected by statute since the beginnings of our nation. Sec. 35 of the Judiciary Act of 1789. 1 Stat 73, 92 enacted by the First Congress and signed by President Washington one day before the 6th amendment was proposed, provided that in all the Courts of the United States, the parties may plead and manage their own causes personally or by the assistance of... counsel.' The right is currently codified in 28 U.S.C. Section 1654 [28 U.S.C.S. Sec 1654], 36 state constitutions protect this right [as of 2018 - commentary].'

- Application - Aspiring Law Professor Sy Ghose

deserves the right to file his own
Appellate Brief.

(7) The U.S. Supreme Court also cited
Carter v. Illinois - 329 U.S. 173, 174-
175; 91 L.Ed 172; 67 S.Ct. 216:

quote "Neither the historic conception of due
process nor the vitality it deprives
from progressive standards of justice
denies a person the right of def-
erred himself or to confess guilt.
Under appropriate circumstances the
Constitution requires that counsel be
tendered; it does not require that
under circumstances counsel be forc-
ed upon a defendant. See also
Moore v. Michigan - 355 U.S. 155,
161; 78 S.Ct. 191."

• Application - It would violate Aspiring
Law Professor and missionary Sy
Ghose's due process rights to deny him
the right to represent himself on
direct appeal, in this unique situa-
-tion involving ineffective counsel, con-
-flicts of interest, and case complexity
too great for a court appointed app-
-~~ointed~~-eal attorney in

Galveston to handle.

(B) U.S. Supreme Court comments about forced counsel.

quote (1) 'Forcing a lawyer upon an UN-will-
-ing defendant is contrary to his
basic right to defend himself, if
he truly wants to do so.

- Application - Aspiring Law Professor Sy Ghose is UN-willing to work with court appointed appeal attorney who has already failed the defendant in multiple ways and wasted taxpayers dollars for ~9 months by failing to work WITH innocent defendant Missionary Sy Ghose [MBA]. Instead, ineffective appeal attorney worked AGAINST the innocent defendant.

quote (2) 'It is true that WHEN A DEFENDANT
-CHOOSES to have a lawyer
manage and present his case, law
and tradition may allocate to the
counsel the power to make bindi-
-ng decisions of trial strategy

[quote]

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- in many areas. This allocation can only
- be justified, however, by the defendant-
- its consent, at the outset, to accept
- counsel as his representation. An
- UN-wanted counsel represents the defe-
- ndant only through a tenuous and un-
- acceptable legal fiction.

- • Application- Aspiring Law Professor Sy
- Ghose [MBA] does not consent to
- [his appointed UN-desired ineffective indig-
- ent attorney] filing his appeal brief.

quote

- (3) 'To force a lawyer on a defendant can
- only lead him to believe that the law
- contrives against him. Moreover, it
- is not inconceivable that in some rare
- in-~~stances~~stances, the defendant might in
- fact present his case more effective-
- ly by conducting his own defense.'

- • Application- Please do not let the trial
- court and prosecutors of Galveston furth-
- er contrive against Aspiring Law
- Professor and Missionary Sy Ghose [MBA]
- by blocking his right to defend himself.
- The defendant guarantees he will
- earn your respect and present his

- appeal and retrial arguments more eff-
-ectively than his trial attorney and
- appeal attorney.

- (C) Faretta case commentary.

quote (1) 'Crim. Law Sec 46.3 - counsel:
- defendant's right to decide whet-
- her to use:
- [12] Since the right to defend is
- personal and since the def-
- endant, and not his lawyer
- or state, will bear the per-
- sonal consequences of a con-
- viction, it is the defendant
- who must be free personally to
- decide whether in his particular
- case counsel is to his advant-
- age.'

- • Application - Aspiring Law Professor
- Sy Ghose [MBA] has over 20 years
- of corporate/medical experiences
- dealing with laws, experiences deal-
- ing with laws, experience as a
- Court Appointed Special Advocate,
- criminal justice coursework, and 3.5
- years studying criminal Law on his
- case and others' full time. He has

decided appointment of a Galveston appeal attorney is not to his advantage, the advantage of children he empowers, [and protects], or to the advantage of taxpayers.

quote

(2) 'Crim. Law Sec. 46 - Deprivation of right to self representation.

[18a, 18b] - Forcing an accused against his will, to accept a state appointed public defender deprives the accused of his constitutional right to constitutional right to conduct his own defense under circumstances where [1] week before trial, the accused and unequivocally declared to the trial Judge that he wanted to represent himself and did not want counsel [2] the record affirmatively showed that the accused was literate, competent, and understanding and that he was voluntarily exercising his informed free will, and [3] the trial judge warned the accused that the judge thought it was a mistake not to accept the assistance of counsel and that the accused would be required to follow all the ground rules of

local procedure.

- Application - Please ~~do not~~^{allow} ~~Aspiring~~ Law Professor Sy Ghose [MBA] to proceed pro-se. Aspiring Law Professor Sy Ghose [MBA] is literate, competent, and understanding.

^{quote}
(3) 'Crim. Law Section 46- technical legal Knowledge- Knowing exercise of right to self representation.
(19) an accused's technical legal Knowledge, as such, is not relevant for an assessment of his knowing of the, right to represent himself.'

- Application - Aspiring Law Professor Sy Ghose's [MBA] technical legal Knowledge is legally irrelevant to this Court's ability to grant him pro-se status. However, he is committed to proving to The Court he has [and will have even more] the legal Knowledge to file strong Appellate Brief.

^{quote}
(4) 'Syllabus - 6th amendment as applicable to the states by the 14th guarantees

(quote)

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that a defendant in a state criminal trial has an independent constitutional right of self-representation and that he may proceed to defend himself without counsel when he voluntarily and intelligently elects to do so, and in this case the state courts erred in forcing petitioner against his will to accept a state appointed public defender in denying his request to conduct his own defense."

- Application - It would be an error to force Aspiring Law Professor to accept an attorney against his will. As previously stated on page 7 [of motion To Request In-Person Hearing To Request In-Person Hearing To Allow Defendant To Proceed Pro-Se].

The Appeal and New Trial are linked together. They are, [for the purposes of protecting a defendant's 6th, 8th, and 14th amendment rights,] INSEPARABLE [especially when ineffective counsel issues]. Therefore, the trial, appeal, and retrial are like 3 intertwined cords that form a 'Rope of Hope And Justice' that the innocent children of inmates, their senior

relatives, and taxpayers who know the truth cling to.'

It is time for Texas Courts to honor the Foretta Supreme Court decision in all APPEAL court cases where FRAUD [Conflict of Interest] is obvious.

An attorney conflict of interest is obvious in the appeal of Missionary Sy Ghose. A new trial is required.

Y) The Undesired appeal attorney was ineffective because he failed to study citizen's arrest case law adequately and to work with Aspiring Law Professor and Missionary Sy Ghose [MBA] closely BEFORE submitting a Brief.

This ineffective UN-desired attorney erred, by suggesting Wayne/Amanda citizen's arrest was lawful but their use of deadly force was ILLEGAL. [The citizen's arrest cases in the Appendix prove their citizen's arrest was TOTALLY ILLEGAL.]

* 14th Court erred by ignoring this discussion.

* The Constitutional Forefathers would want fairness in ALL proceedings, not just trial. See Appendix G.
[See Question 1 + Arguments. A New Trial in a Fair New Venue is required.]

③ (■) Novel Precedent. Nationwide Impact.

- PROBLEM - A modern MEDICAL Concept - pt has made a LEGAL Concept [REDACTED] OBSOLETE.

Will the U.S. Supreme Court protect the children of innocent prisoners by reminding lower courts that the MEDICAL FIGHT OR FLIGHT RESPONSE is a necessary, UN-stoppable SELF DEFENSE reaction?

- SOLUTION - Please consider:

The innocent defendant [Aspiring Law Professor and missionary Sy Ghose MBA] responded with a 100% MEDICAL FIGHT OR FLIGHT RESPONSE to a lethal threat [2 unstable drug affiliated criminals Wayne and Amanda Harris].

'FIGHT' explains # bullets [NOT over 11]. 7 only [not 17 or 47 as white cops have used on blacks].

'FLIGHT' explains fleeing [NOT a sign of guilt]. Without this jury instruction, there

couldn't be fair trial. Please review scientific diagrams in Appendix. 6th am. violation - Trial attorney refused to let defendant testify to share this. Appeal Attorney failed to share too. He was INEFFECTIVE. Structural error = No testify.

BLANK
[Disregard]

(4)

Novel Precedent. Nationwide Impact.

PROBLEM - Child abuse by mentally ill and unfit parents is out of control, because sibling visitation rights is unprotected. [This led to the shooting on 6-28-17 by Child Welfare Champion Sy Ghose. This issue was discussed in Pro-Se Appeal Brief and Appendix - 2017 TXDFPS Complaint.]

Will the U.S. Supreme Court protect children from abuse that results from ~~abuse that results~~ from states like Texas denying siblings legal STANDING to request visits with siblings/half-siblings? [Expand Troxel case ideology.]

• SOLUTION - Please consider:

The U.S. Supreme Court needs to protect the reasonable MAJORITY [non-voters] from the fanatical MINORITY [voters].

The U.S. Supreme Court needs to protect kids' God-given rights to sibling visits.

The U.S. Supreme Court needs to remind closed-minded politicians that Siblings in all states should have the same visitation rights.

The U.S. Supreme Court needs to remind closed-minded politicians that parents should not have free reign to destroy kids' lives by denying sibling/half-sibling/parents visits. According to www.nami.org, one in four will have mental illness at some point. And in some communities, abuse of kids happens EVERY MINUTE.

Sibling visits are the only mental/physical protection against parental abuse. [Contact Oprah's Angel Lynn Price.]

In the Ghose v. Texas case, the defendant's foster daughter was emotionally abused by Wayne and Amanda Harris because Texas Sibling Visitation Law HB 270 [2005-2006] did not protect the child [K's] sibling's ability to visit and protect her from Wayne and Amanda. [See 2017 TXDFPS complaint to CPS by Aspiring Law Professor Sy Ghose-MBA.] A shooting resulted when criminal abusers Wayne and Amanda conducted an ILLEGAL citizen's arrest and murder attempt.

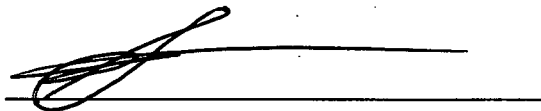
* 6th am. violation - Ghose was denied a fair trial [right to testify] to share this. Appeal attorney was INEFFECTIVE for failing to share this.

28 U.S.C. Sec. 2403[b] may apply.
T.C.C.P. 1401 Citizens Arrest Statute
is Void-For-Vagueness. Defendant is
notifying Texas Attorney General of
this fact and a superior statute
proposal.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 10-23-22, 11-27-22

ASPIRING LAW PROFESSOR AND
MISSIONARY SY GHOSE MBA.
INNOCENT YET INCARCERATED.