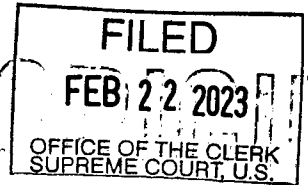


22-6992

No. _____



IN THE

SUPREME COURT OF THE UNITED STATES

SAMUEL LYN REAVES — PETITIONER
(Your Name)

VS.

BOBBY LUMPKIN — RESPONDENT(S) "et.al."

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT APPEALS - FIFTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

SAMUEL LYN REAVES
(Your Name)

2101 FARM MARKET 369 NORTH
(Address)

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

(Phone Number)

QUESTIONS PRESENTED

— OPENING STATEMENT —

RES NOVA - [Latin] NEW THING. (18c)

1. AN UNDECIDED QUESTION OF LAW 2. A CASE OF FIRST IMPRESSION.

RES JUDICATA - [Latin] A THING ADJUDICATED. (17c) 1. AN ISSUE THAT HAS BEEN DEFINITELY SETTLED BY JUDICIAL DECISION. 2. AN AFFIRMATIVE DEFENSE BARRING THE SAME PARTIES FROM LITIGATING A SECOND LAW SUIT ON THE SAME CLAIM.

Collateral estoppel - 2. A doctrine barring A PARTY FROM RELITIGATING AN ISSUE DETERMINED AGAINST THAT PARTY IN AN EARLIER ACTION EVEN IF THE 2ND ACTION DIFFERS SIGNIFICANTLY FROM THE 1ST ONE. (1941)

Defensive collateral estoppel - estoppel asserted by A DEFENDANT TO PREVENT A PLAINTIFF FROM RELITIGATING AN ISSUE PREVIOUSLY DECIDED AGAINST THE PLAINTIFF (1968)

offensive collateral estoppel - estoppel asserted by A PLAINTIFF TO PREVENT A DEFENDANT FROM RELITIGATING AN ISSUE PREVIOUSLY DECIDED AGAINST THE DEFENDANT. (1964)

QUESTION(S) PRESENTED

IS IT LEGAL TO START A PRISON SENTENCE, THEN STOP IT AND THEN RESTART IT? ADDING MORE YEARS?

IS IT LEGAL TO REVOKE STREET TIME ON PAROLE WHEN IT CHANGES FINAL CONVICTION FELONY CLASS?

WHEN A INVOLUNTARY Plea is ENTER AND STATE BREACH Plea Agreement BY MAKING MORE Punitive, is it LEGAL?

When Paroled, AND SUPERVISION is OF A DIFFERENT Penal code than offense Penal code, IS IT LEGAL?

IS IT LEGAL TO ATTACH AGGRAVATED PUNISHMENT TO A NON AGGRAVATED OFFENSE? BY PRISON OFFICIALS?

IS IT LEGAL TO ATTACH A GOVERNMENT CODE TO HAVE ADVERSE CONSEQUENCE(S) THAT IS NOT MENTIONED IN CHARGING INSTRUMENT (INDICTMENT) OR PENAL CODE? AFTER CONVICTION?

IS IT LEGAL TO DENY ACCESS TO REHAB. OF A CONVICTION, DO TO A DIFFERENT Prior offense?

QUESTION(S) Presented

Closing Statement

IS IT legal to APPLY the A.F.D. P.A. (1996) APPLICATION to TIME BAR A (1988) conviction?

under 28 USC § 2244(d)(1)(L) when Supreme Court Rules - CASE is Retroactively APPLIED to Give new 365 Equitable TOLLING days AND Prison law library does not Post / make Available to Prisoner with NO ACCESS to W.W.W. IS IT A STATE IMPEDIMENT?

ON PAGE 16 OF MY Brief in Support OF Motion C.O.A. line 16-22 Did I SAY: I cannot litigate MY case Due to NO internet?

Does this Honorable court believe / see that I AM IN CUSTODY OF the United States AND Texas Constitution? IN RE: case NO. 22-10612?

WAS the STATE OF Texas Violated the EX POST FACTO law? A constitutional law?

IS IT A Equal Protection Clause Violation OF 14th Amend. Due Process Violation to Add to Sentence / Judgment OF Criminal conviction THAT WAS NOT PART OF Charging in Penal Code / Indictment / PAROLE when Removing a MANDATORY SUPERVISION Release Date?

NOTE

MY understanding is ONLY Questions that(h) been Presented will be Address in Petition? I HAVE ARGUED this case for over 20 years

CERTIFIED QUESTIONS

Under Competency Guideline / Criteria outline in the TEXAS Code of Criminal Procedure Article 46.6 Competency - The TIME LINE ON COURT PROCEEDINGS AFTER the Restoration 'EXPIRES' IS the conviction A valid conviction?

When a defense counsel is obtained is a 3 week Relationship And knows client has a mental disorder. Does no new Psych eval. Pleads him to a Prison Term. IS IT enough TO be INeffective ASSISTANCE OF COUNSEL?

When no evidence is supported in the Record IS the Conviction valid? The INcompetent - INVOLUNTARY Plea while on Pain/Psych. meds?

Under 28 USC § 2244 (d) (1) (D) Entitled to New 1 Year - Can Argument be made of the Entire case? or ONLY New Predicate Claims?

Does the times of Incompetency Toll the one-year A.G.D.P.A.?

Does TEXAS Parole board have Authority to Put Different Prison ED on Revocation Process?

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:

TEXAS ATTORNEY GENERAL: MR. KEN Paxton. Counsel for
Respondant - TARRANT COUNTY TEXAS DISTRICT ATTORNEY: MS.
SHAREN Wilson ASST. D.A. MS. ANNE GRADY, Chief Post-
Conviction MR. JOSEPH W. SPENCE, Chairman of TEXAS
Board of Pardons and Parole, MR. DAVID Gutierrez -
TEXAS GOVERNOR: MR. GREG ABBOTT.

RELATED CASES

THE STATE OF TEXAS V. SAMUEL LYNN REAVES, CASE NO.
0780991D IN CRIMINAL DISTRICT COURT TWO TARRANT CO.
TEXAS - Judgment entered: October 25, 2001 -

SAMUEL LYNN REAVES V. STATE OF TEXAS Case no. C-2-
009151-0780991-A Judgment entered: October 20, 2010
SAMUEL LYNN REAVES V. RICK Thaler Case no. 4:11-cv-00740-Y
Judgment entered: MARCH 12, 2012 APPEaled APRIL 04, 2012
U.S.C.A.-5 Case no. 12-10355 Judgment entered: AUGUST
22, 2012

SAMUEL LYNN REAVES V. STATE OF TEXAS Case no. C-2-W011907-
0780991-B Judgment entered: June 28, 2021 APPEaled to
Second Court Appeals/TARRANT CO. TEXAS Case no. 02-21-00092-CR
Date of Judgment: AUGUST 19, 2021 - APPEaled U.S.D.C./D.D.TX.

(V)

List of Parties

FORT WORTH DIVISION - CASE NO. 4:22-CV-00008-0 Date of Judgment: MAY 18, 2022 APPEAL NO. 22-10612 U.S.C.A. - 5TH CIRCUIT Date of Judgment: November 28, 2022. Giving This Honorable United States Supreme Court the Jurisdiction Per Rule 13. Review on Certiorari: TIME FOR Petitioning @ 1. A Timely file with the Clerk of the U.S. Supreme Court Within 90 days After entry of the Judgment. U.S.D.C. N.D. TEXAS was Timely Appealed. In forma Pauperis Granted U.S.C.A. FIFT CIRCUIT Judgment entered: November 28, 2022 Today is February 08, 2023 - 41 days.

TODAY - I am Proof Reading And it is February 20, 2023 I should have until the 27TH of Feb. 2023 - This will Be Place in A-wing Law Library Box at J.V. Allred High Security Unit - Samuel Reed

U.S. S. Ct. Rule 29.5

RESPONDENTS

U.S. S. Ct. Rule 14.1(b)(1) The following list.

Governor of TEXAS: MR. Greg Abbott -
P.O. Box 12428 AUSTIN, TEXAS 78711

Attorney General of Texas: MR. Ken Paxton.
P.O. Box 12548 AUSTIN, TEXAS 78711-2548

Texas board of Pardons and Parole Division
MR. DAVID Gutierrez
209 W. 14th St. Ste. # 500 Austin, TX. 78711

TARRANT COUNTY District Attorney - MS.
Sharen Wilson - ASST. Dist. Atty. MS. ANNE
Grady - Chief, Post Conviction MR. JOSEPH
W. Spence - 401 West Beikna St. FORT
WORTH, TX. 76196-0201.

United States Supreme Court Rule 29.3
Respondents have been served notice of the
Petitioner's intent within 3 days of the
90 day expiration date. Rule 29.5 Proof
of Service: on 21st day of February 2023
Petitioner: Samuel L. R. Reaves, served by U.S.
mail All the above Respondents notice. MY
HAND - Samuel L. R. Reaves Pro se -

Rule 12.6 - Clerk -

HONORABLE CLERK: IN RE: U.S. S.Ct. Rule 12.6
IT IS MY BELIEF NONE OF THE PARTIES LISTED IN
THIS PETITION HAVE AN ACTIVE INTEREST IN THE
CASE PRESENTED TO THE HONORABLE COURTS. IVE
SERVED NOTICE IN ACCORDANCE TO RULE 29.4
ALL PARTIES. AS COMPLIMENTARY EVEN SERVED A
COPY OF QUESTIONS PRESENTED. ALSO SERVED RULE 14.1
(e)(v) 29.4 (b) or (c). PER RULE 29.5 (c) THIS
IS MY 2881746 DECLARATION OF SERVICE ON PARTY
28 USC § 1746 - NOTICE

MY NAME IS SAMUEL LYN REAVERS, DATE OF BIRTH
APRIL 13, 1961 - MY PRISON I.D. # 2363039. I AM
INCARCERATED IN THE TEXAS DEPARTMENT OF THE
CRIMINAL JUSTICE - INSTITUTIONAL DIVISION AT THE
JAMES V. ALLRED UNIT - IDOWA PARK, TEXAS -
WICHITA COUNTY 76367. I DECLARE UNDER THE
PENALTY OF PERJURY THAT TO MY BELIEF NONE
OF THE RESPONDENTS LISTED HAS AN INTEREST IN THE
PETITION OF CERTIORARI - EXCEPT AS PROVIDED BY
RULE 29.4 (c) WHERE 28 USC § 2403 (b) MAY APPLY
ATTOR. GENERAL HAS BEEN SERVED AS WELL AS THE
RULE 17.3 THE GOVERNOR HAS BEEN SERVED THE
COMPLIMENTARY - MOTION TO PROCEED IN FORMA
PAUPERIS - QUESTIONS - ALL PARTIES - RELATED CASES
- CLERK - MY UNDERSTANDING THIS IS FORMAT
STYLE ACCEPTABLE IN YOUR COURT. I'VE GOT NO
TYPEWRITER. EXECUTED THIS 21ST DAY OF
FEBRUARY 2023. Samuel Lyn Reavers -

Clerk: U.S. S. Ct. Rule 14.1

14.1(e) A Concise Statement: of the basis for jurisdiction in this court showing: A Dismissal of The U.S.C.A. - 5 on November 28, 2022 Gives this Honorable court All the Authority to hear this Petition if filed in the 90 days Allowed by Rule 13.

14.1.(g)(i) A Concise Statement: of the case setting out the facts material to consideration of the question(s) presented: See Appendix(s) the question(s) and / ors timely and properly raised and this court has jurisdiction to review a judgment in this case on writ of certiorari.

14.1(g)(vi) I've included all the material I can recover - Some of the pages have a stain due to Transit and Property mistaken or lost and Shampoo bottle bust / leak. All my Books also soak in Shampoo.

14.1.(h) A Direct and concise Argument that amplifying the reasons relied on for allowing of this writ - This writ involves very very compelling reasons of encouragement to proceed further - Petitioner is in custody / violation of the U.S. Const. This is formal Request to the Sovereign / Superior Justices, seeking Grace

Question(s) Presented: Opening Statement RES NOVA - [Latin] New Thing. (ixc) 1. An undecided question of Law. 2. A case of first impression. - Honorable Justices) Not much state case law / constitutional or other exist. This deserves the highest opinions. Petition is A Request to Powers of Sovereign Superior Strength. I'm asking The State to stop Attacking me on 35 yr old crime.

Clerk: Corporate Disclosure Statement

8th Amend. Statement - Constitutional.

29.6 - There is (NO) Parent or Publicly Held Company owning 10% or more of the Corporation's stock, involved in the Application for writ of Certiorari. Keeping in compliance with Rule 29.6 Corporate Disclosure Statement to be included in all Documents filed. Samuel S. Reaves

I AM IN CUSTODY IN THE STATE OF TEXAS IN VIOLATION OF THE 8th AMEND. NO CRUEL OR UNUSUAL PUNISHMENT [shall be inflicted] - This Restricts Legislation Action in 2 ways (1) it imposes limitations on what legislators MAY define as Criminal; (2) it Prohibits Punishments that are barbarous in its infliction see: *Weems v. United States*, 217 US 349, 368 (1916) Grossly Disproportionate to the offense committed. Freedom from such Punishments is a Fundamental Right that State Governments must also Respect see *Robinson v. California* 370 US 666 (1962) -

Enhancements: See Previous Crime: Debts Paid to Society - House of Conviction(s) "Mental Unsoundness" by George Fletcher Rethinking Criminal Law 459-466 (1972)

I must demonstrate the constitutional Invalidity see *United States v. Watson* 423 US 411, 416 (1976) The Judiciary especially Federal Courts in dealing with states the const. Explicitly Compels the state and federal Govt. to follow const. Commands. *Rummel v. Estelle* 455 US 263, 363 (1980) The Judiciary branch must protect the const. Rights of individuals *Martinez v. Madison*, 5 US (Cranch) 137 (1803)

(X)

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- APPENDIX B - HABEAS CORPUS - TX. CODE CRIM. PROC. ART. 11.07 - Samuel LYD REAVES CASE NO. C-2-009151-0780991 A V. STATE OF TEXAS.
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- APPENDIX E - HABEAS CORPUS - TX. CODE CRIM. PROC. ART. 11.07 - Samuel LYD REAVES CASE NO. C-2-WO11907-0780991 B V. STATE OF TEXAS.
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- APPENDIX G - U.S.D.C. N/D TEX. FORT WORTH DIV. CASE NO. 4:22-CV-00008-D SAMUEL LYD REAVES V. BOBBY LUMPKIN et. al.
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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 H 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 G 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 E 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 Criminal District Court - Two court 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.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was NOVEMBER 28, 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 June 28, 2021.
A copy of that decision appears at Appendix E.

☐ 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

CONSTITUTIONAL QUESTION (18C)
CONSTITUTIONAL LAW. A LEGAL ISSUE
RESOLVABLE BY THE INTERPRETATION OF
A CONSTITUTION, RATHER THAN A STATUTE.

— EXAMPLE —

RETRO - ACTIVE APPLICATION OF LEGISLATION
CANNOT EFFECT THE EX POST FACTO IN THE
CONVICTION - WHEN EX POST FACTO IN THE
CONVICTION IS CHANGE TO BECOME MORE
PUNITIVE - THE COLLATERAL ESTOPPEL IS
ACTIVATED THAT PROTECTS THE INTEGRITY
OF A FINAL CONVICTION FROM FUTURE OR MORE
LITIGATION - WHICH WILL ENACT DOUBLE
JEOPARDY, SO A PLEA - AGREEMENT IS AN
CONTRACT - A PERSON WAIVES THEIR RIGHTS
IN EXCHANGE TO A LESSER PUNISHMENT -
IN RE: INTEGRATION CLAUSE (1941) WHEN
A CONTRACTUAL PROVISION (PLEA BARB) STATE
THAT THE CONTRACT (JUDGEMENT) REPRESENTS THE
PARTIES COMPLETE AND FINAL AGREEMENT AND
SUPERSEDES ALL INFORMAL UNDERSTANDINGS AND
ORAL AGREEMENTS RELATING TO THE SUBJECT
MATTER OF THE CONTRACT. WHEN A PARTY BREAKS
THE CONTRACT - BY ADDING A 39 CRIME TO A
NON 39 CRIME (AGGRAVATED) NOT IN CONTRACT OR
CHARGING INSTRUMENT (INDICTMENT) THE DEAL
IS BROKE OR JUDGEMENT ---

THE STATE OF TEXAS GOV'T. CODE SAY'S
IF YOU EVER BEEN CONVICTED OF A 39 CRIME
ALL FUTURE CRIMES WILL BE TREATED AS
SUCH - THEY DO NOT TELL YOU THIS AT
COURT - THEY WAIT TILL YOU GET TO PRISON
THEN ATTACH MORE PUNITIVE ACTION TO
CONVICTION THEN AGREE TO AT COURT - IF
YOUR NOT ADMONISH - THEN YOU'VE NOT
AGREED TO ACCEPT THE ADDED PUNISHMENT.

b wrote

Constitutional And Statutory Provisions Involved

WHEN AN INSTITUTION / STATE COURT / PAROLE ENTITY CREATES OR OPPOSES A LAW TO LIMIT THE ABILITY FOR REHABILITATION THEY MUST ASSUME THE RESPONSIBILITIES AND TRAGEDIES THAT FOLLOW. THUS, MAKING THEM AS MUCH A CRIMINAL AS THE CRIMINAL COMMITTING THE ACT. TO PREVENT A RIGHT TO REHABILITATION FOR DRUG / ALCOHOL DUE TO PRIOR SEX OFFENSE IS MORE LIKELY TO STOP THE GROWTH OF A INCARCERATED PERSONS TO ADVANCEMENT IN LIFE. THERE IS NO NEED TO CONVICT / STIGMATIZE A PERSON WHO HAS A DIMINISHED CAPACITY. REHABILITATION IS NOT FURTHERED BY CONVICTING - SENDING TO PRISON A PERSON AND DENY REHABILITATION. THE CONSTITUTION IS THE FUNDAMENTAL AND ORGANIC LAW OF A COUNTRY OR STATE THAT ESTABLISHES THE INSTITUTIONS AND APPARATUS OF GOVERNMENT, DEFINES THE SCOPE OF GOVT. SOVEREIGN POWERS AND GUARANTEES THE CIVIL RIGHTS OF INDIVIDUALS CIVIL LIBERTIES - DISABLED PERSONS ARE NO DIFFERENT THEN INCARCERATED OR HANDICAPPED. THE U.S. SUPREME COURT RULED DISABLED STATE PRISONERS ENJOY THE SAME KIND FEDERAL PROTECTION FROM DISCRIMINATION AS ANY OTHER CITIZEN. YESKEY V. PENNSYLVANIA OR THE AMERICAN DISABILITY ACT. JUNE 15, 1998 -

Justice Antonin Scalia writing for the COURT, SAID THE STATUTE EXPLICITLY SEEKS TO ENSURE THAT DISABLED PEOPLE ENJOY THE BENEFITS OF THE SERVICES PROGRAMS OR ACTIVITIES OF A STATE. THOSE STATE BENEFITS ARE INCLUDED TO PRISONERS. THE DISABILITY RIGHTS EDUCATION PRAISE THE 9-0 DECISION - A PERSONS CIVIL RIGHTS ARE JUST AS IMPORTANT IN A CORRECTIONAL SETTING AS IN ANY OTHER -

STATEMENT OF THE CASE

MY NAME IS NOT LYNN- ITS LYN-
TARRANT COUNTY Jail Change my Name !

TAKING AWAY my Parole Street Time is in
View OF the State Getting multiple
Chances At Changing the final Amount
OF Years A Person was Given. I WAS ON A
20 Year Sentence. Put on sex offender or
Intense Supervision for A D.W.I. Conviction.
The Texas Penal code Does NOT employ the
language to incorporate the TX. Govt. or
other codes / statutes the state OF TEXAS
Attaches to final convictions BY the TEXAS
Department OF Criminal Justice - Parole Div.
When the convicted Person enters into the
Correctional Institute Process ! Thus Remove
my Expected Rights - That include A Right
TO EARLY Release when Good time / Work-
time / flat time equal either the 25%
FOR Parole or the 100% for mandatory
Release, or Remove street time And Add
TO offense changing the final Punishment
TO A more Greater Felony. Example: 2042.
IN TX. 2nd Degree felony 2-20-20 MAX. Take
3 1/2 Year street time it Goes to 23 1/2. That
is A 1st Degree felony - 5-99 YR. NOT from the
Court or Penal code that sets time limits -

The State OF TEXAS 74th Legislation sets A
New Set OF Parole Guidelines. Also House
Bill 1433 IN Same Legislation. MAKES A
mandatory now Discretionary or if You
Been deem A Threat to Society or if Your
Release will endanger the Public, You'll be
Denied A mandatory Right. The Right when
parole credits add UP to Amount of time
Given to be Released. TAKING Street time -

STATEMENT OF THE CASE

IN HINCKLEY V. UNITED STATES - THE ARGUMENT WAS INTERPRETATION OF THE CUSTODY OF HINCKLEY AT THE HOSPITAL. IN RE: ON TEXAS PAROLE, PAROLEE IS ALSO IN CUSTODY. THE COURT REFER TO THE NEW INTERNATIONAL DICTIONARY (1976) WEBSTERS. THIRD. CUSTODY IS DEFINED AS A. THE ACT OR DUTY OF GUARDING AND PRESERVING B. 559 GOES ON TO EXPLAIN SET FREE FROM RESTRAIN OR CONFINEMENT. 917 @ N.10 REFER TO H-R REP. NO. 9-907 @ 73-74 (1970) IN SEC. 301(C) A VAGUE TERM SHOULD BE CONSTRUED A CERTAIN WAY. SUPPORT APPLICATION OF THE PLAIN MEANING RULE. - CONCLUSION IS, HINCKLEY IS MORE OF RESTRAIN LIBERTY ON A DAY PASS THAN AT THE HOSPITAL WHERE HE MOVES FREELY. THE FACT OF ESCORT. THE LEAVE FROM HOSPITAL CONFINES IS IN NO WAY RELEASE FROM CUSTODY. CONFINEMENT. PAROLE IN TEXAS IS SAME. A RELEASE FROM THE ACTUAL IMPRISONMENT BUT NOT CUSTODY OF THE STATE - ESPECIALLY ON SEX OFFENDER CASE LOAD WHERE ANY VIOLATION ON PAROLE IS A NEW FELONY. THE TEX. CODE CRIMINAL PROCEDURE ART. 11.21 AND 11.22 - REFER TO CONSTRUCTIVE CUSTODY AND RESTRAINT. EX PARLE ELLIOTT THE TEXAS COURT OF CRIMINAL APPEALS DECIDED THAT A WRIT OF HABEAS CORPUS COULD BE USED BY THE PAROLEE. PAROLEE IS IN CUSTODY OF THE STATE.

TEX. CODE CRIM. PROC. ANN. ART. 42.18 § 2(C) (1988) STATUTORILY DEFINES PAROLE AS A RELEASE OF A PRISONER FROM IMPRISONMENT, BUT NOT FROM THE LOCAL CUSTODY OF THE STATE. IN ADDITION, TEX CODE CRIM. PROC. ANN. ART. 42.18 § 8(C) WHICH WENT INTO EFFECT SEPT. 1, 1987 EFFECTIVELY REPLACES A SIMILAR PROVISION IN REPEALED TEX. CODE CRIM. PROC. ANN. 42.12 § 15(F)(3) STATES: EVERY PERSON ON PAROLE REMAIN IN LOCAL CUSTODY OF THE STATE.

Statement of the case

IN RE: Page ii (Questions) Presented - IS IT Legal to Start A Prison Sentence Then stop IT? IS IT Legal to Remove Street Time? So PAGE iii The state HAS violated the ex Post - Facto - Also changing the Felony classification on some Convictions mine for sure. A 2nd class 2-20 - 20 max. to A 23 which is 1st class 5-99.

The United States District Court - The United States Court of Appeals - 5th Circuit Refuse to Address. When Petitioners DAY for DAY is Complete, The state continues to Hold in Jail it is unlawful Restraint! IT Samuel L. Reaves v. Bobby Lumpkin et al. The 28USC2244 The Request to file 2nd or successive 28USC2244 is Not needed - He did not Raise these issues in 1st Habeas Petition. See U.S.C.A.-S 21-11252. Breach of Plea Agreement and unlawful of my Restraint. Page iv Questions Presented A new Predicate date occur when Sentence Cease to Operate - Yet, Parole Refuse to lift Hold. The Trigger date, will it Allow Entire Argument of case or Just Breach/unlawful should of been sent back to District court or Federal court order Release. The Federal Government HAS Authority to set aside the Action of State Authorities that deprive a Person OF HIS 14th Amendment Rights. note

1871 Klu Klux Act - Collins v. Hardyman 341 U.S. 651, 657 - 71 S.Ct. 932, 939 - 95 L.Ed. 1253 (1951) Mitchell v. Foster supra 467 U.S. 240 92 S.Ct. 21261 Cf Cong. Globe 42. CL. Cong. 1st Session 577 (1871) The state Attach Govt. code to Remove Street Time that is not made clear At Plea, violate 14th Amend. to Not Admonish (me) defendant at Plea deal. I HAVE Generic Dues. I. - Entitled to Street Time.

STATEMENT OF THE CASE

TEXAS Code OF CRIMINAL Procedure ART. 11.21 Constructive Custody. The words — Confined, Imprisoned, in Custody, confinement, Imprisonment, refer not only to the Actual, Corporal and forcible detention of a Person, but likewise to any coercive measures by threats, menaces or the fear of injury, whereby one Person exercises a control over the Person of another, and detains him within certain limits. — Acts 1965, 59th Leg., Vol. 2 P. 317, ch. 722

TX. Code of Crim. Proc. ART. 11.22 Restraint By Restraint is meant the kind of control which one Person exercises over another not to confine him within certain limits but to subject him to the General Authority and Power of the Person claiming such Right. Acts 1965, 59th Leg., Vol. 2 P. 317 ch. 722

TX. Code Crim. Proc. ANN. ART. 42.18 § 2(a) (1988) Statutory defines Parole AS A Release OF A Prisoner From imprisonment, but NOT From The local Custody OF the State. In Addition, ART. 42.18 § 2(a) V.A.C.C.P. which went into effect September 1, 1987 And effectively Replaced A Similar Provision Repealed Art.

NOTE — FOOT NOTES 1
IN RE: EX PARTE ELLIOTT 746 S.W.2d 762
Tex. Crim. Appeals (1988)

STATEMENT OF THE CASE

42.12 § 15(f)(3) States in Pertinent Part EVERY PRISONER while on PAROLE shall Remain in the local custody of the state and shall be Amenable to conditions of supervision ordered by the board. Moreover, the fact that Applicant is no longer actually confined in the Penitentiary is not dispositive of his standing before us. Since during his term of PAROLE he is "IN custody" and "confined" in terms of statutory construction see: ART. 11.21 V.A.C.C.P. See ALSO EX PARTE: Henderson, 645 S.W. 2d. 469 (TX. Cr. APP. 1983) and EX PARTE Peat 626 S.W. 767 (TX. Cr. APP. 1982) See AND compare EX PARTE Renner 734 S.W. 2d. 349 (Tex. Cr. App. 1987)

IN RE: FOOT note below see: Definitions in CALDER V. Bull 3 U.S. (3 DALL.) 326, 390 in (1778) EX POST FACTO clause Q2. EVERY law that AGGRAVATES ~~any~~ crime or makes it Greater than it WAS when committed & EVERY law that changes the Punishment and INFlicts a Greater Punishment than the law Annexed to the crime, when committed. "So" Questionous Presented: IS it legal to attach 3rd crime to an 3rd crime? After conviction?

NOTES - FOOTNOTES 1

EX PARTE Elliott 746 S.W. 2d. 762 (Tex. Cr. App. 1988) IN RE: Questionous Presented STOP! Start Prison Sentence, IS it legal the state extended in 420 year and at a look at Penal code change the final conviction at the same time to a Greater Punishment making it a first degree felony 5-99 year. See const. Law above. EX POST FACTO violations

STATEMENT OF the Case

APPENDIX B'S @ # 15. The Prior Sexual Assault was used to enhance this conviction See indictment Judgment... EXACTLY - Then the State uses it AGAIN to Remove my only Reason to Plea Bargain - my Expected end. Build flat time / work time / Good-time to Save 25% or the max. 100% Also Known AS mandatory Supervision. Then 3 lines Down @ 18. Applicant will not have to do more than 20 Years. He is not eligible for mandatory Supervision. 'Notice' Admonish is NO where TALKING about mandatory Supervision That is different from Parole - I've done the 20YR. - See: U.S.C.A. 5th Cir. Case 22-10430 Been there 8 months. Parole Warrant issue on case F-49661 Prison ID 2021060. July 2021 December 2021 The Texas Parole change the case no. F-49661 to 6780991D Prison ID no. 1069396 - The 20YR. At Revocation Hearing I had 21 flat Years on a 20YR. 'note' the Parole Board Refuse to Surrender to me the Revocation PAPERS so I can file the Title 42 USC 1983 or Court allow me to meet Heck v. Humphrey Guidelines. How is the 3rd crime use so many times to enhance? C.D.C.-2 lost Transcripts - Atty. Gen. Affidavit TX. Atty. Gen. says: Do not Give Rogers ANY more Documents. Withhold exculpatory Evidence. U.S.C.A.-S No. 21-11252 Judgment: Rogers is not Subject to the 2nd Successive / time Bar - issues Breach Plea / Unlawful Restraint did not exist in 1st Petition. I explain in 10 PG. Reply And was on 28 USC 2254 case 4:21-cv-00002-0 I never Got Reply. Judge Reed or cannot Dismiss. The Atty. Gen. Defaulted on Responding to Judge Appendix B18 @ bottom Atty. Gen. calls me Roberts @ top refer to 33, 535. which one? I Got lots -

Statement of the case

APPENDIX 'H' 3 Case no. 22-10612 U.S.C.A-5
USDC No. 4:22-cv-8. Denial of C.O.A. - @
PG. 2 PARAGRAPH 2, Reames does not dispute
the district court's determination that his §
2254 APPLICATION was UNAUTHORIZED. See
APPENDIX 'G' 2 line 4 and 5 in my NOTICE
OF APPEAL, ISSUES PRESENTED, See APPENDIX
'G' 6 @ first 10 lines explain: Writ is NOT A
SECOND or SUCCESSIVE Writ. ISSUES did NOT
EXIST in 1st writ. AGAIN See: U.S.C.A-5 NO.
21-11252 The 5th Cir. Says: Reames is
NOT TIME BAR - He is being held illegally
and did not exist 10 years ago. The plea
AGREEMENT WAS NOT BREACH 10 years ago.
I NAME BOTH ISSUES on Case 4:22-cv-8
28 USC § 2254 on Grounds. 'Note' How is
it the 5th Cir. Says: I AGREE with Dist
Court my writ is SUCCESSIVE And they
claim I GIVE UP my Right - 'False',
I AM NOT TIME BAR - The 20th Did not
EXPIRE until January 04, 2021. I HAVE
A 1 YR. EQUITABLE TOLLING. @ 'G' 18 AGAIN
ATTY. GEN. CLAIMS Ct. Stamp date July 13,
2021 - Yet this REPLY to my writ is GOT
A APRIL 13, 22 file date. His time to REPLY
EXPIRED 04-11-22. I file A default. I've
APPENDIX 'H' 6 Print out 01-07-2022. Also A
Notary Public Trust Fund sent December 2021
The Huntsville Access to Courts who did
Notary Public Stamp TOLD Wayne Unil's
Law Library Clerk MR. ALVerson to mail my
2254. Tomorrow is not a Holiday. This is at
END OF December. The 1st New Year was a
over weekend Holiday no mail. When they
Notary Public the inmate Trust Fund they
Seal the envelope in front of you and mail
it. Alverson throw it on shelf. They did mail.
NOT

Statement of the case

Paragraph 2 Raises alludes to a new predicate date and impediment. The new date is Appendix E, the State HABEAS 1107 Corpus Unit 00.C-2 - W011907-0180991. B IV 20 YR. AND expired. I was held on a parole hold for 31 months. I had to exhaust the state level to go to Federal level if state refuse to hear. 'note' who does it say A Parole hold stops your time? I never agreed to none of this. So, I filed Federal 1 month prior to AEDPA 1 year from EVERT. I sit in jail from a July 2017 Arrest - till a Sept. 2021 Jury Trial - Parole chance the Prison IN # 20150070 #1069396. Either way both convictions had cease to operate. I submitted 11.07 TX. Under the Tex. court of crim. App. Rule the F-496a1 AND expired - Cease to operate - yet the cl. failed to order the Parole to lift the warrant - Parole hold. I am not TIME BAR. Besides the actual innocence's not held to the A.E.D.P.A. I was on my psych. medication. Not a DJJ. If I was guilty the cl. would let me have a Jury they know I'm innocent and they've got the records last. Never was evidence none

The impediment is the A.E.D.P.A. 1 Year in Retro-Active Application of U.S. Supreme Court Rulings. TX. inmates have no way to learn of this privilege unless the law library publish the case. The access to Courts does not allow this. They've AG.D. Rem - filter add cases. The 2/1/2017 case HAS no foot notes explaining the Parole as in custody. That's the impediment.

Statement of the Case

The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) as contained in title 28 United States Code Section 2244(d)(1)(D) The date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence. — Okay — January 04, 2021 The 2042 expired a day for day. moving forward, the exact same problem exist on this new Prison Term. Shall I file now? Officials then say: The event has not occur - so the file is premature - This happen in a case in Lubbock TX. on this Prison number - Parole has Refuse to Give to me the final Revocation Papers which will show they will not Give me credit from July 2017 until - unknown date in 2022 - The Hearing was December 29th, 2021. So, the 2832244(d)(1)(B) the date on which the impediment to my filing (How can I file without evidence)? we learn in Hendrix case: Custody is in the Supervision Part of confinement. In the Elliott case we learn 'in custody' is in the confine - (How about A in Jail Parole Hold)? That's flat time. Parole treats it as street time they can Remove - How?

I do know there is no evidence to do a conviction. I was on Psych. med.s. so a showing of actual innocence overcome the A.E.D.P.A. statute of limitations 1YR. McQuiggin v. Perkins, 569 U.S. 383, 386 (2013) The O.W.I. Plea was made while under influence of Pain/ Psych. med.s. I'd been beat up - taking up for old black Comale Jailor. I thought it was 100% Probation —

REASONS FOR GRANTING THE PETITION

I HAVE BEEN 20 YEARS TO GET INTO THE Honorable Supreme Court OF THE United States OF America — WHERE THE MOST Honored Justices Can Address SOME OF THE Constitutional Violations I've had to EXPERIENCE. I've Successive MULTIPLE OF Punishments. BEEN DENIED Rehabilitation medical, Counseling for the sexual assault DENIED THE INDEMNITY. PAID THREE ONE HALF Years on Parole sex offender counseling And final test: MAY HAVE PROBLEM WITH ALCOHOL MAY PARTICIPATE IN SEX WITH MULTIPLE SEX. 'I POP OFF IN Bible King Solomon had 700 WIVES' — CURRENTLY HOLD 51 MONTHS IN JAIL DUE TO REFUSAL OF A 35 AGG. Plea. NOVAH. I WISH I COULD GO BACK AND HAVE JURY, WHEN NOT IN JAIL OR PRISON I BEEN IN MENTAL HOSPITAL. "Reason" I FEEL ITS WRONG TO BE ALLOWED TO GIVE XTRA PUNISHMENTS — ??

ANOTHER Reason: I Believe in miracles! I HOPE the clerk will let me in the court. I HOPE the most Brightest minds in the land will Pick those Questions Presented to down en camera INSPECTION. Create Drug/Alcohol Rehabilitation [Mental Awareness]

Petition — A formal written Request that is Addressed to the Sovereign Superiors IN the Highest court Seeking A Particular Grace/ Mercy. I Pray to Get my life back.
THANK YOU ---

February 21, 2023 Samuel D. Racer

I Samuel Lyn Reaves Promise on my -
Bible, I've Done the best to Read rules
instruction in the Filling out / Submitting
I do not know How many words - But, I
Done my Best to Keep it Short and it is
Less than 40 PAGES long - If any boo
boo - Please Return and instruct me.
THANK YOU! Samuel Lyn Reaves

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Samuel Lyn Reaves

Date: February 21st 2023

FATHER in heaven - in Jesus name
it should be Granted. FORGIVENESS!
FAIR. EQUAL. HONEST. LOVE PEACE JOY.

(CAN YOU PLEASE HELP me set A low4ee?)