

22-7064 ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.  
FILED  
FEB 28 2023  
OFFICE OF THE CLERK

Ryan Rydell Bonner — PETITIONER  
(Your Name)

vs.

Bobby Lumpkin — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Ryan Rydell Bonner  
(Your Name)

8101 Fm 969  
(Address)

Austin Texas 78724  
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

WHETHER THERE WAS PROBABLE CAUSE FOR THE ARREST OF DEFENDANT FOR PUBLIC INTOXICATION BY OBSERVED STRONG ODOR OF AN UNKNOWN ALCOHOLIC BEVERAGE? (RB)

WHEN PRETRIAL EXTRAORDINARY WRIT IS FILED ON DOUBLE JEOPARDY CLAUSE THERETO, THE STATE HIGHEST COURT BEFORE TRIAL AND AFTER BEING REINDICTED FOR THE SAME OFFENSE ALSO AMENDING REINDICTMENT WITHIN THE SAME CAUSE NUMBER, AND CRIMINAL DISTRICT COURT PROCEED TO TRIAL BEFORE EXTRAORDINARY WRIT IS ANSWER. DO INMATE'S LOSS ADEQUATE OPPORTUNITY TO PETITION THE COURT ABOUT MATTERS IN CONTROVERSY?

## **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**

BONNER v. LUMPKIN No. 3:22-00377 (Tex. S.D. Oct. 21, 2021)

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## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
DAVIS v. HERRING, 800 F.2d 513, 515 (5th Cir. 1986)	
DAVIS v. ANDERSON, 2010 U.S. Dist. Lx11s 56466 at *4 n. 2 (N.D. Tex. 2010)	
ABNEY v. UNITED STATES, 431 U.S. 651 (1977)	
JONES v. STATE, 502 S.W. 2d 1164, 1165 n. 2 (Tex. Crim. App. 1973)	
EX PARTE SCELLES, 511 S.W. 2d 300, 301-302 (Tex. Crim. App. 1974)	

### STATUTES AND RULES

28 U.S.C. § 2241. POWER TO GRANT WRIT  
28 U.S.C. § 959. TRUSTEE AND RECEIVERS SUABLE; MANAGEMENT;  
STATE LAWS  
28 U.S.C. § 2251. STAY OF STATE COURT PROCEEDINGS.  
42 U.S.C. § 2000h-1. DOUBLE JEOPARDY; SPECIFIC CRIMES AND  
CRIMINAL CONTEMPTS.  
42 U.S.C. § 2000h-4. CONSTRUCTION OF PROVISIONS NOT TO  
EXCLUDE OPERATION OF STATE LAWS AND NOT TO INVALIDATE  
CONSISTENT STATE LAWS

### OTHER

TEXAS CODE OF CRIMINAL PROCEDURE ART. 28.10 (c)  
TEXAS CODE OF CRIMINAL PROCEDURE ART. 28.13  
TEXAS CODE OF CRIMINAL PROCEDURE ART. 27.05 (4)  
UCC-1-308

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

## JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was February 15, 2023.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_ A \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was \_\_\_\_\_. A copy of that decision appears at Appendix \_\_\_\_\_.

A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_ A \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

#### CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

FURTHER, IN LIGHT OF THE DECISION OF THE UNITED STATES SUPREME COURT HOLDING THAT THE DOUBLE JEOPARDY PROVISIONS OF THE FIFTH AMENDMENT APPLICABLE TO THE STATES THROUGH THE FOURTEENTH AMENDMENT, ARE A FUNDAMENTAL IDEAL IN OUR CONSTITUTIONAL HERITAGE. *BENTON v. MARYLAND*, 395 U.S. 784, 89 S.Ct. 2056, 23 L.Ed. 2d 707 (1969), AND IN VIEW OF THE FACTS AND CIRCUMSTANCES OF THE PARTICULAR RECORD BEFORE US, THE CONSTITUTIONAL RIGHT CANNOT BE DENIED FOR FAILURE TO COMPLY WITH A STATE STATUTE.

### STATEMENT OF THE CASE

ON 11-15-2021 AN ANDERS BRIEF WAS FILED IN SUPPORT OF APPOINTED ATTORNEY'S MOTION TO WITHDRAW FROM THE APPEAL. CONCLUDED AFTER CONSCIENTIOUS EXAMINATION OF THE ENTIRE RECORD IS A FRIVOLOUS APPEAL. A PDR WAS FILED UPON THE ANDERS BRIEF AND THE TEXAS COURT OF CRIMINAL APPEAL REFUSE IT. RYAN BONNER THEN FILED A WRIT OF CERTIORARI TO THE UNITED STATES SUPREME COURT IT WAS DENIED; BONNER FILED 28 U.S.C. 2241 THERETO, CLAIMS NOT INVOLVING VALIDITY OF CONVICTION OR SENTENCE IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS IT WAS DISMISSED WITHOUT PREJUDICE BECAUSE NOT EXHAUSTED AVAILABLE STATE-COURT REMEDIES. BONNER APPEALED TO THE UNITED STATES COURT OF APPEAL FIFTH CIRCUIT. (SEE APPENDIX A)

#### REASONS FOR GRANTING THE PETITION

RESERVATION AND USE OF ALL RIGHTS RESERVED WITHOUT PREJUDICE UCC. 1-207 / 308 U.C.C. 1-103, IS NOTED TO ALL FEDERAL, STATE, CITY, AND MUNICIPAL PEACE OFFICERS; IN HARMONY WITH STATE'S STATUTES AND INDICATES THE RESERVATION OF MY RIGHTS. WHEREBY I MAY RESERVE MY SUBSTANTIVE RIGHTS AND, CONSTITUTIONAL-SECURED RIGHTS AND IMMUNITIES TO NOT BE COMPELLED TO PERFORM UNDER ANY CONTRACTS OR AGREEMENTS THAT I HAVE NOT ENTERED INTO KNOWINGLY, VOLUNTARILY, WILLINGLY, OR UNINTENTIONALLY. I DO NOT ACCEPT ANY ACTUAL OR IMPLIED ~~UNINTENDED~~ "LIABILITIES" ASSOCIATED WITH ANY "COMPELLED-BENEFITS" OF ANY UNREVEALED OR DECEPTIVELY-IMPOSED COMMERCIAL CONTRACTS.

"I, FURTHERMORE, DO NOT SANCTION ANY UNCONSTITUTIONAL RULES OR POLICIES, NOR ACTS OF MISPRISON COMMITTED BY ANY U.S. GOVERNMENT OR STATE OFFICIALS, AT ANY LEVEL, CLAIMED BY ANY OF THEM, IN THE NAME OF THE UNITED STATES REPUBLIC, NOR DO I ASSENT TO ANY IMPLIED COLORABLE POLICIES MADE BY ALLEGED REPRESENTATIVES, AS BEING SANCTIONED BY THE PEOPLE AND CITIZENS." CONSIDER ANY ~~FORMER~~ FORMERLY-ASSUMED CONSTRUCTS ALLEGED TO BE RELATED TO ME AS BEING MISREPRESENTATIONS AND THUSLY "CURED FORTHWITH.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
Rya Brown

Date: Feb. 28, 2023