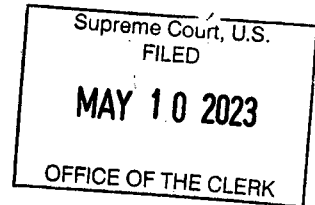


No. 22-7515

IN THE
SUPREME COURT OF THE UNITED STATES



Juan Andrade-Moreno — PETITIONER
(Your Name) SPECIAL MASTER-CHANCERY REQUESTED

VS.

Lumpkin et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Western District of Texas, San Antonio
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

cl Juan Andrade-Moreno: Agent
(Your Name) Juan Andrade-Moreno Agent
with the Autograph & Seal

3001 S. Emily Drive
(Address)

Reeville, Texas 78102
(City, State, Zip Code)

(361) 363-2300
(Phone Number)

QUESTION(S) PRESENTED

- 1) There is Conflicted in between the Supreme U.C.C. & Constitutionality, with the United State Constitutional of Statute into Question;?
- 2) There Conflicted into Question? In Sovereignty, Common LAW, BILL OF RIGHTS, is Restricted Rebuttable Presumption?
- 3) Ineffective Assistance of Counsel, Appointed Counsel and Appellate Counsel was not functioning as the Counsel Guarantee by the Sixth Amendment?
- 4) Has the Supreme Court of the United State overturned it own Precedent in Buck v. Davis, 137 S.Ct 759 (2017); Trevino v. Thaler, 133 S.Ct. 1911 (2013); and Martinez v. Ryan, 566 U.S. 1 (2012) where this Court decided that a Procedural default would not bar a Claim of Ineffective assistance of trial Counsel; when Collateral Proceeding was the first Place to challenge a Conviction on the Ground of Ineffective assistance?
- 5.) One fundamentally Defective Indictment with four(4) life?
- 6.) In Henry v. Cockrell, 327 F.3d 429, 431 (5th Cir 2003) The Court explained that under the Antiterrorism and Effective Death Penalty Act (A.E.D.P.A) Petitioner obtain a Certificate of Appealability COA, a Substantial Showing of the denial of his Constitutional right, demonstrate that a "reasonable jurist would find the District Court assessment of the Constitutional debatable or wrong. Slack v. McDaniel, 529 U.S. 473, 484, 120 S.Ct 1595, 146 L.Ed 2d 542 (2000)?
- 7.) In Clisby v. Jones, 960 F.2d 925, 936 (11th Cir. 1992) the District Court was in Violation of this Court Order to resolve all Claim for relief raised in a Petition for writ of habeas Corpus?
- 8.) STATE District Court of Petitioner Actual Innocence, because Evidence legally and factually Insufficient to Support Conviction; exception of Actual innocence rule a Procedural default as a factual matter DNA testing indicates that Petitioner could not possibly have committed the rape it was someone else Schlup v. Delo, 115 S.Ct. 851 (1995) Conflict of Interest of Alibi due Process of Law?
- 9.) There are Factual dispute Preponderance of Evidence clearly is Present Constitutionally? DAEC, DEFACTO, OR DE JURE?

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:

- 1) United States Court of Appeals Fifth Circuit office of the Clerk; NO. 22-50522 USDC NO. 5:22-CV-497
- 2) Western District of Texas, San Antonio United States District Court; NO. 5:22-CV-497
- 3) Court of Criminal Appeal of Austin, Texas. 1WR-79,518-05
- 4) 379TH District Court of Bexar County, SAN Antonio, Texas, in Cause NO. 2009-CR-8626 A.

RELATED CASES

In this case is related to my case STATE EXPert witness under Junk Science, Dr. Nacy Kello99. See case cite EXPARTE Kristie Mayhugh, APPLICANT; EXPARTE ELIZABETH RAMIREZ, APPLICANT; EXPARTE Cassandra RIVERA, APPLICANT; EXPARTE ANNA Vasquez, APPLICANT Court of Criminal Appeals of Texas 2016 Tex. Crim. APP. UnPub, LEXIS 1057.

The Indictment in this cause is insufficient to support the conviction because it is fundamentally defective. The indictment that was issued by the Grand Jury charges Petitioner with Trafficking of Person, however the language and the evidence prove elements of other than Trafficking of Person, as alleged charge in the Indictment. Furthermore, the indictment charges multiple charges and the evidence and conviction attached double Jeopardy in violation of the TEXAS and U.S. Constitutional, because Petitioner was convicted on the same evidence twice on each charge in the indictment which is barred by the double Jeopardy clause. See cite Dorsey v. Bank, 749 F. Supp. 2d 715 (S.D. Ohio 2010); cite Blockburger (Test) V. United States, 284 U.S. 299, 304, 76 LEd 306, 52 S.Ct 180 (1932)

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7. <u>McDaniel</u> , 529 U.S. 473 at 484.	P. 2
8. <u>Henry v. Cockrell</u> , 327 F.3d 429, 431 (5th Cir 2003)	P. 2
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10. <u>Schlup v. Delo</u> , 115 S.Ct. 851 (1995)	P. 2
11. <u>Brady v. Maryland</u> , 373 U.S. 83 (1963)	P.

STATUTES AND RULES

BILL OF RIGHTS; BILL IN EQUITY, Remedy Provided by Congress via House Joint Resolution-192, June 5, 1933

[26 U.S.C. 7701 (b) (1) (B)] [51C [28 U.S.C. 3002 (15) (A) U.C.C. 9-307 (b) U.C.C. 1-207. U.C.C. 1-308, U.C.C. 1-103.6 [Anderson U.C.C. [28 U.S.C. 1603 (b) (3), 8 U.C.C. 1101 (a) (14), 26 U.S.C. 7701 (a) (31), [11 U.S.C. 101 (5) Combines a Novation (i.e.) Substitute Contract. The term "ens legis" mean a Creature of Law, an Artificial STRAW MAN-being, as contrasted with a natural Person such as a Corporation considered deriving its existence entirely from the LAW. 28 U.S.C. § 451; 28 U.S.C. § 2403 (a); (b) 28 U.S.C. § 2403 (a) Act of Congress was drawn into question? Rule 14.1 (e) (v); (c) 28 U.S.C. § 2403 (b); 28 U.S.C. § 451; 28 U.S.C. § 2403 (b) Rule 14.1 (e) (v).

OTHER

Under the Criminal Act of 1964, see 18 U.S.C. § 3006A (d) (7) Federal Rule of Evidence: Rule 404 (b) Rule 403; Rule 802; Rule 609 (b) Texas Rule of Evidence: Rule 104 (a); Rule 402; Rule 402; Rule 702; Rule 705.

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 e.g. A to the petition and is

☐ reported at Fifth Circuit; 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 e.g. B to the petition and is

☐ reported at Western District of TX San Antonio; 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.g. C to the petition and is

☐ reported at 379th District Court of Bexar County TX; or,

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

☐ is unpublished.

The opinion of the Court of Criminal Appeal Austin, TX court appears at Appendix e.g. D to the petition and is

☐ reported at Court of Criminal Appeal Austin, TX; 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 22, 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: February 09, 2023, 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 March 28, 2021. A copy of that decision appears at Appendix E.S.A.

☒ A timely petition for rehearing was thereafter denied on the following date: April 28, 2021, and a copy of the order denying rehearing appears at Appendix E.S.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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Your Honorable, Petitioner Juan Andrade-Moreno: Read this it into the record. Juan Andrade-Moreno: is a Prisoner of war being HOSTAGE by TDCJ - CID Defendant for a Crime that never happen. The Defendant's on this Litigation for the Pass two Years have being throwing at me with their Corporation Contract with STATE Operates on their ProSumption, STATUTORY LAW, Rule, ReBulation, STATUTES, Procedure, CODES, For Society Slaves - for employed agent of Government. Which Juan Andrade-Moreno: objective to their Contract, which the Defendant never gave me notice of the Indictment of Contract. I will continue to honor the U.S. Constitution; The Texas U.S. Constitution, And most of ALL, I continue to obey (obey) the BILL IN EQUITY with the BILL of Rights Common Law which is a benefit to me their own Constitutional; which Juan Andrade-Moreno: APPLY this Constitution Private Law and right of his Privacy into which the De Facto Public, Government cannot Trade. with their Defendant's Corporation Contract with their maritime Law. Juan Andrade-Moreno: did not give them Consent. to their Contract. Now Juan Andrade-Moreno: Accepted for Value and Consideration, and Return for Value/or Settlement on the Accountance Number. NOS. Lumpkin, et al No. 22-50522; USAC No. 5:22 CV-497. Negative AVerment: I AM NOT A FICTIONAL LIMITED ENTITY! I AM A NATURAL BORN CHILD OF THE CREATOR, YHWH, I AM NOT A SURETY OR ACCOMMODATION PARTY FOR ANY FICTITIOUS PERSON; I AM NOT A FICTIONAL LIMITED LIABILITY ENTITY. OTHER WISE KNOWN AS A CORPORATION. Cestui que Trust: Juan Andrade-Moreno: This writting is the operative Pleading. I Am the President and CEO/Grantor/Agent beneficiary of the Corporate UNITED STATES TRUST. Yes I am that Name. I accept FULLY Liability. I Claimant Assumes the liability is the Seal of Power, because the Defendants are liable for SUFFICIENT of the Permanent Physical Injury that Juan Andrade-Moreno: Experience, Anguish Panic Traumatic Syndrome Stress disorder dePreSSION. Juan Andrade-Moreno: hold his blood on their hand, due to Justice due that Juan Andrade-Moreno: is a Brotherhood "FREEMASONRY JEWISH AS WELL BENJAMAMIN FRANKLIN MASTER OF THE LODGE:

STATEMENT OF THE CASE

HISTORY AND FACTUAL BACKGROUND OF CASE

Petitioner was indicted and charged with Trafficking of Person in the 379nd District Court of Bexar County, in Cause No. 2009-CR-8626D, on August 18, 2009. The indictment alleged that on or about the 27th, day of December, 2007, the Petitioner did knowingly Traffick Jessica Cantu (J.C.) The Complainant. On December 10, 2010, Petitioner was convicted and sentenced to four (4) life sentences for offenses arising from the same transaction, but charged in a single indictment. On direct appeal the only two issues raised by appellate counsel was ineffective assistance of counsel, the other issue STATE EXPERT witness under Junk Science.

POINT OF ERRORS AND ARGUMENT FOR RELIEF

Petitioner is seeking Petition for writ of Certiorari relief because:

- 1). The indictment is so fundamentally defective in form and substance that it failed to give Petitioner notice as required under the Due Process Clause of the Texas and U.S. Constitution, and Trial Court may have lacked subject matter jurisdiction as a result of the defective indictment;
- 2). The indictment is also insufficient to support the conviction imposed upon the Petitioner;
- 3). Petitioner's Defense and Appellate Counsel was so ineffective, that their legal incompetence denied Petitioner the effective assistance of counsel required under the Sixth Amendment and; cite Brady v. Maryland 373 U.S. 83 (1963); cite Strickland v. Washington, 466 U.S. 668 (1984) The State did not meet "Two witness Rule" under Art 38.14 C.C.P., because testimony of the State's sole witness Jessica Cantu (Complainant) was not supported by corroborated evidence. And;
- 4) Petitioner is proclaiming his factual actual innocence, and argues that the evidence was insufficient to support the conviction and that counsel failed to move for a judgment of acquittal at the close of the State's case-in-chief.

REASONS FOR GRANTING THE PETITION

Juan Andrade-Moreno.[®] Claims in this Petition writ require and warrant relief to be granted by this Court. The allegations do not fail to state a claim upon which relief can be granted; Relief is required due to a failure of the mutual and fair meeting of minds within Commerce Code. The following Petition writ legally and lawfully provides the remedy upon which relief may be granted with Petition writ, all previous Presumption are rebutted, and the misuse of maritime Commerce Law. Its stand corrected by God Law which is Common Law, because Common Law supercedes all other law." Shall not be deprived of life, liberty or property without due process of law. DE FACTO, OR DE JURE Under Common Law Sovereignty doctrine is Juan Andrade-Moreno.[®] As a nation or STATE, when the Constitution was drafted having Supreme Power befitting to a sovereign Juan Andrade-Moreno: Finally, Petitioner truly believes that his conviction in this cause that based on 1) Defense and Appellate Counsel was so ineffective assistance of counsel; 2) uncorroborated testimony; 3) multiple charges in a single indictment; 4) improper joinder of offenses; 5) insufficient evidence; 6) junk science based on expert witness from an unqualified expert, is a strong miscarriage of justice, and the only remedy at law to correct this errors is upon which relief may be granted with Petition writ under Special Appearance to Special Master Chancellor Juan Andrade-Moreno.[®] Request to Report of Special Master (Rule 17) In any other case, Privacy Protection is governed by Federal Rule of Civil Procedure 5.2(c) Federal Rule of Criminal Procedure 49.1(c) request extraordinary writ; on this Appeal Count Number mention in this Petition writ.

WHEREFORE, PREMISES, CONSIDERED, Juan Andrade-Moreno.[®] hereby Prays that relief be granted, and citation issued, Ordering an Evidentiary Hearing to show cause why Petitioner is being held in confinement illegally, and base on the findings of fact and conclusion of law grant this Petition writ and Order Petitioner Juan Andrade-Moreno: released from further detention or other relief as this Honorable Court deems necessary and just.

Respectfully Submitted Juan Andrade-Moreno: Agent

WHEREFORE, base on the foregoing factual Fact STATEMENT, Petitioner, Claimant Respectfully Request this Honorable Court Assignment to master Chancery to Settle All Court Account APPEALS numbers, NOS, 22-50522 USDC No. 5:22-CV-497 Close, and dis Charge the Accountance extinguish the bid bond, and release Juan Andrade-Moreno: [©] From Prison, from Corporation Surety Ship. BILL OF RIGHTS, AND BILL IN EQUITY (Original Pleading) Juan Andrade-Moreno: [©] Agent Sovereignty; Juan Andrade-Moreno: [©] In Propia Persona, from Surety Ship, and distribute the Amount of \$ 7,225,000.00 at \$ 100,000.00 Per Years beginning from August 20, 2008 - UP to Close, being the Fee Schedule for service as a Surety Quantum meruit on this th day of March 2023. Interest in Cestui Que Trust Juan Andrade-Moreno: [©] Trust Account number, 01689833, on which a systematic record has been kept.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Juan Andrade-Moreno: Agent
Juan Andrade-Moreno: Agent
with the Autograph & Seal
Date: March 30, 2023

