

22-7687

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

MAY 23 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

S. James Jones Jr.
(Your Name)

— PETITIONER

U.S. D.C. Eastern District / Beaumont Division
U.S. 5th Circuit C.O.A. VS. 282nd District Court
Court of Appeals 5th Circuit

U.S. Supreme Court

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES Court of Appeals

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Mr. Squire James Jones Jr.
(Your Name)

12019 Thornburg
(Address)

HOUSTON, Texas 77067
(City, State, Zip Code)

(281) 369-6919 (or) 281-369-7171
(Phone Number)

I And Mrs. Shiquita Janise called 911 from my cellphone # (409) 841-8749 in Beaumont, Texas 3 weeks Prior to the shooting on April 6, 2001. Deceased = GRAPPIT Jones Winford Sr. did threatened us on Pages 30-39 in Shiquita's Testimony. Mrs. Shiquita Janise's comments on the threat to clarify it was her And I overheard the threat. Shortly, After Janise And I retreated so that does prove Although he was in Guilt. [Alvarado v. STATE], 822 S.W. 2d 369 (App. 13 Dist. 1991), When evidence is presented that murdered victim threatened ^{sorry} ~~only victim~~ defendant and that defendant may have acted in self defense, charge on Self defense should not be restricted to only victim's Acts; Verbal threats should be included as well. [Halbert v. STATE], 881 S.W. 2d 121 (App. 1 Dist. 1994) Some evidence of inability to retreat is all that is necessary to satisfy the condition for (used deadly) I mean use of deadly force that a reasonable person in Actors situation would not have retreated. Sufficiency of Evidence upon Goodness which is An Attempt to retreat. Ineffective Assistance of Counsel against Attorney's Mr. Douglas M. Barlow, Mr. Brack Jones, Mr. Travis Evans For NON use of Legal Procedure for ^{00 per} ~~for~~ THE Fullest benefit of the client's cause, but also duty not to Abuse legal Procedure. All Judiciary's should and do prohibit, at minimum, the filing of frivolous or knowingly false pleadings, motions or other paper with the Court or the assertion in an adjudicatory proceeding of a knowingly false claim or defense. The Courts should primarily stop hindering resolution for others Private Right by harrassing Because I'm not Guilty Sir or MAAM And I've been maliciously injured in April 2021. Vital Evidence has been discovered by due Diligence of Comparison so I Pray Ephesians 2:7, 8; THAT in THE Ages to come he might shew the exceeding riches of his grace in his kindness toward us through Christ Jesus 8. For by grace are ye saved through faith; and that not of yourselves: it is the Gift of God. 10. For we are his workmanship, created in Christ Jesus unto good works, "Like ME saving Mrs. Shiquita Janise, GRAPPIT Jones, shea, Megan, And Hakeem by Prescribed conduct from So Great Clouds of witnesses, Which God HAD ordained that we should walk them.

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:

Judges

RELATED CASES

MARCIA A. Croner/Christine L. Stetson

U.S.D.C. Eastern District of Texas Beaumont Division

Title 28 U.S.C. § 2244(b)(3) provides that A district court may not entertain A second or successive petition for writ of habeas corpus unless the governing court of appeals has granted the petitioner permission to proceed with A successive petition. In re Davila, 888 F.3d 179, 182 (5th Cir. 2018) Section 2244(b)(1-2) provides that Authorization shall be given only under following Circumstances:

(1) A claim presented in A second or successive habeas corpus application under Section 2254 that was presented in A prior Application shall be dismissed.

(2) A claim presented in A second or successive habeas corpus application.... that was not presented in A prior Application shall be dismissed unless-

(A) the Applicant shows that the claim relies on A new rule of Constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable for

(B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

(ii) the facts underlying the claim, if proven and viewed in the light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the Applicant guilty of the underlying offense.

Rodriguez v. Johnson, 104 F.3d 694, 697 n.2 (5th Cir. 1997)

In re Flowers, 595 F.3d 204, 205 (5th Cir. 2009)

Rodriguez v. Bowen, 857 F.2d 275, 276-77 (5th Cir. 1988)

See SLACK v. McDANIEL, 529 U.S. 473, 483-84 (2000); ELIZALDE v. DRESKE, 362 F.3d 320, 328 (5th Cir. 2004). See SLACK, 529 U.S. at 483-84. See MILLER v. JOHNSON, 200 F.3d 274, 280-81 (5th Cir. 2000).

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APPENDIX A	MAY-4-07 Count of Appeals for Nth District of STATE of TEXAS. No Error in Judgement And they Affirmed it July 23, 2007,
APPENDIX B	Guilty In 252nd District Court of County of Jefferson Trial Court
APPENDIX C	It NEVER had a file Blake Hawthorn Said. TX. Supreme Court
APPENDIX D	None Applied. They do not have it on file. (Texas Supreme Court.)
APPENDIX E	Dismissed in THE U.S. 5th Circuit Court of Appeals MARCH 02, 2023,
APPENDIX F	U.S.D.C. Eastern District/Beaumont Division Untimely, on 2nd Attempt. But in 2010; 1107 STATE WRIT OF HABEUS CORPUS WAS WR-73,422-01.

TABLE OF AUTHORITIES CITED

CASES # 84140 STATE/1:21 cv 619/1:22 cv 225/1:22 cv 279 PAGE NUMBER
 22-40632 = U.S. 5th Circuit Court of Appeals 1:21 cv 619-1041 and
 Murder/ 2nd is A mistake /- 5-99 [Procedural Default] 11/29/22
 Murder in 1st Degree/ 2-20 is Correct.
 252nd District Court; County of Jefferson, Beaumont, Texas
 STATE COURT Judge Layne Walker
 U.S. D.C. Eastern District / Beaumont Division - Marcia A. Crone / = Magistrate/Judge
 U.S. 5th Circuit, Southwick, Higginson & Judges Christine L. Stetson
 of 5th Circuit Court of Appeals U.S. 5th Circuit Michael Trunciano or Truncate

[Only U. STATE], 939 S.W.2d 787 (App. 2 Dist. 1997), use of deadly force is justified only
 when retreat is an unreasonable act.
 [Halbert U. STATE], 881 S.W.2d 121 (App. 2 Dist. 1994), Some evidence of inability or inability
 to retreat is all that is necessary to satisfy the condition for used deadly force that
 unreasonable person in Actor's situation would not have retreated.

STATUTES AND RULES 14th Amendment = Due Process of Law, Life, Liberty, And
 Pursuit of Happiness. Ineffective Assistance of Counsel on behalf of neglect of Liberty.

- (1) Judgment Phase: See Above.
 A: Reality it should've been 2-20.
 B: No Criminal History except Misdemeanors

(2) Insufficient Evidence in Trial

(A) No Argument from Either D.A.'s or Defense on Deceased's
 Firearm Although Material (Photos) - And Physical Evidence were
 Photographed. My Firearm was Spoken About.

(B) Deadly Conduct of Deceased (Photos) - of Broken Bones and
 wounds of Two women by name Shiquita Janise and Joyce Mc-
Kinney. They filed Affidavits and witness statements Jesus. Deceased
 Person had A Gun in his Possession you can justly prove that My gun
 was AT witness Tor Roy Smith Home by A Bible an extra shells and Holster.
 Witnesses = R. Bushnell, Shiquita Janise, Rodney Winford, Derwin Maxey, Joyce
 McKinney, said they knew about him having A Gun. As A created thought
 in my mind the night of THE shooting that I was under attack or
 I only felt fear of losing = losing my life and the other's As Shiquita,
 Grady Jr., Gmfitia, Shon, Megan, Hakeem, most of all THE LAW that
 supports realitywise why I shot also is He threatened Shiquita and
 I and THE CHILD AT 2 yrs of Age. So I had to defend us after 3 weeks of
 retreating. I call 911 from my phone (409) 841-8749. [See Espinoza vs.
 State] (95) S.W.2d 6100 App. 13 Dist 1997) If investigation reveals that victim
 was unnamed defendants claim of self-defense must rest entirely upon perceived
 danger, and person can be rationally based gesture that can be regarded as threat
 when viewed in light of victim's reputation for violence Jesus. But defendant
 must establish that he was aware of victim's nature.
 THAT is Exercised Due Diligence in this Cause, Jesus THANK YOU.

OTHER

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 to the petition and is

☒ reported at U.S. 5th Circuit Court of Appeals/3-02-23; 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 ~~DE~~ to the petition and is

☒ reported at U.S.D.C. Eastern District/Beaumont Division⁷⁻²⁶⁻²²; 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 A to the petition and is

☒ reported at Ninth District C.O.A. STATE of Texas; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the 252nd District Court County of Jefferson court appears at Appendix B to the petition and is

☒ reported at U.S.D.C. Eastern District/Beaumont Div; 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 Oct 25, 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: August 25, 2022, and a copy of the order denying rehearing appears at Appendix E.

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

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

☐ For cases from **state courts**:

The date on which the highest state court decided my case was 5-9-07.
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: 2010, 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

Appendix
B

14th Amendment I was deprived of my Liberty for 22 years and in THE STATE OF TEXAS. Due Process of Law - Life, Liberty, Property And Pursuit of Happiness. Plus, I was immunitied in February - 1996 in THE CITY where THE CHARGE was in Action as a Cause #84140. THESE STATUTES Provides A Security for A Person to Be freed from Prison by THE Constitutional Rights. Now, Since Time of my Life has been Lost because of my rights have been violated. My readings STATE My Property Here AT THE T.O.C.U. Unit named Hodge/Skyview Unit has been held in some times of this term that I've been An Inmate Here AS A Citizen in AN Illegal form And Fashion Sir or MAAM It may be me being Compelled from my own resources due to some of THESE Employees not wanting to have EQUAL Access of Suffrage; they must do their JOB. I wrote A Grievance but they gave illogical response. The 14th Amendment says we as People (Human Persons) have an entitlement to Foudation of Freedom, Justice, Peace in this world. Article

(3) In Declaration of Human Rights. I Pray for my Freedom, Relief, And All Court Settled Agreements, such AS Homes Built From Ground Up. Or, Clearing House Relief ^{meaning places of businesses} After Released upon Judgement of U.S. Supreme Court. Liberty / NO Argument on Nullified ^{Appendix B} Criminal History to Prove my own Gift of Immunity Freedoms, Courts.

Also, March 2006 in Layne Walker's 252nd District Court THE Deceased's Firearm WASN'T Argued About during COURT TRIAL on Photo material whether it was returned to it's Proper Owner. ^{or not} Insufficient Evidence During TRIAL the 14th was violated. The Deceased's Gun WAS STOLEN. THIS Illegal Term caused Injuries, Punitive Damages, Broken Teeth, & Broken Ribs. We understand A Life was Lost But on Account of SELF-Defense I Pray which is And was to STOP Apparent Danger in a Preventatory reason by me the defendant reasonably believing After ~~experiencing~~ retreating And Calling ^{Authorities} that deadly Force was immediately necessary, viewed from my standpoint at the time. We (me And Shiquita ^{Janise to clarify} Janise 3 weeks before) retreated my Phone # is (409) 844-8749 (911)? I shot April 6, 2001 AS IF I needed to Protect myself And innocent children in Apt-129 #129 to Protect my self And others Against attempted Attack or such Attack to defend my life by night And AS A good Deed others. Deadly Force was necessary to use Against GRACIE JONES Wilford Jr. because he ran to ward me with his fire arm so I shot my Firearm Jesus to save my life Around 7:30 AM. And in between 8:45 P.M. I only wanted to tranquilize him Although he was trying to use unlawful Deadly Force.

Continued...

Deadly Force because of THE Deceased conduct AND THE Public Danger [5th Amendment] when A person has A created thought in ^{my} mind of such person who had A reasonable understanding that I was under attack, OR Attempted Attack with unlawful deadly force AND there is AN expectation also expectation or fear of death or serious bodily injury, then the law excuses or justifies such A person in resorting to deadly force by Any means At his command to the degree that he reasonably necessary.

Provisions Violated

Books: Texas Penal Code
Vernon Texas Code Annotated
West Texas Digest 2d.

Appendix A - Although Judge said, there was no error in Judgement! But Pages 30-39 Appendix AND B of Shiguita Janise (STATE witness) told Courts AND Jurors AND that He used Deadly Conduct Against (Two women on Material Evidence Photos) in Evidence files: See Photos. CORRECTION: Pages 30-39 The Threats from Deceased took Place (Words or Conduct) which entitles A person to use Deadly Force to Prevent UNLAWFUL use of Force) [Alvarado vs. STATE], 821 S.W. 2d 369 (App. 13 Dist 1991) when evidence is Presented that murder victim threatened Defendant AND that defendant threatened reacted in Self-Defense, Defense should've raised Self-Defense; NOT restricting victims Acts; Verbal threat should be included AS well. See Where Error took Place in Ninth District of STATE OF TEXAS. MAY-9-2007 Date of Judgement Court of Appeals. Police Report 2001008284 THE "Peice of A Gun" WASN'T Argued About by Courts Although Police Reports Described it on Exhibit (2). Insufficient Evidence during Trial in MARCH (2006). April 6, 2001 I shot AND Raised Self-Defense Tribunal by Retreating from Phone to the Beaumont, TX Police Dispatcher 3 weeks before the shooting. Police Prohibited course of A.B.P. on Graffiti Jones Winford. ME AS Client was violated by Attorney's Brack Jones (NO Relation) Douglas M. Barlow, Travis Evans of THE 5th Amendment AND 14th Amendment because of Due Process of Law; Life, Liberty, AND Pursuit of Happiness or Property. Under circumstances Acknowledge Lawyer's Obligations in Practicing Procedural Defaults illegally in my case. Ineffective Assistance of Counsel in All Areas. Evidence on Case # 84140 - 1:21cv619 my Due Diligence should activate Courts reviving to Provide Truthful Efforts of STOPPING Dual Roles of Attorneys after you all's disciplinary proceedings. Plus, I Pray that your Court Assembly disqualify's ALL OF THE Courts Illegal Actions which threatened me: Such AS THE STATE OF Texas Attempting to cause Impediments by illegally Forcing ME TO Go TO Vernon Texas STATE Hospital in 2001, AND I made A Perfection the Entry Level EXAM 5th or MAAM until it Became A BACK AND FORTH from Jefferson County Jail in Beaumont, TX. I Hope no-one is Killed IF THEY Are ~~Put in~~ Put in Prison Behind these Violations. IN Jesus NAME we ASK For Mercy AND For Justice because God has RANK over us for his Goodness. Father Let NO-one BOAST; WE ARE HIS CHILDREN with NO Questions; your Honors. Lord Jesus Amen! Bless ME WITH Relief AND Freedom DEAR Lord; Amen!

STATEMENT OF THE CASE

IN THE 252nd District Court of Judge Layne Walker
In Beaumont, Texas - Jefferson County Found me Guilty Although D.A. Ashley
Nelson did not Argue on THE Deceased's Firearm during Trial in March 2006.
THAT IS EXCULPATORY EVIDENCE like I presented on Questions Raised, Along
with THE THREAT ON Pages 30-39, From Deceased, "If I kill you to you think
your family would cry!" I AS A MAN OF GOD AND I've had ups and Downs in
Life in Aspect of me saying this he was on A Suspect warrant for Trespassing
Citation on him. So I really must also say I used Apprehension of Danger due to
him giving the threat in honor of me Saving my own Life AND OTHERS. He wasn't
Arrested for Aggravated Assault on Shiquita Janive Also Joyce McKinney got beat
with A BAT (Deadly Conduct) by Deceased. See PHOTOS of Evidence And Police Report.
Many witnesses testified that Deceased had A WEAPON AT TIMES; Plus PHOTOS of
Deadly Conduct on Two Women, with Broken Bones AS A Result.

Petitioner, James Jones, an prisoner in THE Texas Department of Criminal Justice,
Institutional Division, filed this suit under 28 U.S.C. A Jury ruled petitioner guilty
of Murder, and, on March 24, 2006. Sentenced to fifty years of imprisonment,
the Petitioner WAS, in THE 252nd District Court. However, Appellant will show that
under 28 U.S.C. § 2244(d)(4) the date on which the PACTUAL predicate of my claim could
not have been in my Possession AS in 2021. After April. Availability is CAUSE OF THE
STATE OF TEXAS T.D.C.J. Texas Department of Criminal Justice. Some Prisons don't Always
give THOSE THAT ARE on Psych-Load Proper Alternative, AS Regulation OF PRISONERS. NOT
AS MIND BARRIERS, But THOSE THAT ARE in Custody Don't Always get Proper Treatment.
Violations of 1, 5, 8, 14. Amendments Brothers and sisters. Ask Around to OTHER Judges
on similar Cases. WAS it error of the district Court to find me Guilty or could
THE Jurisdictioned Magistrate have Provided reason of importance based upon
Facts in existence At the time of MARCH 24, 2006 TRIAL; that I could not
have not connected cause of Due Diligence or Could All Courts of Appendix A-F
been discriminating for A restrictive discrimination Act of MAL-Practice
of Jefferson County Correctional Facility or Jail to Vernon Texas State
Hospital Feeding of Medicine unlawfully And Texas Department of Criminal
Justice! I Pray For NO MORE OPEN Refusals of Aliases of Injustice that are
Some PAST WHITE HOUSE CABINET OFFICE holders. Jesus; AND Believers I
Ask you ALL to Give Meditation on my WRIT on A Principle of Justice which
is Due Diligence, when some want me to CLAIM A.D.A. American Disabilities
Act TO Proclaim they were NOT in violation of 1 Timothy 6:10. Due to
your LAW you will STOP IT ALL. I'M NOT SAYING ONLY Presidents But Even
Some PAST TIME EMPLOYEES Here AT T.D.C.J. I've shown Due Diligence and my
GOOD Be with us ALL WHO ARE GOOD. I SAVED 5 Kids Life April 6, 2001. NOT
Amen. 4-8-01

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Mr S Jamarani

Date: 5-19-23