

23-5321

No.

FILED

JUN 20 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Samuel Reaves

(Your Name)

— PETITIONER Pro se

vs.

Bobby Lumpkin

— RESPONDENT(S) et al.

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals - Fifth Circuit

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

PETITION FOR WRIT OF CERTIORARI

Samuel Reaves # 2363039

(Your Name)

2101 FM 369 North

(Address)

IOWA PARK, TEXAS 76367-0000

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

When A Defendant Shows INCompetency: IS HE/SHE allowed to Get the Court to Give Counsel?

What Constitutes A involuntary Plea-barGin?

IS it legal to Stop / Restart A Prison Conviction?

Does the APPELLANT Court order have to have A Court Seal and Clerk Signature to be valid?

IS it legal for An APPEAL court to Destroy all EXCELPATORY exhibits entered into Record?

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[X] 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: DAVID Gutierrez, TDCJ-Pardo Div.

Dale Stanley Hanna, Johnson Co. Dist. Atty. - Attorney for Texas Governor MR. Greg Abbott.
Respondent, Texas Attorney General. Address: Governor - P.O. Box 12428 Austin, TX. 78711
Att. General Ken Paxton P.O. Box 12548 Austin TX. 78711 - 2548
Tx. Bd. Pardo 209 W. 14th St. Ste. 500 Austin TX. 78711
Johnson Co. Dist. Atty. 204 S. Buffalo St. Cleburne TX. 76033
— Per U.S. Sci. Rule 29.3 Respondents have been served Notice of Petitioners intent within 3 days of 60 days to amend.
Bobby Lumpkin - Director TDCJ-CID ---- P.O. Box 99 Huntsville TX. 77340.

RELATED CASES

413th Judicial Dist. Ct. Johnson Co. Texas
Case No. F49661.

United States Dist. Ct. Northern Dist. Texas
DALLAS Div. Civil case: 3:22-CV-536-BM
United States Court of Appeals - 5th Circuit
Case No. 22-10430.

Texas Court of Criminal Appeals - TR. Ct. No.
F49661-A - C.C.A. # WR-33, 535-04.

Tenth Court of Appeals # 10-21-00159-CR

T.R.A.P. Rule 25.2 N.O.A. NBT 31.1 -

Tenth Court of Appeals # 10-21-00133-CR

Application for Mandamus - TX. Ct. Crim.

APP. ~~WR~~ WR-33, 535-06 And WR, 33-53507 X2

U.S. S.Ct. Rule 12.6

Honorable CLK. : I W RE: to Rule 12.6 it is my belief
none of the Parties listed in this Petition have an active care
in the case Presented to Hon. Ct. I W serve notice Per Rule
29 on all Parties. Per 28.5(c) This is my 2831746 -
Declaration of Service on Party - notice -

- 2831746 -

MY NAME IS Samuel LYN Kearnes, Date of birth: 4/13/61
MY PRISON I.D.# 02363039. I AM incarcerated in the TEXAS
DEPARTMENT OF CRIMINAL JUSTICE - Correctional Institutional
Division @ the James V. AIRRED unit - TOWA PACK, TEXAS
76367 2101 Sm 369 W. Wichita co TEXAS. I do care
under the Penalty of Perjury that to my knowledge no
Respondent is of care of the outcome of this case. Per a
28 USC 2403 (6) MAY APPLY ATTN. Gen. SORUE. Per Rule 17.3
the Governor is serve: both complimentary motion to be
Informa Praferis - Hon. CLK. no TIRE writers available
Please accept hand written format. EXECUTED this day
July 24th 2023.

Samuel J. Kearnes
Signature

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APPENDIX B	Find / Fact Conclusion / law - ob Section 2 U.S.D.C. NO. 3:22-CV-536-G-BN
APPENDIX C	U.S.C.A. - 5th Circuit - NO. 22-10430 UnPublish order.
APPENDIX #	TX. Cl. Crim. Appeals NO. WR. 33-535-04 Tenth Cl. APP. # 10-21-00159-CR Appeal T.R.A.P. 25.2
A APPENDIX A	10th Cl. APP. # 10-21-00137-CR. Mandamus TX. Cl. Crim. APP. WR. 33535-07 x 2 / WR. 33535-06
APPENDIX #	Brief in support of motion C.O.A.

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Pate v. Robinson, 383 U.S. 375

EX PARTY DUFFY 607 S.W. 2d. 507, 516

(Tex. Cr. App. 1980)

Gifford v. State 630 S.W. 2d. 387-388-389 TX APP (1982)

Byrd v. State 719 S.W. 2d. 237, 238 TX APP Dallas 1986

STATUTES AND RULES

Tx. Code Crim Proc 46.6 / 26.13(6)

OTHER EX PARTE ELLIOTT 746 S.W. 2d. 762 (Tx. Cr. App.)
1980

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 C to the petition and is

[] reported at 2023 US APP Lexis 12885; 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 B to the petition and is

[] reported at 2022 US Dist. Lexis 62982; or,
☒ has been designated for publication but is not yet reported; or,
[] is unpublished.

☒ For cases from **state courts**: Texas Ct. Crim. Appeals

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

[] reported at 2021 Tex. Crim. App. UnPub. Lexis 505; or,
[] has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the Tenth Ct. of Appeals court appears at Appendix A to the petition and is

[] reported at 2021 Tex. App. Lexis 5594; 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 MARCH 24, 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: MARCH 24, 2023, and a copy of the order denying rehearing appears at Appendix 6.

☐ 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). BY Writ of Certiorari: Granted upon the Petition of ANY Party TO ANY CIVIL OR CRIMINAL case, before or after Rendition of Judgment or decree.

☐ For cases from **state courts**:

The date on which the highest state court decided my case was 9/22/21.
A copy of that decision appears at Appendix 1. unPublish TX. Ct. Crim. APP.

☐ 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). The state is drawn into question on the Ground of Const. Violation.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

5th Amend 6th Amend 8th Amend 14th Amend

5th Amend - Double Jeopardy - Self Incrimination

6th Amend - Ineffective Assistance of Counsel

8th Amend - Excessive Bail / Bond - Cruelty

14th Amend - Equal Protection Clause

STATEMENT OF THE CASE

IN Voluntary Plea bargain -

Ineffective Assistance of Counsel -

NO Psych eval.

Double Jeopardy - Parole hold me on an

Illegal Parole hold.

Self Defense

I WAS found incompetent 30 days Prior to
Alleged offense. See Social Security Report.

Appendix H - - - - DR. Reda Rasco

See Appendix C Sth Cir. order. NO EAGLE Stamp

Seal - no clear signature. See Fifth Cir. Rule 471 (a)(b)(c)

- NAME seal Process - order no Good.

- See case Law NO Psych. eval done.

- Request Ct. Appoint Attorney -

Please
Daniel
Reynolds

Amended 7-18-2023 Statement of the Case —
— INCOMPETENT / INVOLUNTARY Plea-bargain. unlawful
Search and seizure. INEFFECTIVE ASSISTANCE OF COUNSEL.
unlawful Restraint. Self incrimination. NO ACCESS TO A
bail or bond. Equal Protection Clause. Actual innocence.
Due Diligence —

ON APRIL 29, 2015 @ APPROX ^{midnight} 00:30 hours. ME
SAMUEL ROQUES WAS HALLUCINATING AND SEEING LIGHTS
AND PEOPLE WALKING ON MY PROPERTY. I CALL 911. APPROX.
02:30 MY AUNT Pull A .38 Cal. Revolver & stuck it in
between my EYES. I TOOK the Gun from her hand. She
went back home. I WAS in her Rent house. LATER in
MORNING I WAS ARRESTED / charged w/ AGG. ASSAULT w/ a
deadly weapon. The Johnson Co. Sheriff office WAS NOT
ABLE to Get A Warrant. So, they called my Parole officer.
She: LAKOSHA MOORE-WASHINGTON obtain a emergency (?)
Pre-Revocation of Parole Arrest warrant. A.K.A. Blue
Warrant. This is only warrant ever Produce. NO kind
of Search warrant used or Produce. Yet, they Executed
A Search of my home. Her Revolver was between the
Dryer and wall in Laundry Room. Had been found to
be in an acute episode 30 days Prior by Social / or
Psych. Doctor Rasco. S.S. Admin. evaluation. Diagnosis:
Schizoaffective disorder, biPolar type, multiple episodes.
The S.S. Admin. Judge Green opined: "Affective disorder"
which includes biPolar and Schizoaffective disorders.

The Psych. Rept. was 3/2015. ARREST 4/2015 the
Plea was 8/2015. NO Psych. eval. done. Atty. Curt Crum
was Atty. Also @ Parole Preliminary Revocation hearing;
@ the hearing evidence / witness / submitted of medication
issues; no funds AVAILABLE. WAS off meds @ time of
Alleged offense. no mention of A Fel. in Poss of f./arm.
that's what Atty. Plad me to. The Plea was involuntary
base upon threats from Counsel to accept a 4YR. or a
Jury would Give me 25 to life. A Blue warrant is not
A Search warrant. Atty. Curt Crum Knew my Aunt
Testify under oath @ Parole hearing she Place my
life in fear by She said: Threaten to Shoot me in leg!

— Amend Statement of Case —

[6]

REASONS FOR GRANTING THE PETITION

IN Voluntary Plea -

Actual Innocence -

NAME OF Interest of Law -

See Hand written copy DR. Marta
Otero After offense Appendix H

Amended on 7-18-2023 - Sentence is discharged. Yet,
The Parole does not honor The Tx. Ct. Crim. App. Decision.
I WAS ARRESTED APRIL 2015 - Release APRIL 2017 - on the
Parole issue of a Hold in JULY 2017 Did not Go to ANY of
hearings until December 2021 (Hold over 4 YR.) 4 YR. only plea.
in voluntary Plea. Giving me 6 flat on 4 - Revoke in 2022
Going back to original 2 YR. flat. new Discharge day
Some time in 2024 ? 9 flat YR. on 4 YR. offense ----
- Reason - I'm entitled to Endemity. However, I
must over come: Heck v. Humphrey - WAS Charge @
Pre hearing w/ ASSAULT - NO mention of Felon Poss. Gun -
Violate my Due Process. Actual innocence - TOOK A
Gun in Self Defense! I sent Proof to 5th Cir. Ct. APPEAL
they Give order w/ NO Ct. Seal - NO Clk. Signature - NO
Reason to Deny. they Show Favor to State Ct. Please
Allow Argument / APPL. no Counsel. Respectfully ----

[7]

A Showing of actual innocence can overcome the A.E.D.P.A. Statute of limitations. A Jury Trial would be my defense. The Attacker will Testify they Pull a loaded Gun. left the scene & came back w/ Gun. I would not have otherwise touch a Gun. had I not touch a Gun I'd be Dead & they'd be in Prison !!! need Discover evidence "Psych. eval.s" not previously had will Prove not in my correct State of mind @ Plea-barbar. Plus Aunt was on a Psych. / Pain medication !! NO culpable intent for either !!!

CONCLUSION

Vindictive Prosecution / Atty. use to be ASST. Dist. Atty. TOOK my family money - Did no investigation. still will The petition for a writ of certiorari should be granted. NOT TALK to me ---

With out delay !

Respectfully submitted,

Samuel Reams

Date: June 20, 2023

— Amended — Resubmit on —

mail out July 24, 2023 — IN RE: The A.E.D.P.A. — U.S. S. Ct. — Factual vs. Legal INNOCENCE. MERRYMAN V. DAVIS 781 F. APP'X 325, 330 (5th Cir-2019) ALSO U.S. Justice A. Scalia "CASTLE Doctrine" — See D.C. V. Heller 554 US 570 (2008) Cite: ALBERTY V. U.S. 162 US 499 (1896)

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