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WR - 95, 043-03  
No. ~~23~~ 23

FILED

JAN 08 2024

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE  
SUPREME COURT OF THE UNITED STATES

Washington, DC 20543-0001

In Re Antoine Thomas — PETITIONER  
(Your Name)

ON PETITION FOR A WRIT OF MANDAMUS

Court of Criminal Appeal

PETITION FOR WRIT OF MANDAMUS

Antoine Thomas  
(Your Name)

1697 Fm 980  
(Address)

Huntsville, Tx 77343  
(City, State, Zip Code)

714  
(Phone Number)

**QUESTION(S) PRESENTED**

Did the Court of Criminal Appeal rule against their own law? stating the Client files belong to the Client?

Did the Court of Criminal Appeal ruling is against the U.S. Supreme Court and other Courts Appeals.

## **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**

Judge Jackson

Kurt Noell

Twelfth Court of Appeal

Court of Criminal Appeal

## TABLE OF CONTENTS

OPINIONS BELOW .....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	
STATEMENT OF THE CASE .....	
REASONS FOR GRANTING THE WRIT .....	
CONCLUSION.....	

## INDEX TO APPENDICES

APPENDIX A Court of Criminal Appeal

APPENDIX B Court of Criminal Appeal

APPENDIX C Court of Criminal Appeal

APPENDIX D ~~Court of Criminal Appeal~~

APPENDIX E

APPENDIX F

### TABLE OF AUTHORITIES CITED

#### CASES

#### PAGE NUMBER

In re McCown, 422 S.W. 3d 701, 705 (Tex Crim. App., 2013).

Padilla v. McDaniel 122 S.W. 3d 805

#### STATUTES AND RULES

Disciplinary rules professional R. 1.15 (1)

#### OTHER

U.S 14th Due Process

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

Petitioner respectfully prays that a writ of mandamus issue.

**OPINIONS BELOW**

[ ] For cases from **federal courts**:

The opinion of the United States court of appeals 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[ ] is unpublished.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 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[ ] is unpublished.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 ~~A, B~~ 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 \_\_\_\_\_

[ ] 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 1-17- 2024  
A copy of that decision appears at Appendix A, B, C, D

[ ] A timely petition for rehearing was thereafter denied on the following date:  
1-17-, 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 1-17- (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**

U.S. 14<sup>th</sup> Constitutional due process

### STATEMENT OF THE CASE

This petition for Mandamus arises in during representation of Trial Counsel Kurt Noell for cause # 114-0439-21 Aggravated Assault with deadly weapon. The respondent Judge Jackson 114th District court Smith County 100 N. Broadway Tyler, Tx 75702. Relator seeks relief from respondent to compel Attorney Kurt Noell to release the client files. Relator filed motion with the 114th District Court Judge Jackson, Twelfth Court of Appeal (Mandamus) November of 2023. Relator filed 2 Writ of Mandamus with the Court of Criminal Appeal both denied, the Court of Criminal Appeal held relator has to first seek relief from a Court of Appeal see Padilla v. McDaniel 122 S.W.3d 805 November 8, 2023, Relator has satisfied the requirement and is still being denied his client files, Relator is entitled to his client files which are necessary to file his post conviction habeas corpus to prove actual innocence, also the constitutionality of his sentence and the performance of Counsel see In re McCann, 428 S.W.3d 701, 705 (Tex Crim. App. 2013) Relator exhausted all state remedies.

#### **REASONS FOR GRANTING THE PETITION**

Relator is being held in prison illegally and only ask for a copy of his client files to prove his innocence, and that the courts ruling are against the Supreme Courts of United States.

## **CONCLUSION**

The petition for a writ of mandamus should be granted.

Respectfully submitted,

Antoine Thomas

Date: February 8, 2024