

23-7681
No. _____

ORIGINAL

FILED

JUN 05 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

THOMAS GEORGE CRDAYBEEK — PETITIONER
(Your Name)

VS.

THE STATE OF TEXAS — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

THOMAS GEORGE CRDAYBEEK # 2034863
(Your Name)

2101 FM 369 NORTH
(Address)

LOUISA PARK, TEXAS 76367
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

IF, ACCORDING TO THE STATE OF TEXAS IN EX PARTE TOVAR, 901 SW2D 484, THAT THE PURPOSE TO BE SERVED BY A POST CONVICTION WRIT OF HABEAS CORPUS IS LIMITED, AND "LIES ONLY TO REVIEW JURISDICTIONAL DEFECTS OR DENIALS OF FUNDAMENTAL OR CONSTITUTIONAL RIGHTS," AND, IF ACCORDING TO ARIZONA V YOUNGBLOOD, 428 U.S. 51, THAT A GOVT IS CONSTITUTIONALLY REQUIRED TO PRESERVE EVIDENCE THAT MIGHT BE EXPECTED TO PLAY A SIGNIFICANT ROLE IN THE SUSPECT'S DEFENSE", THEN, WHEN THE STATE'S PROSECUTING ATTY CONCEDES - ALBEIT LATER - THAT THERE IS NO RECORD OF ANY GRAND JURY PROCEEDING NOR INDICTMENT ISSUED IN A FELONY CASE, WOULDNT THAT REASONABLY INFER THAT BOTH A JURISDICTIONAL DEFECT AND A FUNDAMENTAL OR CONSTITUTIONAL VIOLATION HAD OCCURRED IN A FELONY TRIAL AND CONVICTION IN WHICH THE DEFENDANT DID NOT WAIVE HIS RIGHT TO PROCEED WITHOUT THE MANDATED INDICTMENT BY A GRAND JURY?

DOES THE APPROPRIATE COURT BEING PRESENTED WITH THE PROPER FORM FOR AN APPLICATION, FOR POST CONVICTION HABEAS CORPUS RELIEF THAT INCLUDED 'NEW EVIDENCE' THAT WAS SUPPRESSED BY THE STATE'S PROSECUTING ATTY THAT REASONABLY INFERS THAT THE ORIGINAL TRYING COURT LACKED PROPER JURISDICTION HAVE A MINISTERIAL DUTY TO HOLD A FULL AND FAIR HEARING AND TO GRANT RELIEF IF THE EVIDENCE SO WARRANTS UNDER CONSTITUTIONAL LAW?

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

THE STATE OF TEXAS V. THOMAS GEORGE CRAAYBECK CASE NO. 10573 90TH DISTRICT COURT, YOUNG COUNTY

JUDGEMENT ENTERED NOVEMBER 13, 2015 / 10573-C NO JUDGEMENT ENTERED MARCH 15, 2024

EX PARTE THOMAS GEORGE CRAAYBECK CASE NO. WR-86,931-03 COURT OF CRIMINAL APPEALS OF TEXAS

JUDGEMENT ENTERED APRIL 17, 2024

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TABLE OF AUTHORITIES CITED

CASES

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FAY V NOIA, 372 U.S. 391, 83 S.Ct. 822, 9 LEd 2D 837

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STATUTES AND RULES

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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 _____ 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 of Criminal Appeals of Texas court appears at Appendix H 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 4/17/2024.
A copy of that decision appears at Appendix H.

☐ 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).

* PLEASE NOTE:

TEXAS RULE OF APPELLATE PROCEDURE 79.2 (d) PROHIBITS APPLICANTS FROM FILING A MOTION FOR REHEARING ONCE A DENIAL OR DISMISSAL HAS BEEN ISSUED.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- TEXAS CONSTITUTIONAL ARTICLE 1, § 10: "... AND NO PERSON SHALL BE HELD TO ANSWER FOR A CRIMINAL OFFENSE, UNLESS ON AN INDICTMENT OF A GRAND JURY..."
- TEXAS CONSTITUTIONAL ARTICLE 1, § 12: "THE WRIT OF HABEAS CORPUS IS A RIGHT, AND SHALL NEVER BE SUSPENDED."
- TEXAS CODE OF CRIMINAL PROCEDURE ARTICLE 11.07 - APPLICATION FOR POST CONVICTION WRIT OF HABEAS CORPUS
- TEXAS CODE OF CRIMINAL PROCEDURE ARTICLE 11.59 - OBTAINING WRIT A SECOND TIME
- TEXAS CODE OF CRIMINAL PROCEDURE § 39.14 - DISCOVERY [SEE: MICHAEL MORTON ACT / BRADY V MARYLAND]
- TEXAS CODE OF CRIMINAL PROCEDURE ARTICLE 2.01 - DUTIES OF DISTRICT ATTORNEYS
- TEXAS CODE OF CRIMINAL PROCEDURE ARTICLE 2.03 (b) - NEGLIGENCE OF DUTY
- TEXAS PENAL CODE § 37.09 (2)(C) - TAMPERING WITH OR FABRICATING PHYSICAL EVIDENCE
- TEXAS PENAL CODE § 37.10 (5)(d)(3) - TAMPERING WITH GOVERNMENTAL RECORD
- TEXAS PENAL CODE § 37.13 (2)(2) - RECORD OF A FRAUDULENT COURT
- UNITED STATES CONSTITUTIONAL AMENDMENT I: "... TO PETITION THE GOV'T FOR A REDRESS OF GRIEVANCES."
- UNITED STATES CONSTITUTIONAL AMENDMENT V: "NO PERSON SHALL BE HELD TO ANSWER FOR A CAPITAL, OR OTHERWISE INFAMOUS CRIME, UNLESS ON A PRESENTMENT OF INDICTMENT OF A GRAND JURY, "... NOR BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY W/O DUE PROCESS OF LAW..."
- UNITED STATES CONSTITUTIONAL AMENDMENT XIV: "... NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY W/O DUE PROCESS OF LAW..."
- UNITED STATES CONSTITUTION ARTICLE III, SECTION 2
- 28 USCS § 1257
- FEDERAL RULE OF CIVIL PROCEDURE # 50 - COURT TO FIND TRUTH IN MATTER

STATEMENT OF THE CASE

PETITIONER WAS INVOLVED IN AN INCIDENT THAT WAS DEEMED TO BE A CRIMINAL ACT ON NOVEMBER 28, 2014 IN YOUNG COUNTY, TEXAS.

PETITIONER WAS TAKEN TO TRIAL IN THE 90TH JUDICIAL DISTRICT COURT OF YOUNG COUNTY, TEXAS ON NOVEMBER 9, 2015 AND WAS SENTENCED TO LIFE IN PRISON ON FRIDAY, NOVEMBER 13, 2015 FOR A VIOLATION OF P.C. § 22.02(2)(B) - AGGRAVATED ASSAULT OF PUBLIC SERVANT W/A DEADLY WEAPON.

PETITIONER TRIED TO SEEK RELIEF FROM HIS CONVICTION PRO SE UNSUCCESSFULLY DUE TO THE FAILURE TO HAVE ADEQUATE ASSISTANCE AND/OR RESOURCES UNTIL THE TEXAS DEPT. OF CRIMINAL JUSTICE'S INSTITUTIONAL DIVISION ISSUED ITS PRISONERS DIGITAL MEDIA ON APRIL 25, 2023 THAT INCLUDED ACCESS TO THE LEXISNEXIS LEGAL RESEARCH PLATFORM THAT PETITIONER WAS THEN ABLE TO UTILIZE.

CLOSE TO THAT SAME TIME, PETITIONER'S FAMILY MEMBER HAD SENT A PUBLIC INFORMATION REQUEST TO THE CONVICTING COURT'S DISTRICT ATTORNEY REQUESTING PROOF THAT A GRAND JURY DID IN FACT CONVENE, INDICT, AND PRESENT SAID INDICTMENT AS REQUIRED UNDER BOTH CONSTITUTIONAL AND STATUTORY LAW - TO WHICH THE DISTRICT ATTORNEY REFUSED TO RESPOND.

PETITIONER'S FAMILY MEMBER THEN FILED COMPLAINT W/ THE ATTY GENERAL'S OFFICE, WHO IN TURN NOTIFIED THE DISTRICT ATTORNEY OF HER DUTY TO RESPOND - SAID RESPONSE WAS SENT BACK ACKNOWLEDGING THAT THERE IS NO RECORD OF ANY OF THE REQUESTED INFORMATION.

PETITIONER HAD ALREADY FILED A SUBSEQUENT ARTICLE 11.07 APPLICATION FOR POST CONVICTION HABEAS CORPUS RELIEF AND WHEN HE RECEIVED THE AFOREMENTIONED INFORMATION FROM HIS FAMILY MEMBER HE IMMEDIATELY SUBMITTED IT - IN A TIMELY MANNER AS A SUBSEQUENT ATTACHMENT UNDER "NEW INFORMATION/NEW EVIDENCE" - AS THE RULES ALLOW FOR.

THE COURT OF CONVICTION REFUSED TO COMMENT, AND, THE COURT OF CRIMINAL APPEALS OF TEXAS DISMISSED W/O WRITTEN ORDER ON 4/17/24.

PETITIONER NOW SEEKS EXTRAORDINARY RELIEF AS WARRANTED BY LAW.

REASONS FOR GRANTING THE PETITION

OUR FOUNDING FATHERS HAD THE FORESIGHT TO ENSURE THAT CERTAIN CHECKS AND BALANCES WERE INSTITUTED IN THE FORM OF CONSTITUTIONAL GUARANTEES TO PROTECT THE CIVIL RIGHTS OF ALL PERSONS BORN OR NATURALIZED IN THE UNITED STATES FROM AN OPPRESSIVE GOVT AND/OR ITS VARIOUS BRANCHES - ONE OF THOSE BEING OF CONCERN OF THE JURISDICTION OF A COURT TO PRESIDE OVER A FELONY CASE SUCH AS ESTABLISHED IN THE UNITED STATES CONSTITUTION'S AMENDMENT V, MADE APPLICABLE TO THE VARIOUS STATES THROUGH AMENDMENT XIV, AND, AS IN PETITIONER'S PARTICULAR INSTANCE, IS FURTHER SUPPORTED BY THE TEXAS CONSTITUTION, ARTICLE I, SECTIONS 10 AND 19.

FOR A COURT TO HAVE SUBJECT MATTER JURISDICTION OVER A FELONY CASE SAID JURISDICTION CAN COME ONLY IN THE FORM OF AN INDICTMENT PRESENTED BY A GRAND JURY - UNLESS EXPRESSLY WAIVED BY THE DEFENDANT ON RECORDS AND/OR IN WRITING.

LACK OF JURISDICTION IS A VIOLATION OF A FUNDAMENTAL RIGHT AND STRUCTURAL DEFECT. WITHOUT JURISDICTION ANY RULING BY A CONVICTING COURT IS VOID AND UNLAWFUL.

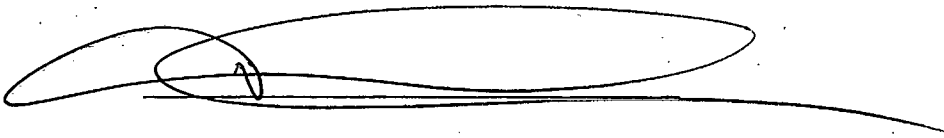
PETITIONER HAS DISCOVERED THROUGH HIS FAMILY MEMBERS EFFORTS THAT ACCORDING TO AN ADMISSION IN WRITING BY THE CONVICTING COURT'S PROSECUTING ATTY THAT THERE IS NO LEGAL RECORD AS REQUIRED UNDER LAW OF A GRAND JURY PROCEEDING, NOR INDICTMENT, PRESENTED OR OTHERWISE AS REQUIRED UNDER BOTH CONSTITUTIONAL AND STATUTORY LAW (S) IN HIS FELONY CONVICTION THEREBY MAKING HIS FELONY CONVICTION UNLAWFUL - ESPECIALLY IN THAT PETITIONER DID NOT KNOWINGLY, INTELLIGENTLY, NOR RECKLESSLY WAIVE HIS RIGHT TO INDICTMENT BY A GRAND JURY TO GRANT THE CONVICTING COURT ITS JURISDICTION AS NECESSARY IN THE MATTER.

THIS MATTER CONSTITUTES A DIRECT VIOLATION OF DUE PROCESS OF LAW UNDER ANY STATE OR FEDERAL CONSTITUTION AND WARRANTS RELIEF TO BE GRANTED AS ANY JUDGEMENT IN THE CASE WAS VOID - SEE FAY V NOIA, 372 US 391, 83 S.CT. 822, 9 LED 2D 837 AND MOONEY V HOLLOMAN, 294 U.S. AT 112, 55 S.CT. AT 342, 79 LED 711

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, loopy 'A' followed by a horizontal line that extends to the right.

Date: JUNE 3, 2024