

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

ANTHONY DEWAYNE JAMERSON PETITIONER
(Your Name)

VS.

Bobby Lumpkin - DIR OF DOJ — ^{"ET AL"} RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

N/A

Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

The appointment was made under the following provision of law: _____, or _____

a copy of the order of appointment is appended.

Anthony D. Jamerson
(Signature)

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Anthony D. Johnson, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>0</u>	\$ <u>NOT MARRIED</u>	\$ <u>0</u>	\$ <u>NOT MARRIED</u>
Self-employment	\$ <u>0</u>	\$ <u></u>	\$ <u>0</u>	\$ <u></u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u></u>	\$ <u>0</u>	\$ <u></u>
Interest and dividends	\$ <u>0</u>	\$ <u></u>	\$ <u>0</u>	\$ <u></u>
Gifts	\$ <u>0</u>	\$ <u></u>	\$ <u>0</u>	\$ <u></u>
Alimony	\$ <u>0</u>	\$ <u></u>	\$ <u>0</u>	\$ <u></u>
Child Support	\$ <u>0</u>	\$ <u></u>	\$ <u>0</u>	\$ <u></u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u></u>	\$ <u>0</u>	\$ <u></u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u></u>	\$ <u>0</u>	\$ <u></u>
Unemployment payments	\$ <u>0</u>	\$ <u></u>	\$ <u>0</u>	\$ <u></u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u></u>	\$ <u>0</u>	\$ <u></u>
Other (specify): <u>Mother</u>	\$ <u>25 BI-WK</u>	\$ <u></u>	\$ <u>25 BI-WK</u>	\$ <u></u>
Total monthly income:	\$ <u>45.00</u>	\$ <u></u>	\$ <u>45.00</u>	\$ <u></u>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
INCARCERATED N/A	N/A	N/A	\$ \$ \$ N/A

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
INCARCERATED		?	\$ \$ \$?

4. How much cash do you and your spouse have? \$ 0
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
INMATE TRUST FUND ACCOUNT	\$ 1.38	\$ NOT MARRIED

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home
Value 0

Other real estate
Value 0

Motor Vehicle #1
Year, make & model 0
Value 0

Motor Vehicle #2
Year, make & model 0
Value 0

Other assets
Description HOT POT, Radio, FAN, READING Light, AND TENNIS SHOES
Value \$120.00 Total

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>N/A</u>	\$ <u>0</u>	\$ <u>NOT MARRIED</u>
<u>Q</u>	\$ <u>0</u>	\$ <u>0</u>
	\$ <u>0</u>	\$ <u>0</u>

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>NO ONE I AM INCARCERATED</u>		
<u>N/A</u>	<u> </u>	<u>N/A</u>

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <u>0</u>	\$ <u>NOT MARRIED</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>0</u>	\$ <u> </u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u> </u>
Food	\$ <u>0</u>	\$ <u> </u>
Clothing	\$ <u>0</u>	\$ <u> </u>
Laundry and dry-cleaning	\$ <u>0</u>	\$ <u> </u>
Medical and dental expenses	\$ <u>0</u>	\$ <u> </u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <input type="text" value="0"/>	\$ <input type="text" value="NOT WANTED"/>
Recreation, entertainment, newspapers, magazines, etc.	\$ <input type="text" value="0"/>	\$ <input type="text" value=""/>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <input type="text" value="0"/>	\$ <input type="text" value=""/>
Life	\$ <input type="text" value="0"/>	\$ <input type="text" value=""/>
Health	\$ <input type="text" value="0"/>	\$ <input type="text" value=""/>
Motor Vehicle	\$ <input type="text" value="0"/>	\$ <input type="text" value=""/>
Other: <u>N/A</u>	\$ <input type="text" value="0"/>	\$ <input type="text" value=""/>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>0</u>	\$ <input type="text" value="0"/>	\$ <input type="text" value=""/>
Installment payments		
Motor Vehicle	\$ <input type="text" value="0"/>	\$ <input type="text" value=""/>
Credit card(s)	\$ <input type="text" value="0"/>	\$ <input type="text" value=""/>
Department store(s)	\$ <input type="text" value="0"/>	\$ <input type="text" value=""/>
Other: <u>N/A</u>	\$ <input type="text" value="0"/>	\$ <input type="text" value=""/>
Alimony, maintenance, and support paid to others	\$ <input type="text" value="0"/>	\$ <input type="text" value=""/>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <input type="text" value="0"/>	\$ <input type="text" value=""/>
Other (specify): <u>0</u>	\$ <input type="text" value="0"/>	\$ <input type="text" value=""/>
Total monthly expenses:	\$ <input type="text" value="0"/>	\$ <input type="text" value=""/>

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? Yes No

If yes, how much? 0

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes No

If yes, how much? 0

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

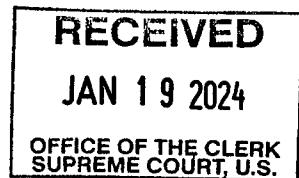
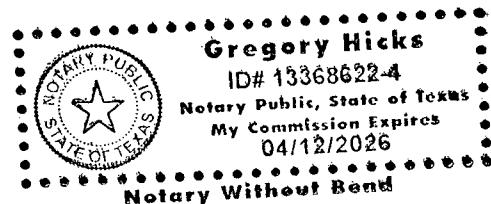
I AM INCARCERATED without ANY MEAN OF SUPPORT to help obtain A LAWYER. ONLY PERSON DOES forward MONEY to ME, IS my 77 yr. old MOTHER - WHOM RECEIVE A S.S. CHECK EVERY MONTH. I buy STAMPS, PAPERS, ETC. to stay within the Courts RULES of FILING.
I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 1-5-2023, 2023

J. AMERSON
(Signature)

CSINIB02/CINIB02 TEXAS DEPARTMENT OF CRIMINAL JUSTICE 01/05/24
 1MAT/HG00050 IN-FORMA-PAUPERIS DATA 12:48:46
 TDCJ#: 02259378 SID#: 07806097 LOCATION: ALLRED INDIGENT DTE: 12/18/23
 NAME: JAMERSON, ANTHONY DEWAYNE BEGINNING PERIOD: 07/01/23
 PREVIOUS TDCJ NUMBERS: 01521573 01621403 01749015
 CURRENT BAL: 0.02 TOT HOLD AMT: 0.00 3MTH TOT DEP: 80.00
 6MTH DEP: 325.00 6MTH AVG BAL: 20.86 6MTH AVG DEP: 54.17
 MONTH HIGHEST BALANCE TOTAL DEPOSITS MONTH HIGHEST BALANCE TOTAL DEPOSITS
 12/23 20.17 0.00 09/23 90.32 90.00
 11/23 40.07 60.00 08/23 31.57 80.00
 10/23 90.32 20.00 07/23 40.62 75.00

STATE OF TEXAS COUNTY OF _____
 ON THIS THE _____ DAY OF _____, I CERTIFY THAT THIS DOCUMENT IS A TRUE,
 COMPLETE, AND UNALTERED COPY MADE BY ME OF INFORMATION CONTAINED IN THE
 COMPUTER DATABASE REGARDING THE OFFENDER'S ACCOUNT. NP SIG:
 PF1-HELP PF3-END ENTER NEXT TDCJ NUMBER: _____ OR SID NUMBER: _____

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

ANTHONY DENAYAINE JAMESON — PETITIONER
(Your Name)

BOBBY LUMPKIN - DIR. OF TOCS ^{VS.} "ET AL" — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS OF THE FIFTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ANTHONY DENRAYNE JAMERSON
(Your Name)

2101 FM 369 NORTH
(Address)

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

(Phone Number)

QUESTION(S) PRESENTED

FARETTA VIOLATION (U.S. CONST. 8 AMENDS)
FARETTA v. CALIF. 422 U.S. 806 (1975)

~~REASONS FOR DENIAL OF HABEAS CORPUS~~

THE LOWER COURTS HAS NO TIME FRAME ON
THE FARETTA RIGHTS ATTACHED. THE NINETH CIR.
HAS ADDRESS THE TIME FRAME. BUT THE FIFTH CIR. DIS-
REGARD THE "FARETTA" RIGHT OF ADDRESSING THE JURY AND
COURT OF PROPER TIMING TO INVOKE FARETTA.

NEED ~~THE~~ SUPREME COURT OF
THE UNITED STATES TO ADDRESS THE TIME
FRAME OF "FARETTA RIGHTS".

PLEASE

THE FIFTH CIR. CONDUCTING THE "FARETTA WARNING"
AFTER THE: JURY SWEORN-IN, DEFENDANT PLEA "NOT
GUILTY- PRO-SE IN THE PRESENCE OF THE JURY", AND THE
STATE OPEN STATEMENT. THAT ERROR IS CONTRARY
TO: FARETTA.

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:

Ms. Jessica ManojLorcha
Asst. Atty. General of Texas
Criminal Appeals Division
(512) 936-1400

RELATED CASES

1. STATE V. JAMERSON, 2019 Tex. Dist. Lexis 30741
April 10, 2019 - Judgement
2. JAMERSON V. STATE, 2020 Tex. App. Lexis 6205, 2020 WL 4499796 - Court of Appeals of 5th Cir. Cause No. 05-19-00685-CR Aug. 05, 2020 - Judgement
3. Petition for Discretionary Review - IN RE JAMERSON, 2020 Tex. Crim. App. Lexis 725 Sept. 23, 2020 - Judgement
4. United States Dist. Court for the Northern Dist. of Texas, Dallas Division NO. 3:21-cv-01688-E(BT) Judgement Entered Dec. 29, 2022 - By Magistrate Judge
5. MAR 02, 2023 - Judgement Entered by U. S. Dist. Judge (Ada Brown) Denied 2254 and Certificate of Appealability
6. JULY 21, 2023 ORDER DENYING 2254 BY COURT OF APPEALS
NO. 23-10334.

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APPENDIX A	(A) UNITED STATES COURT OF APPEALS FOR THE FIFTH (5) CIRCUIT OF TEXAS
APPENDIX B	(B) UNITED STATES DISTRICT COURT OF THE NORTHERN DIST. OF TEXAS (5th Cir.) Federal Habeas Corpus 2254.
APPENDIX C	(C)
APPENDIX D	STATE HABEAS CORPUS 11.07
APPENDIX E	(D) PDR
APPENDIX F	(E) Direct Appeal

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Faretta v. Calif.; 422 U.S. 806 (1975) (Dir. Appeal, Eaf.... pg. 3)	
Mickaskie v. Wiggins, 465 U.S. 168 (1984) (Dir. Appeal, Eaf. pg. 6)	
Rauherson v. Wainwright, 469 U.S. 966 (1984) (Federal Habeas Corpus and the Pro-Se Bar Test pg. 32)	
U.S. v. Virgil, 444 F.3d 477 (2006)	
U.S. v. Cano, 519 F.3d 572 (2008)	
CORDOVA v. BACA, 346 F.3d 924 (2003)	
Chapman v. U.S., 553 F.2d 886 (1977)	
U.S. v. Davis, 289 F.3d 574 (2001)	
Mailey, 23 S.W.3d 172 (2000)	
Birdwood, 10 SW3d 74 (1999)	
STATUTES AND RULES	
United State Const. 6 Amend. (Right of the Accused)	
United State Const. 14 Amend. (Right to Self-Representation)	
United State Const. 14 Amend. (Citizens of United State)	
Due process of law	
Dir. Appeal - U.S. Court of Appeal	
5th Cir.	
OTHER	
TEXAS Const. Art. 1 § 10	
Dir. Appeal	
P.D.R.	
11.07 state	
2254 (start to finish)	
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5th Cir.	

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 A 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 B 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 C 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 Appeal of Dallas, TX. court appears at Appendix D 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 July 21, 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: _____, 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 OCTOBER 26, 2023 (date) on NOV. 20, 2023 (date) in Application No. 23 A 380.

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 Aug. 05, 2020. A copy of that decision appears at Appendix E.

- A timely petition for rehearing was thereafter denied on the following date: Sept. 11, 2020, 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. 23 A 380.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Right to Self-Representation, Asserted timely, Address the Court and Jury at the correct time in trial proceeding. U.S. Const. 6th Amend. U.S. Const. 14th Amend. and Tex. Const. Art. 1 § 10

Error of the Court:

Conducting the "Farella" hearing after the defendant was prompted to plead guilty to the Indictment (in the presence) of the Jury, and the state making a open statement.

Clearly is a violation
of "FARETTA"

Farella v. Calif. 422 U.S. 806 (1975)

STATEMENT OF THE CASE

I asserted before the Jury was impaneled and sworn-in. My Rights under the U.S. Const. & Amendments, and Texas Const. Art. 1 & 10. (Self-Representation)

THE TRIAL COURT PREMITTED ME TO PROCEED PRO. SE
WITHOUT THE "FARETTA HEARING" ATTACHED. SEE Below:

~~IN THE PRESENCE OF THE JURY~~

- (1) THE JURY WAS SWEORN-IN
- (2) I WAS Arraigned in the PRESENCE OF THE JURY.
- (3) I PLEAD "NOT GUILTY" TO THE CHARGED INDICTMENT
PRO. SE (PRESENCE OF THE JURY)
- (4) THE STATE GIVE A "OPEN STATEMENT" TO THE JURY
ON THE EVIDENCE, THE STATE PLAN TO PROVE.

AFTER THE STATE MADE A OPEN
STATEMENT.

THE TRIAL JUDGE CONDUCTED A "FARETTA HEARING."
(Realizing the Pitfall of the Faretta Error.)

I do HAVE Copy's of my Transcripts

THE 5th CIR. HAS NO TIME FRAME.

REASONS FOR GRANTING THE PETITION

To Address the True frame, of "Farella".

To Resolve All State and Federal
Courts on the disagreement if "Farella"
is attached after Trial begins.

If it a Error Contrary to
"Farella"

Important issue for the
Public Also.

THANK you for your time.

J.D.

THE Supreme Court AGREED TO SUB-
MITTED A "Rule" to the Trial Frame of
Fareetta Rights. I pray this Court Address
the Fareetta Violation in my trial Case, and
Reanad a New Trial because of the detected
Waiver of the Sixth Amend. to Right to Counsel.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Anthony D. Jamerson-Pro. Se

Date: _____

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

July 21, 2023

Lyle W. Cayce
Clerk

ANTHONY DEWAYNE JAMERSON,

Petitioner—Appellant,

versus

BOBBY LUMPKIN, *Director, Texas Department of Criminal Justice,
Correctional Institutions Division,*

Respondent—Appellee.

Application for Certificate of Appealability
the United States District Court
for the Northern District of Texas
USDC No. 3:21-CV-1688

ORDER:

Anthony Dewayne Jamerson, Texas prisoner # 02259378, moves for a certificate of appealability (COA) to appeal the district court's denial and dismissal of his 28 U.S.C. § 2254 application challenging his conviction for aggravated robbery. He argues that his right to self-representation, as recognized by the Court in *Faretta v. California*, 422 U.S. 806, 835 (1975), was violated.

As a preliminary matter, Jamerson fails to reprise in his COA pleadings, and therefore abandons, his claims that the trial court erred by

No. 23-10334

commenting on the weight of the evidence and that he received ineffective assistance of appellate counsel and was denied his right to direct appeal when his appellate counsel filed a motion and brief pursuant to *Anders v. California*, 386 U.S. 738 (1967). *See Hughes v. Johnson*, 191 F.3d 607, 613 (5th Cir. 1999). He also abandons, for failing to brief, any challenge to the district court's finding that his claim that he was denied the right to make an opening statement was defaulted and procedurally barred from federal habeas review. *See id.*

In order to obtain a COA, Jamerson must make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); *see Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003). When the district court denies relief on the merits, an applicant must show that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). When the district court denies relief on procedural grounds, a COA should issue if an applicant establishes, at least, that jurists of reason would find it debatable whether the application states a valid claim of the denial of a constitutional right and whether the district court was correct in its procedural ruling. *Id.*

Jamerson fails to make the required showing. *See Slack*, 529 U.S. at 484. Accordingly, his motion for a COA is DENIED. His motion to proceed in forma pauperis on appeal is likewise DENIED.

/s/ Edith Brown Clement
EDITH BROWN CLEMENT
United States Circuit Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ANTHONY DEWAYNE JAMERSON, §
#02259378, §
Petitioner, §
§
v. § No. 3:21-cv-01688-E (BT)
§
§
DIRECTOR, TDCJ-CID, §
Respondent. §

JUDGMENT

The Court has entered its Findings in the case, accepting the Findings, Conclusions, and Recommendation of the United States Magistrate Judge. Therefore, it is ORDERED, ADJUDGED, and DECREED that the petition filed pursuant to 28 U.S.C. § 2254 is DENIED, and Petitioner's claims are DISMISSED with prejudice. The Clerk shall transmit to the parties a true copy of this Judgment and the Order adopting the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

SO ORDERED: March 2, 2023.



Ada Brown
UNITED STATES DISTRICT JUDGE

Appendix B

**Additional material
from this filing is
available in the
Clerk's Office.**