

24-5515
No. H-22-2776, 23A923

FILED
JUN 18 2024
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

Bryant Christopher Watts, Pro se
PETITIONER

v.

Bobby Lumpkin
RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS FOR
THE FIFTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

Bryant Christopher Watts
Pro se, Petitioner
TDCJ #2286589
Barry Telford Unit
3899 State Highway 98
New Boston, Texas 75570

Question Presented

DOES THE UNITED STATES CONSTITUTION PROTECT UNITED STATES CITIZENS FROM BEING HELD AGAINST THEIR WILL BY OTHER CIVILLIANS WHO ARE NOT LAW ENFORCEMENT OR GOVERNMENT OFFICIALS?

IDENTITY OF PARTIES AND COUNSEL

Pursuant to USCS Supreme Court Rule 14(b).

Presiding Judge at Trial

The Honorable Judge Randy Roll
179th Judicial District Court
1201 Franklin
Houston, Tx 77002

Attorneys for State

Mr. Brett Batchelor
Assistant D.A. (At Trial)
1201 Franklin
Houston, Texas 77002

Mr. Daniel McCrory (State appeal)
Assistant D.A.
1201 Franklin
Houston, Texas 77002

Attorneys for Defense

Mr. Gemayel Haynes and Mrs. Betsy Stukes (at trial)
Attorneys at Law
Harris County Public Defender's Office
1301 Franklin, Houston Texas 77002

Ms. Sharon E. Slovis (on appeal)
Attorney at Law
P.O. Box 66710
Houston, Texas 77266

Bryant Christopher Watts, Pro Se Petitioner
TDCJ #2286589
Barry Telford Unit
3899 State Highway 98
New Boston, Texas 75570

United States Supreme Court Watts v. Texas

WATTS v. Texas 142 S.Ct 1153 (Feb 22, 2022)

Presiding Judicial Panel

Honorable Judges Presiding
Roberts, Thomas, Breyer, Alito
Sotomayor, Kagan, Gorsuch, Kavanaugh
Barret

First Court of Appeals Supreme Judicial District

Honorable Judges Presiding

Radack, Lloyd, Countiss

Watts v State 2020 Tex. App. LEXIS 8313
OCT. 22, 2020

IDENTITY OF PARTIES AND COUNSEL CONT.
Pursuant to USCS Supreme Court Rule 14(b)

Texas Court of Criminal Appeals Habeas Corpus

1503254-A

United States District Court For Southern District of Texas Houston Division

Presiding Judge

Honorable Keith P. Ellison

Attorney for Lumpkin

Molly Marie Knowles

Attorney General's Office

P.O. Box 12548

Austin, Texas 78711-2548

Edward L. Marshall

Attorney General's Office

P.O. Box 12548

Austin, Texas 78711-2548

United States Court of Appeals 5th Circuit

Presiding Honorable Judges

Haynes, Miller, Duncan

WATTS v LUMPKIN 2024 U.S. App LEXIS 3269

TABLE OF CONTENTS

QUESTION PRESENTED	I
PARTIES TO THE PROCEEDINGS	II
TABLE OF CONTENTS	III
TABLE OF Authorities	V
OPINION BELOW	I
JURISDICTION	I
STATEMENT OF CASE	2
LEAVING CLUB AND ARREST	3
APPEALS PROCESS	5
REASON FOR GRANTING THE WRIT	8
CONCLUSION	15

APPENDICES

APPENDIX 1	APP. 1
APPENDIX 2	APP. 2
APPENDIX 3	APP. 3
APPENDIX 4	APP. 4
APPENDIX 5	APP. 5
APPENDIX 6	APP. 6
APPENDIX 7	APP. 7

EXHIBITS

EXHIBIT-REPORTER'S RECORD Volume 5 Page 66	3, 12
EXHIBIT 2-REPORTER'S RECORD Volume 5 Page 92	4, 12, 10

EXHIBITS

EXHIBIT 3- CLERK'S RECORD Pages 9-11	4
EXHIBIT 4- CLERK'S RECORD Pages 24-25	4
EXHIBIT 5- CLERK'S RECORD Pages 56-57	4
EXHIBIT 6- CLERK'S RECORD Pages 62-63	4
EXHIBIT 7- CLERK'S RECORD Pages 80-81	5
EXHIBIT 8- CLERK'S RECORD Pages 82-83	5
EXHIBIT 9- REPORTER'S RECORD Page 97 Volume 5	9, 12
EXHIBIT 10- REPORTER'S RECORD Page 90 Volume 5	10
EXHIBIT 11- REPORTER'S RECORD Page 89 Volume 5	9, 10
EXHIBIT 12- REPORTER'S RECORD Pages 169-170 Volume 5	11
EXHIBIT 13- REPORTER'S RECORD Pages 93-94 Volume 5	11
EXHIBIT 14- REPORTER'S RECORD Pages 171-174 Volume 5	11
EXHIBIT 15- CLERK'S RECORD Pages 174-183	12
EXHIBIT 16- REPORTER'S RECORD Pages 83-84 Volume 5	13
EXHIBIT 17- REPORTER'S RECORD Pages 76-77 Volume 5	13

TABLE OF AUTHORITIES

CASES

Pages

Jackson v. Virginia 443 U.S. 307 at 318, 319, 337	2, 8, 14
Sanders v. State 605 S.W2d 612 at 614	9
Adkins v. State 2020 Tex. App. LEXIS 2888 Page 6, 7	10
Wright v. State 2020 Tex. App. LEXIS 2280 Page 4	11-12
Rue v. State 288 S.W3d 107 at 110, 111	12
Brown v. State 955 SW2d 276 at 279	12
Golden v. State 851 SW2d 291 at 295	12
Spark v. State 177 SW3d 127 at 131	12
Ficht v. Bramon 2024 U.S. Dist. LEXIS 6083 at Page 6	13
McNeil v. Cuyler 576 F.Supp 1343 at 1345 - 1346	13
Oniriveros v. State 890 SW2d 919 at 930 - 931	10
<u>STATUTORY PROVISIONS</u>	

SELF DEFENSE Tx. Penal Code 9.31	8
AGGRAVATED KIDNAPPING Tx Penal Code 20.04	5, 9, 12
KIDNAPPING Tx Penal Code 20.03	9

28 U.S.C.S Section 1257

CONSTITUTIONAL PROVISIONS

1

Texas Constitution Article 1 Section 3 Equal Rights	10
Texas Constitution Article 1 Section 3a Equal Rights Under Law	10
United States Constitution 2nd Amendment Self-Defense	2
United States Constitution 6th Amendment Due Process	14
United States Constitution 8th Amendment Cruel and Unusual Punishment	2, 14
United States Constitution 14th Amendment Equal Protection, Due Process	11, 14

Other Provisions

M. Crim JI 4.4(2) Inference of Flight	13
---------------------------------------	----

PETITION FOR WRIT OF CERTIORARI

Bryant Christopher Watts, an inmate currently incarcerated at Barry Telford Unit in New Boston, Texas, pro se, respectfully petitions this Court for a Writ of Certiorari to review the judgment of the United States District Court of the Southern District of Texas Houston Division, and United States Court of Appeals for the 5th Circuit.

Opinions Below

The decisions by the United States District Court for the Southern District of Texas Houston Division is unpublished and reported as *Watts v Lumpkin* 2023 U.S. Dist. LEXIS 188375 and the decision by the United States Court of Appeals for the 5th Circuit is unpublished and reported as *Watts v. Lumpkin* 2024 U.S. App. LEXIS 3269.

Jurisdiction

Petitioners Certificate for Appealability was denied in the United States Court of Appeals for the Fifth Circuit on February 12, 2024.

Petitioner invokes this Court's jurisdiction under 28 U.S.C. Section 1257 having timely filed this Petition for Writ of Certiorari within 90 days of the United States Court of Appeals for the Fifth Circuit's judgment.

STATEMENT OF THE CASE

The Eighth Amendment to the United States' Constitution's Bill of Rights states "EXcessive bail shall not be required, nor excessive fines imposed, nor cruel and UNUSUAL Punishment inflicted." Therefore were a defendant is actually entitled to an acquittal but is instead convicted cruel and unusual Punishment has been implemented.

In Jackson v. Virginia the standard of review has been established as "the critical inquiry on review of the sufficiency of the evidence to support a criminal conviction must be not simply to determine whether the jury was properly instructed, but to determine whether the record evidence could reasonably support a finding of guilt beyond a reasonable doubt." (See Jackson v. Virginia 443 U.S. 307 at 318) Then goes on to say "Instead the relevant question is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.

This case challenges the sufficiency of the evidence based on the question of the United States Constitution protecting United States citizens from being held against their will by other civilians who are not law enforcement or government officials. Where United States District Judge Kieth P. Ellison acknowledges that Petitioner asks to be let out vehicle at least three or four times Petitioner challenges his discretion concerning evaluating the standard of sufficiency of evidence to support a conviction of Murder, in light of evidence to justify the right to self defense. (See U.S. Constitution 2nd Amend.)

LEAVING CLUB VIVID AND THE ARREST

On the early morning of Saturday March 19, 2016 Bryant Christopher Watts, Petitioner, and his brother Arron Jones were invited to attend a party at a Marriot Hotel with Misty Bozant and her boyfriend Philip Panzica, Complainant, after work at Club Vivid where Petitioner and his brother worked as bathroom attendants promoting their shoe shine and repair business "Brothers Shoe Works". (See Facebook)

Walking Outside the Club Petitioner and his brother were met by Mr. Panzica in a vehicle at the club door. Mr. Panzica then pulled to a parking spot as Mr. Panzica, Jones, and Petitioner waited for Miss Bozant to leave out the club. Shortly after Mr. Jones went back to the door of the club to check on Miss Bozant. While waiting in the car Mr. Panzica and Petitioner talked even as Mr. Panzica asked Petitioner some questions that made Petitioner uncomfortable. Mr. Panzica offered Petitioner to use Methamphetamine and Petitioner made it clear to Mr. Panzica he did not indulge in the use of this substance. After this clarification things were peaceful and cool.

When Mr. Jones and Miss Bozant arrived to the car Mr. Panzica drove the four to the Marriot Hotel. When making it to the hotel Miss Bozant got out the vehicle to check on the status of admission to the party. Miss Bozant came back to letting us know they would not let any more males come in the party. After finding out we would not be admitted into the party Petitioner asked to be taken home. (See Reporter's Record Volume 5 Page 66-Exhibit 1) Nevertheless Mr. Panzica suggested everybody go to another club. Petitioner made it known that he did not want to go to another club because he was armed and he wanted to go home. Petitioner was told by Mr. Panzica that Mr. Panzica went to that club

With his gun all the time because his "boys" would let him in. Petitioner proceeded to ask to be let out the car at least three times before trying to open the rear driver side door him self. The door would not open. (See Reporter's Record Volume 5 Page 92 Exhibit 2)

Petitioner noticed Mr. Panzica studying the rearview mirror as if he were looking for something or someone to be behind him out the rear windshield in on coming traffic. After the last time Petitioner ask to be let out the car Mr. Panzica told Miss. Bozant "I think I'm going to have to go out of town for a while." as he was still looking in the rearview mirror. Perceiving Mr. Panzica to be reaching for a weapon as the vehicle jerked to a stop Petitioner drew and shot his weapon into Mr. Panzica's shoulder intending to disable his arm. Petitioner then let the window down and opened the car door from the outside door handle, got out the car, pulled Mr. Panzica out the car and fled the location in fear of his life in belief that Mr. Panzica had people following Mr. Panzica to help him do harm to Petitioner and Mr. Jones.

On March 19, 2016 Petitioner was arrested in Menard County then extradited to Harris County Sheriff's Office on March 24, 2016 and charged with Capital Murder. (See Clerk's Record Pages 9-11 Exhibit 3) On June 24, 2016 Petitioner filed a Motion For Speedy Trial. (See Clerks Record Pages 24-25 Exhibit 4)

On November 27, 2017 Petitioner filed a Motion to Set Aside The Indictment. (See Clerk's Record Pages 56-57 Exhibit 5)

On December 12, 2017 Petitioner filed a Motion to Pre-Trial Hearings. (See Clerks Record Pages 62-63 Exhibit 6)

On March 13, 2018 Petitioner filed a "Motion to Dismiss For Want Of Prosecution. (See Clerk's Record Pages 80-81 Exhibit 7)

On March 13, 2018 Petitioner filed "Affidavit in Support of Defendant's Motion to Dismiss For Plaintiff's Failure To Bring Action To Trial". (See Clerk's Record Pages 82-83 Exhibit 8)

Petitioner went to trial on September 30, 2019 and Plead not guilty. Petitioner's trial counsel argued in trial that Petitioner shot Mr. Panzica in self-defense. The trial Court gave Petitioner's jury an instruction on self-defense. On October 4, 2019 Petitioner was found guilty of Murder by the jury. On October 7, 2019 Petitioner was sentenced to 50 years Texas Department of Criminal Justice-Institutional Division.

APPEALS PROCESS

Petitioner's Notice of Appeal was timely filed on October 4, 2019. (See Watts v. State No-01-19-00804-CR, 2020 Tex. App. LEXIS 8313) Petitioner's Direct Appellate Brief was filed in The First Court of Appeals Supreme Judicial District Houston on January 25, 2020. On October 22, 2020 The First Court of Appeals AFFIRMED Petitioner's Conviction. The Court reason that the evidence supported Petitioner's Conviction despite Appellate Counsel Sharon E. Slovis expressing evidence in trial record reflecting Petitioner being victim of AGGRAVATED KIDNAPPING.

On October 28, 2020 Petitioner's Appellate Counsel took it upon herself to file a Petition for Discretionary Review on behalf of the Petitioner. (See In re Watts 2020 Tex. Crim. App LEXIS 1014, PD-1036-20) The Petition for Discretionary Review was REFUSED On December 9, 2020. The Petitioner's Appellate Counsell failed to

notify Petitioner of the results of the PDR. After writing a letter to request a docket sheet March 28, 2021 Petitioner found out the results of the PDR. On April 23, 2021 Petitioner filed a Motion For Rehearing On April 30, 2021. The Motion For Rehearing was denied on May 13, 2021.

On June 9, 2021 Petitioner filed a Writ of Certiorari with the Supreme Court of THE United States. On February 22, 2022 the Writ of Certiorari was denied. (See Watts v. Texas 142 S.Ct 1153, No. 21-6662, 2022 U.S. LEXIS 974)

On December 7, 2021 Petitioner filed a State Habeas Corpus and was DENIED May 18, 2022 without a written order. (See Tr. Ct. No. 1503254-A, WR-93,595-01)

On June 30, 2022 Petitioner filed a Federal Habeas Corpus Petition raising the grounds:

1. The evidence is insufficient to support the Conviction
2. Appellate Counsel was ineffective in failing to raise claims for
 - a. denial of an impartial jury
 - b. Violation of the Confrontation Clause
 - c. Brady Violation
 - d. Prosecutorial misconduct, and
 - e. denial of an impartial trial Judge
3. Appellate Counsel failed to notify Petitioner his Petition For Discretionary review was refused.

The United States District Court for the Southern District Houston Honorable Judge Kieth P. Ellison Dismissed all of the Petitioners Claims with Prejudice and denied a Certificate of appealability, on October 18, 2023. (See Civil Action No. H-22-2776 Watts v. Lumpkin 2023 U.S. Dist. LEXIS 188375)

On November 16, 2023 Petitioner filed an Extension of Time to File a Certificate of Appealability with the United States Court of Appeals for the 5th Circuit because he needed time in the Law Library to research, prepare, and articulate this stage of due diligence. The mailroom at Allen B. Polunsky Unit logged the mail to be mailed out on November 17, 2023. The Fifth Circuit Court of Appeals said the extension was late because it was not postmarked (which is something out of Petitioner's control) and it was received on November 24, 2023. Petitioner proceeded to file a Certificate of Appealability and mailed it out on December 15, 2023. The Fifth Circuit Court of Appeals dismissed the Certificate of Appealability for want of jurisdiction because the Court reasoned Petitioner's request for extension failed to show excusable neglect or good cause for filing notice of appeal late.

REASONS FOR GRANTING THE WRIT

A. TO UPHOLD THE LIBERTIES OF THE UNITED STATES CONSTITUTION AND STATE CONSTITUTIONAL PROTECTIONS OF THOSE ACCUSED IN INCIDENTS WHERE THE THEORY OF SELF-DEFENSE HAS BEEN ACCEPTED BY THE COURTS

In *Jackson v. Virginia* 443 U.S. 307 the critical inquiry on review of the sufficiency of the evidence to support a Criminal Conviction must be not simply to determine whether the jury was properly instructed, but to determine whether the record evidence could reasonably support a finding of guilt beyond a reasonable doubt. (See *Jackson v. Virginia* 443 U.S. at 318) Jackson also ask if after viewing the evidence in the light most favorable to the prosecution any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. (Jackson at 319)

In the State of Texas under Penal Code Section 9.31 Self-Defense is described as:

a person is justified in using force against another when and to the degree the actor reasonably believes the force is necessary to protect the actor against the other's use or attempted use of unlawful force. The actor's belief is presumed to be reasonable if the actor: (1) knew or had reason to believe that the person against whom the force used

(1) was committing or attempting to commit aggravated kidnapping, murder, sexual assault, aggravated sexual assault, robbery or aggravated robbery

(2) did not provoke the person against whom the force was used; and

(3) Was not otherwise engaged in criminal activity, other than a Class C misdemeanor that is of a law or ordinance regulating traffic at the time the force was used

Here Petitioner ask this court to consider the record evidence found in Reporters Record Volume 5 Pages 89, 92, 97 where eye witness Arron Jones testifies Petitioner ask to be let out the vehicle prior to shooting Complainant. (See Volume 5 page 89 Exhibit 11, Page 92 Exhibit 2, Page 97 Exhibit 9) In the State of Texas Aggravated Kidnapping is described in Texas Penal Code Section 20.04 as:

(a) A person commits an offense if he intentionally or knowingly abducts another person with the intent to:

- (1) hold him for ransom or reward
- (2) Use him as a shield or hostage
- (3) facilitate the commission of a felony or the flight after the attempt or commission of a felony
- (4) inflict bodily injury on him or violate or abuse him sexually
- (5) terrorize him or a third person, or
- (6) interfere with the performance of any government or political function

Texas Penal Code Section 20.03 defines "Abduct" as "to restrain a person with intent to prevent his or her liberation by: (a) secreting or holding the individual in a place where she or he is not likely to be found or (b) using or threatening to use deadly force.

"Abduction does not require that victim be held for any certain length of time." Sanders v State 605 S.W.2d 612, 614

Where the whole point of the Complainant being shot revolves around the Petitioner's fear of imminent danger for the fact Complainant would

not let Petitioner out the vehicle the verdict does not reflect evidence presented in the record. To not allow Petitioner to defend himself against an Abduction by an armed person violates Petitioner's Texas and United States Constitutional rights. Texas Constitution Article 1 Section 3 states "All freemen when they form a social compact, have equal rights, and no man, or set of men is entitled to exclusive separate public emoluments, or privileges but in consideration of public services. As well Texas Constitution Article 1 Section 3a states "Equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin. This amendment is self-operative" Therefore Petitioner's conviction is a blatant violation of the Texas Constitution Article 1 Section 3 and Texas Constitution Article 1 3a. The Texas Appeals Courts have upheld the sufficiency of evidence in instances that a victim was held in a vehicle and raped. (See *Ontiveros v State* 890 SW2d 919, 930-931) because "She was secreted in a place she was not likely to be found." In *Adkins v State* 1998 Tex. App. LEXIS 889 Page 6 the actors action for restraint were held sufficient because actor prevented victims liberation by testimony that victim was "removed at gun point and forced to travel to other locations." As is reflective in Record (See Exhibit 10, Exhibit 2) Petitioner was being forced to travel to a location Petitioner did not want to go under the impression the person controlling the vehicle was armed with a gun. Mr. Panzica was armed with a knife. *Adkins* Page 7 finds actors actions for secreting sufficient were evidence supports actor driving victims around in actors van at gun point. In Similitude Petitioner's trial record reflects (See Exhibit 10, Exhibit 11) Complainant drove Petitioner around under the impression

Complainant had a gun while child safety locks were engaged on vehicle preventing Petitioner's liberation. Affirming Petitioner's Conviction in light of these facts not only violates Petitioner's Texas Constitutional Rights but also violates Petitioner's United States Constitutional rights to due process and equal protection of the law under the 14th Amendment Section 1.

In addition to viewing evidence most favorable to the prosecution and measuring if any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. Petitioner points to forensic evidence introduced by the Prosecution in Volume 5 Page 169-170 (See Exhibit 12) by Dr. Roger Milton where doctor Milton clarifies that the trajectory of the bullets travel express evidence Complainant was turning toward the gun at the time of incident. This would make Arron Jones' testimony that Complainant turned toward him during the vehicle coming to a stop (See Volume 5 Pages 93-94 Exhibit 13) true and a rational trier of fact that truly weighed the evidence would see that Petitioner's theory of self-defense and defense of a third party is supported by non-biased expert testimony that was called by the Prosecution. Petitioner also argues that a rational trier of fact should heed the expert analysis of expert witness. With this argument Petitioner points to the fact Dr. Milton expresses through explaining the toxicology report that Complainant had methamphetamine and cocaine in his blood stream at the time of incident. (See Volume 5 Pages 171-174 Exhibit 14) Dr. Milton explains both drugs to be stimulants that heighten awareness and excitability which in turn affects behavior. *Wright v. State* 2020

Tex. App Lexis 2290 Page 4 "The Toxicology report showed that J---- had the following substances in his system at the time of his death, methamphetamine, methadone, alprazolam or Xanax, marijuana, and hydrocodone. Gary Wimbush PhD a forensic toxicologist testified the quantity and combination of these narcotics would have made J---- feel "bullet proof" or "invincible" and would cause J---- to behave in an aggressive and irrational manner." In light of these facts Petitioner perceives a reasonable person in Petitioner's position would perceive a degree of danger as is instructed to be considered in the jury instruction. (See Clerks Record Pages 174-183 Exhibit 15)

In the State of Texas in *Rue v. State* 288 S.W.3d 107 at 110-111 states "A defendant is entitled to a jury instruction on every defensive issue raised by the evidence regardless of the strength of the evidence." (*Brown v. State* 955 S.W.2d 276 at 279; *Golden v. State* 851 SW.2d 291, 295; *Spark v. State* 177 SW3d 127, 131) holding that defendant is entitled to affirmative defensive instruction on every issue raised by evidence, including defendant's testimony regardless of whether it is strong, feeble unimpeached or contradicted, and even if trial court opines that testimony is not entitled to belief. (See Exhibit 15) Therefore Petitioner argues that the description of conduct justified to warrant deadly force should have been described in jury instruction especially when complainant has been described by eye witness Arron Jones to have exhibited conduct worthy to have fulfilled the elements of Aggravated Kidnapping. (See Exhibit 1, Exhibit 2, Exhibit 9)

Petitioner contends that the inference of guilt related to Petitioner's flight is biased. Based on the facts admitted into evidence complainant was seen at Club Vivid with other people

And constantly texting while driving. (See Reporter's Record Volume 5 Pages 83-84 Exhibit 16) So from Petitioners perspective it's possible Complainant was working in concert with others. So without unnecessary dogma one could choose to believe Petitioners flight was due to fear of imminent danger. *Ficht v. Braman* 2024 U.S. Dist. LEXIS 6083 Page 6 "M Crim JI 4.4(2) states "A Person may run or hide for innocent reasons, such as panic, mistake, or fear. However a Person may also run or hide because of a consciousness of guilt." So to not give a complete description on the view of the issue of inference based on flight is no less damaging than making an inference of guilt based on age, sex, race, or economic status. As well Petitioner was mischaracterized in inference of guilt when Petitioner's Passenger in vehicle was on the phone with 911 Operator who told Operator that Petitioner threw gun out during chase to disarm himself before traffic stop. (See Reporter's Record Volume 5 Pages 76-77 Exhibit 17) Where Petitioner is African American Petitioner has reason to fear interaction with Police in 2016 due to high rates of Police Killing African Americans. *McNeil v. Cuyler* 576 F SUPP 1343 at 1345-1346 "Petitioner fled to California and was not apprehended until some 18 months after event. He sought to justify his flight on the basis of his fear that a black Person such as himself could not expect to receive justice in Chester County Courts (rather than guilt); and it was allegedly helpful to explain Petitioner's earlier contacts with the criminal justice system providing a reasonable basis for his belief." So for these reasons any inferences not drawn from the circumstances leading

leading up to the conduct are discriminatory and irrelevant to the issue of self-defense and violates Petitioners 14th Amendment Constitutional rights under the clause of equal protection of the law.

Jackson v. Virginia 443 U.S. 307 at 337 states "Moreover because the 'rational trier of fact' must certainly base its decision on all of the evidence, the court's broader standard may well require the entire transcript of the state trial to be read whenever the fact finder's rationality is challenged under the court's rule." Meaning that even though the trier of fact has the right to believe what ever theory they want the theory they believe has to line up with relevant evidence that is present to be measured by the trier of fact. If a door is literally and visibly blue that does not give a trier of fact the right to say the door is an abstract hue of red just because thats how they want to see it. The decision has to line up with a fair and reasonable application of the law. Based on the decisions of the lower appellate courts there is no way the entire transcript at hand has been read and reviewed. In this case and cases like it not reading the entire trial record violates the Petitioner's 6th Amendment, 14th Amendment due process rights and equates a blatant cruel and unusual punishment under the 8th amendment for affirming a conviction that is not supported by the principles of the laws of the United States of America and The State of Texas.

CONCLUSION

Moreover, for the foregoing reasons Bryant Christopher Watts Petitioner respectfully request that this Court issue a writ of Certiorari to review the judgement of the United States Court of Appeals for the 5th Circuit.

Respectfully,

Bryant L. Watts
Bryant Christopher Watts
TDCJ #2286589
Barry Telford Unit
3899 State Highway 98
New Boston, Texas 75570