

24-6166

ORIGINAL

No. _____

FILED

OCT 22 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Hector Arturo Campos — PETITIONER
(Your Name)

vs.

State of Texas — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Court of Appeals 14th District of Texas

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

PETITION FOR WRIT OF CERTIORARI

Hector Arturo Campos (TDCJ)#02401149
(Your Name)

2661 FM 2054

(Address)

Tennessee Colony, Texas, 75884

(City, State, Zip Code)

UNK

(Phone Number)

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QUESTION(S) PRESENTED

1. In the review of a Sudden Passion case, is all evidence of former provocation immaterial?
2. Trial transcript shows evidence was removed from the scene by the accusers of the defendant. Previous Court of Appeals have decided that packing tape is a deadly weapon. Was the "divide and conquer" approach used, a legally sufficient guidepost into the analysis of a self-defense case?
3. Was the legal standard correctly applied in the analysis of this sudden passion case?

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:

Ryan Trask, Chris Condon
A.D.A.
1201 Franklin St. 6th Fl.
Hou. TX. 77002

RELATED CASES

Hector Arturo Campos V. The State of Texas, cause no. 1538401
In the 339th District court of Harris Co. Judgement entered
Jun. 29, 2022

Hector Arturo Campos V. The State of Texas, case # 14-22-00045
CR, In the Fourteenth Court of Appeals, Affirmed and memorandum
opinion filed, April 18, 2023

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Acosta V. State, Tex Crim Appeals 2016	12,13
Barrios V. State, Tex.Appeal 14th Dist.Lex 5516	3
Beltran V. St. 472 SW3d 283, TX Crim Appeal 2016	9
Hobson V. ST. 644SW.2d 473, TX Crim.Appeal 1983	4
Hooper V. St.TX. 214 SW3d9, TX Crim Appeal 2007	15
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Merritt V. State, 368 SW3d.516, TX Crim App 2012	13,16
Muhammad V. State, 2008, TX App.Lexis 3347	3
Naasz V. State, 974.SW2d418 TX App.Dallas	3
Nialnd V. State, 19 TX Ct App.1885	6
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Quintero V. State, 2010 TX.Crim. App. 2010 Beaumont	3
Rankin V. State, 617 SW. 2d 169 TX App. 1st Dist. 2020	3,9,10,16
Smith V. State, 332.SW TX Crim.App. 2011	13
Swearingen V. State, 270, SW 3d 804 TX.App. Austin	10
Thamas V. State, 42 TX Crim. App. 56SW70,71(1900)	6
Watkins V. State, 619 SW. 3d 265 TX Crim.App. 2021	5
Wooten V. State, 400 SW3d601 TX.CRim.App. 2013	5
 STATUTES AND RULES	
TX. Penal Code § 1902(a)(2)	2,5
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Jonathan Witmer-Rich, The Heat of Passion and Blameworthy- Reasons to be angry.55Amer. Crim Rev. 409, 411(2018)	11,12
Joshua Dressler, Rethinking the heat of passion; A defense in search of rationale, 73 J Crim.L.and Criminology	11
Stephen P. Garvey, Passion's Puzzle, 90 Iowa L.Rev. 1677, 1691(2005)	3
 OTHER	

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APPENDIX A

We affirm the judgement of the trialcourt as challenged on appeal; Fourteenth Court of Appeals.

APPENDIX B

We, the jury, find the defendant Hector Campos guilty of murder as charged in the indictment. In 339th District court Harris Co

APPENDIX C

Appellant's Pro se petition for discretionary review has been refused. Court of Criminal Appeals Texas.

APPENDIX D

APPENDIX E

APPENDIX F

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 A to the petition and is

☒ reported at Campos V. State, 2023TX.App.Lex9726; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the 339th District court appears at Appendix B to the petition and is

☒ reported at ExParte Campos 2017 WL4797839; 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 Apr. 18, 2023. A copy of that decision appears at Appendix A.

☐ 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 Jan. 1, 2025 (date) on Nov. 1, 2024 (date) in Application No. ____ A ____.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Texas Penal Code § 2.03(d)

If the issue of the existence of a defense is submitted to the jury, the court shall charge that a reasonable doubt on the issue requires that the defendant be acquitted. 37

Texas Penal Code § 19.02(c) Murder

Except as provided by subsection (d), an offense under this article is a felony of the first degree. 43,46

Texas Penal Code § 19.02(d)

At the punishment stage of the trial, the defendant may raise the issue as to whether he caused the death under the immediate influence of sudden passion arising from an adequate cause.

If the defendant proves the issue in the affirmative by a preponderance of the evidence, the offense is a felony of the second degree. 43,46

Branch's Annotated penal code (2d Ed. 1956) 399, § 2085 38

US Constitution Amendment 2 The right to keep and bear arms.

US Constitution Amendment 4 Unreasonable search and seizure.

US Constitution Amendment 5 Trial and Punishment.

US Constitution Amendment 6 Rights of the accused.

US Constitution Amendment 8 Excessive bail

STATEMENT OF THE CASE

Petitioner was charged by indictment with the offense of murder. C.R. at 16 he pled not guilty, R.R. at 11, and thereafter the case was tried before a jury, see generally, 4RR-7R.R. The jury found him guilty. C.R. at 817; R.R. at 46. Petitioner elected to have a jury assess punishment, C.R. at 363. Following the punishment phase, see generally, 8R.R. to 9 R.R., the jury assessed punishment at 45 years TDCJ. C.R. at 816. 9R.R. at 29 to 30.

R.R. p.142 Witness, Travis Hoppas"...[pointed gun and told him to drop it]
When a person points a loaded firearm and uses a command for that person to do something, this is generally an implied declaration that the failure to abide by the command will result in the discharge of the firearm ie- Deadly Force (multiple attackers)

R.R. p.89 Vol5 , State witness Scott Weed [...pointed gun]
(multiple attackers)

R.R. Vol 4 State witness Louis Hooper. (...Gentleman across the street pointing at suspect)
Hoppas Father was pointed at suspect, falsely directing and accusing the defendant causing his son to not be seen as suspect. Hoppas was never cross examined violating defendant's right to confront accusers.

United States Constitution Amendment 6- Right to confrontation of a witness.

US Constitution Amendment 2 Right to keep and bear arms

US Constitution Amendment 4 Search and seizure
...the right of people to be secure in their persons, houses...

R.R Vol 3, p 17 to 21

Prosecutor Condon states, ("...you're going to see him become emotional...") [when referring to interview immediately after]
The Law dictionary:

Sudden Passion; In manslaughter, an intense and vehement emotional excitement leading to violent and aggressive action e.g. rage, resentment, furious hatred or terror.

Ballentine's Law Dictionary:
...intensity of emotion.

REASONS FOR GRANTING THE PETITION

Is it not reasonable to judge a verdict in line with uncontroverted evidence, conversely unreasonable to reach a verdict against the tide of reasonable doubt derived from unimpeachable testimony of the State's expert witness?

State's witness Dr. Pinneri explained that mr. Weed was within 2 - 3 feet from Mr. Campos. (R.R. at 35)

Dr, Pinneri also conceded that the scientific evidence supported the defendant's version of events, making State's Witness T. Hoppas an impossibility. (R.R. at 48)

The weeks preceeding the event Mrs Weed evaded arrest and was going to be Tazed by police if not for her fleeing from police. (R.R. 10 at 179, Defense Exhibit 14)_

Appellant holds that the activity of the District or Appellant Courts is not Constitutionally immune.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Hector Arturo Campos

Date: Dec.1, 2024