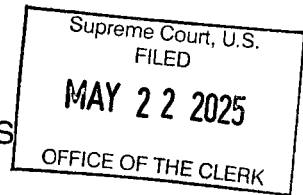


24-7421

No.

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



Geoffrey James Brown — PETITIONER
(Your Name)

vs.

The State of Texas — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

11th District of Texas Eastland

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

PETITION FOR WRIT OF CERTIORARI

Geoffrey James Brown
(Your Name)

1697 FM 980
(Address)

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

N/A
(Phone Number)

QUESTION(S) PRESENTED

Can the State Appellate Court overthrow United States Constitutional Rights and United States Supreme Court rulings with there own Appellate level case 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:

*The state of Texas 29th Judicial District Court, the Hon. Judge Michael Moore,
District Judge presiding*

RELATED CASES

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5
CONCLUSION.....	8

INDEX TO APPENDICES

APPENDIX A	<i>Memorandum Opinion</i>
APPENDIX B	<i>Notice from Court of Criminal Appeals</i>
APPENDIX C	<i>Affidavit of Judge Tisha Bien</i>
APPENDIX D	
APPENDIX E	
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Arizona v Roberson 486 U.S. 687 (1988) - - - - -	7
Dickerson v United States 530 U.S. 428 (2000) - - - - -	5
Edwards v Arizona 451 U.S. 477 (1981) - - - - -	5, 7
Hart v Atty Gen. of Fla. 323 F.3d 884 (11th Cir 2003) - - - - -	7
Martinez v Cate 903 F.3d 982 (9th Cir 2018) - - - - -	7
Miranda v Arizona 384 U.S. 436 (1966) - - - - -	5, 6
Pecina v State 361 S.W. 3d 68 (2012) - - - - -	8
Smith v Illinois 469 U.S. 91 (1984) - - - - -	6
U.S. v Gomez 927 F.2d 1530 (11th Cir 1991) - - - - -	7
U.S. v Johnson 400 F.3d 187 (4th Cir 2005) - - - - -	7
U.S. v Santistevan 701 F.3d 1289 (10th Cir 2012) - - - - -	7
Wood v Ercole 644 F.3d 83 (2d Cir 2011) - - - - -	7
Montejo v Louisiana 556 U.S. 778 (2009) - - - - -	8

STATUTES AND RULES

OTHER

51 Geo. L.J. Ann. Rev. Crim. Proc. (2022)

Texas Criminal and Traffic Law Manual

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 _____; 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 11/15/24.
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 _____ (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

Amendment 5 "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

Amendment 6 "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and District wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence."

Amendment 14 Sec. 1. "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws"

STATEMENT OF THE CASE

Petitioner was arrested on December 13, 2021 with no prior engagement with law enforcement, in Parker County Texas, at his place of employment in the city of Weatherford. Petitioner was transported across county lines to Magistrate Bien in Palo Pinto, Texas for admonishment. Petitioner was not given his Miranda Rights at this time. When petitioner asked why he was not given his rights the arresting officer, Goodwin, informed petitioner that "because he was arresting petitioner outside the county of the warrant that the magistrate will present the rights." Officer Goodwin did not give any Miranda warnings any time during the 45 minute drive to the Palo Pinto Magistrate. During this drive Officer Goodwin asked questions and made comments to petitioner regarding the case at hand.

After receiving the Miranda warnings from the Magistrate with arresting officer Goodwin in the room, with his body cam recording, petitioner indicated without question that he did in fact invoke his right to an attorney. Specifically, petitioner requested a court appointed attorney, as indicated by the Affidavit from Judge Tisha Bien (Appendix C). Petitioner even asked how to receive a court appointed attorney. Judge Bien had replied that petitioner was to fill out some forms before receiving an attorney. The forms were not provided until a day or two later by the guards at the jail.

Immediately after the Miranda warnings from the Magistrate a copy of the signed magistrate warning form was handed to Officer Goodwin. On this form it was circled where petitioner "does" want a Court appointed attorney. Officer Goodwin proceeded to question petitioner directly after leaving the Magistrate office, right outside in the hallway without any additional Miranda warnings. The petitioner gave no indication that he was willing to speak with Officer Goodwin, and give up his 5th and 6th amendment right of counsel after petitioner invoked his rights just minutes before. Officer Goodwin, during the questioning after petitioner invoked his rights for an attorney used lies, persuasion, and compulsion to obtain petitioners consent for a polygraph examination. This is clear from Goodwin's bodycam footage.

REASONS FOR GRANTING THE PETITION

I

In Dickerson v United States 530 U.S. 428, 120 S.Ct. 2326, 2329-30 (2000)

this, The Supreme Court of the United States, ruled and stated that "Miranda, being a constitutional decision of this Court, may not be in effect overruled by an act of congress, and we decline to overrule Miranda ourselves. We therefore hold that Miranda and its progeny in this Court govern the admissibility of statements made during custodial interrogation in both State and Federal Courts." With this Courts decision already made clear petitioner shows that the ~~State~~ of Texas is using mere state appellate level case law to overrule this Courts authority.

II

Petitioner shows He did in fact and undeniably invoke his right to counsel. This is shown with the affidavit from the Magistrate that Mirandized him the one and only time by anyone from Palo Pinto's jurisdiction. The only time that Edwards, progeny of Miranda supports admissibility. See Edwards v Arizona, 451 U.S. 477, 484-85, 101 S.Ct 1880, 1884-85 (1981) and Texas' own "Texas Criminal and Traffic Law Manual" 2023-2024 edition, by Blue 360° media page pp-199. On page pp-201 of the same book it states that "Edwards v Arizona, the Court created a presumption that once a subject invokes the Miranda right to counsel, any waiver of that right in response to a subsequent attempt at custodial interrogation is involuntary. The Edwards presumption is designed to preserve 'The integrity of an accused's choice to communicate with police only through counsel' by preventing police from badgering him into waiving his previously asserted Miranda Rights"

The affidavit is included at appedix C and petitioner has not received a copy of the videos and as such can not send them with this petition.

III

On page 8 of the opinion, the second paragraph under "Discussion", argues that petitioner tried to invoke his rights at the wrong time, stating that it must be done when the officers give the Miranda Rights. The Palo Pinto arresting officer, Goodwin, never once administered rights of any kind to petitioner, this is also clear in the arrest video and video immediately following the Magistrate warnings. This argument is also being supported by mostly state Appellate level case law overruling Miranda which states at Miranda v Arizona 384 U.S. 436, 444-45, 86 S. Ct. 1602, 1612 (1966) that "If the individual indicates in any manner and at any stage in the process that he wishes to consult with an attorney before speaking there can be no questioning". Yet immediately after leaving the magistrates office with the "Magistrate Warnings Form" in hand indicating that state appointed counsel was undeniably requested Goodwin, without further warnings given, proceeded to question petitioner.

IV

The waiver of rights signed by petitioner is not only being considered valid, by both the 11th District Appellate Court of Texas and 29th District Court of Palo Pinto County, but also as evidence that the prior invoked right to counsel is void.

The fact that the Courts are using said waiver to invalidate the invocation of the right to counsel shows again that said Courts are attempting to overrule Miranda's progeny. Smith v Illinois 469 U.S. 91, 100 (1984) states "holding that ambiguous responses to interrogation given after invocation of Miranda right to counsel cannot be used to assess clarity of invocation; whether suspect asserts Miranda right to counsel and whether that right is later waived are distinct inquiries". (51 Geo. L.J. Ann. Rev. Crim. Proc. pg 240 (2022) states the same law "Although suspects may waive the Miranda right to counsel after invoking it, Post-invocation responses to further interrogation may not be used to cast doubt on the effectiveness of the initial request for counsel."

(51 Geo. L.J. Ann. Rev. Crim. Proc. pg 239 (2022) states that "The ban on further interrogation applies to all officers, not only those present when the suspect invoked their rights." This paraphrases Roberson, 486 U.S. at 687 "another officer's lack of knowledge that defendant invoked rights under Miranda during previous interrogation does not justify refusal to honor defendant's request for counsel." So the arresting officer's lack of communication, or lie that no rights were invoked, when passing petitioner to the polygraph technician does not excuse the technicians ignorance that rights were in fact invoked.

V

Everything after the first question, of the arresting officer, to petitioner after the invoked right to counsel, including the persuaded agreement to speak with Special Agent Galliton (the polygraph technician), is "fruit of the poisonous tree" and inadmissible in any trial especially as part of the prosecution's case in chief. This is supported by U.S. v Santistevan, 701 F.3d 1289, 1291, 1294 (10th Cir. 2012), U.S. v Gomez, 927 F.2d 1530, 1536, 1538 (11th Cir 1991), Wood v Ercole 644, F.3d 83, 91-92 (2d Cir 2011), U.S. v Johnson, 400 F.3d 187, 197 (4th Cir 2005), Martinez v Cate 903 F.3d 982, 994 (9th Cir 2018), all of which support Edwards in this. Gen. of. Fla., 323 F.3d 884, 893-95 (11th Cir 2003) further supports this saying "waiver invalid, despite defendant being explained Miranda rights and signing waiver, because the detective contradicted Miranda warning and defendant did not understand nature of right against self-incrimination or consequences of waiver."

VI

With actual video evidence and the affidavit from the admonishing magistrate that petitioner did in fact invoke his

right to counsel at the only opportunity that's supported by Federal law, the State of Texas appellate case law Pecina v State and the rest the Court used quoting Montejo v Louisiana, 556 U.S. 778, 797 (2009) have no holding in this case. Montejo states that "defendant never asked for counsel."

Everything after the Magistrate warnings when Officer Goodwin proceeded to commence questioning petitioner after he invoked his right for an attorney is a Due process violation. With that violation, everything said or done after invoking these rights are "Fruit of the Poisonous Tree" and are legally inadmissible.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 5-19-25