

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

Roy Williams, Petitioner

vs.

U.S. 5th. CIRUIT COURT OF APPEALS-RESPONDENT(S)

ON PETITION FOR A WRIT OF MANDAMUS

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT

PETITION FOR WRIT OF MANDAMUS

Roy Williams,
264 FM 3478
Huntsville, Tx. 77320

QUESTION'S PRESENTED
" CAPITAL CASE "

- 1). Shall the 5th Circuit Court of Appeals; Refuse to "OBEY" U.S. Suprem Court Law,?
- 2). Shall the 5th Circuit Court of Appeals; Withhold Constitutional entitled relief, by not applying This Court's Standards of review ?

STATEMENT OF QUESTION'S PRESENTED

- 1). When this Honorable Court setforth decisions that govern all lower court's decision making process, No justice Or panel may "DISOBEY" rules of law as dictated by this Hon., Court; [...] However, the Respondant [5th Cir.] has acted contrary to this Court's holding in Trevino v. Thaler, [Infra] and refused to adequitly apply Helator's issues as 28 U.S.C. § 2254[d][1] & 28 U.S.C. § 2244 [b][2], [b][3] [a],[c].and this Court's governing Authority.
- 2). Shall any Court deprive a Defendant/Helator of the protected Constitutional provision by "DISOBEYING" these rules of law? [...] This Respondant; the [5th] Circuit has completely disregarded the application & protocol dictated by this Court's decision in Trevino, [Infra]., and refused to accept and review Relator's pleading by Federal Standards as cited in [1].

PARTIES LISTED

Relator:

Roy Williams
TDC# 828343
264 FM 3478
Estelle Unit
Huntsville, TX.
77320

§

Respondant:

§

The United States Court
of Appeals For The 5th
Circuit 600 Masetri Pl.,
New Orleans, LA. 70130

§

§

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FEDERAL STATUTES

1. 28 U.S.C. § 2254 [d][1]
2. 28 U.S.C. § 2244 [b][2], [b][3][A],[C]

U.S. CONSTITUTION'S

1. U.S. 6th Amendment [Effective Assistance of Counsel].....
2. U.S. 14th Amendment [Due Process].....

FIFTH CIRCUIT AUTHORITY

1. Mata v. Johnson, 99 F. 3d 1261, 1266-67 [5th Cir.1996].

WRIT OF MANDAMUS

Case History:

1. The Relator was convicted of "Capital Murder" in [1998]. Under Cause NO. 741386 of Harris, CO., Houston, TX.
2. The 1st., trial resulted in a hung jury;
3. The second trial's jury convicted Relator sentencing him to "Life" in prison. [Texas].."
4. The First Court of Appeals [Houston] Affirmed, on [6-10-99]; Appeal issue raised; Court denied impeachment evidence, Improper Comment, on to remain silent.
5. Appeals Court held; " That the challenge to the composition of jury panel ...Should have been made by; "Written Motion, ...and that, in any event, there was no evidence of systematic exclusion by State action.."
6. No timely Petition For Discretionary Review was filed;
7. In spite of court appointed appellant counsel agreement to do the [PDR], failed to do so within the set time frame thus, now Relator's issues are barred....Thus, having no other remedy of law, presents his Writ of Mandamus.."
8. Under Cause No [17-20595] Relator sought authorization to file a successive 28 U.S.C. § 2254 application. In the 5th Circuit; From the U.S. District Court, Southern District of Texas.
9. The Respondant, on [11-21-17] denied Relator's pleading pursuant to § 2244[b][1].

Comes now, Roy Williams, pursuant to Supreme Court Rule 20, who in pro-se under Hains v. Kerner, 404 U.S. 515 [1972] 519 [1972], having no other remedy of law, presents his complaints to this Court.

ARGUMENT

1. The Relator's pleading presented to the lower court's who refused to adhere to this Court's prescient holding in Trevino v. Thaler, 133 S.Ct. 1911 [2013], and Martinez v. Ryan, 566 U.S. 1 [2012]..."Which states; " A prisoner may obtain Federal review of a default claim by; Showing cause for default; and prejudice from a violation of Federal law..."
2. To obtain authorization, Relator must make a prima facie showing that his claims rely on a " NEW RULE " of Constitutional law, made retroactive to cases on collateral review by..."This Court..." that was previously unavailable and the underlying facts, if proven & viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for Constitutional error, no reasonable fact-finder would have found Relator guilty of Capital Murder. 28 U.S.C. § 2244[b][2], [b][3]-[A], [C].
3. Relator, pursuant to Trevino, SUPRA., retained Constitutional Standing not only to be heard, but receive entitled relief as dictated by Trevino, Supra., but for the Constitutional deprivations of both lower court's refusal to properly apply Supreme Court precedents, prohibited due process... by

MANDAMUS ARUGENT Cont.,.

- the intentional/deliberate "Abuse" of both lower court's discretion, refusing to properly apply Federal Rules of law cited by this Court..." In Trevino, Supra. "
4. Relator's defense was "SABOTOGED" court appointed counsel failed to enter motion [written] complainig of the composition of the jury panel, and appellant counsel failed to timely file petition for discretionary review presenting the matter in a require time frame required to preserve the issue.."
5. That failure of both trial & appellant counsel, is not Relator's fault & thus shall not be held responsible for for counsel's ineffectiveness of counsel. See, Strickland v. Washington, 466U.S. 668, 80 L.Ed. 2d 674, 104 S. Ct. 2052 [1984] and Trevino, Supra.
- By abandonment, Relator had no choice but to proceed pro-se and be barred from Constitutional provisional relief by the Respondant's intentional "Abuse of discretion" that setforth irreparable ~~p~~rejudice & bias. See, In re Murchison, 349 U.S. 133, 136, 75 S.Ct. 623, 99 L.Ed 942 [1955].
-Mo show a claim of a judge improperly favors the prosecution, Relator must show, either actual bias Or the apperance of bias creating a conclusive presumption of actual bias. See, Wallace v: Bell, 387 F.Supp.3d 728[E.D. Mich.2005].

MANDAMUS ARGUMENT Cont.,.

6. In 2000, Relator presented his issues in Federal Court on State appointed counsel's issues on the jury panel claim, but both Federal Court's cited these claims as being procedurally barred because appointed counsel failed to raise them on direct appeals, thus, barred them in both state habeas & Federal 2254/2244.
7. In 2013, this Court decided Trevino, Supra., holding that Federal habeas court can excuse a defendant's procedural default for failing to raise an ineffective assist., counsel claim, if, in the state's initial habeas review, there was no counsel..." This argument was presented to the Respondant the [5th] Circuit. See appeal [Cause No.14-20023]. This Respondant refused to apply this Court's dictations decided in Trevino, Supra. Thus, " ABUSED ITS DISCRETION "
8. This Respondant denied [COA]inspite of this Court's holding in Evitts v. Lucey, 496 U.S. 387, 105 S.Ct. 830, 83 L.Ed. 2d 821 [1985]. Which provides; "An accused is Constitutionally entitled to effective assist., of counsel on direct appeal as of right.." At bar, by appellant counsel's omission's on direct appela, prejudiced Relator's defense " SABOTOGING " his 6th Amendment right to Effectiveness of counsel at both trial & direct appeal?..."

MANDAMUS ARGUMENT Cont.,.

9. In TEXAS, theres an "Abuse of Writ" doctrine, that prohibits Relator from exercising due process filing his complaints when his Constitutional Rights were violated by counsel's omissions, somebody otherthan Relator.." And this Court has reconized in Trevino, Supra.,, that "TEXAS" has a systematic designed to force indigent defendant's to raise claims of [IAC]-ineffectiveness of counsel, in state habeas Or forfeit the claim.
10. Texas, don't have Or provide a Standard for competent representation of counsel & it refuses to adequitly apply Federal standars of this Court knowingly so depriving an indigent Def., in all Capital Caes. See, Mata v. Johnson, 99 F.3d 1261 1266-67 [5th Cir.1996].
11. This Court, has created " Safegaurds " against the prohibitions created by appellant counsel's not timely filing Relator's [PDR] petition of discretionary review, is now Constitutionally protected by TREVINO, Supra., however this Respondant [5th] Circuit refuses to " OBEY " This Court's Federal Standard, constitutes an " Abuse of Discretion " Wolud not Trevino, Supra., not apply here? ... "Yes"
12. Had appellant counsel argued the confrontational violation as a state evidentiary Rule as cited in this Court's citation in Davis v. ALASKA, 94 S.Ct. 1105; and Delaware v.

MANDAMUS ARGUMENT Cont.,.

Van Arsdall, 106 S.Ct. 1431, Relator wouldn't be seeking permission to file another writ, when-in-fact had had the original 2254, not been denied violating this Court's pre-
sidence, the entitled reversal Or Order for new trial would have cured this error. See, Murray v. Carrier, 106 S.Ct. 2639 [1986].

13. Relator has presented undisputable evidence [Records] of proceedings that exhibit unConstitutional act's Or failure to act by the lower Court's in refusing to "OBEY" the Federal Standards setforth by this Court.

...And, it's not like Relator has not exercised due diligence trying to receive Constitutional entitled relief, but for the extraordinary circumstance has prohibited the Relator from enjoying his Constitutional provisions.."

See, Ryan v. Gonzales, 133 S.Ct. 696 [2013].

CONCLUSION

This Court's Standards having not been applied herein. And in the lower court's refusing to adequately doing so, violated due process of law, along with each cited U.S. Supreme Court pre-
sidence.

Is it Relator's fault, his counsel fail below standard norms setforth by this Court? And in doing so, "SABOTAGED" Relator's defense? ||ikewise is it Relator's fault, lower courts deliberately & intentionally, "DISOBEY" the law..?

PRAYER & CERTIFICATE OF SERVICE

Relator prays pursuant to F.R.C.P. Rule 8[b] demanding his entitled & Constitutional entitled relief of the complete reversal of his case Or ORDER a new trial.

And I Roy Williams hereby state under the penaly of perjury that all of the aforesaid is true & correct; And that I, also declair my "Actual Innocence " of the Capital Murder " I'm illegally convicted therof .."

This Court is required to apply its own presidents that lower court's refused to apply, then... & only then shall due process be satisfied as Constitutionally dictated by this Court!

It has been prayed!

Jan 18th 2018

Roy Williams
RESPECTFULLY SUBMITTED
ROY WILLIAMS
264 FM 3478 Estelle Unit
Huntsville, TX. 77320

No. 17-20594

Roy Williams §
 § IN THE
Vs. § Supreme Court of the
U.S. Court of Appeals § United States
5th Circuit §

Attidavit of Roy Williams in Support of Mandamus

my Name is Roy Williams, Texas prisoner # 828343
I am over eighteen years of age, and Competent to
testify to One facts stated herein which are within
my personal knowledge and are true and correct.

First, Texas prisoners do not have access to Computers
Therefore One only way that I can produce One's
petition is on a type writer or hand write it.

Second, I have been illegally detained for One
past twenty-one years for a crime I had no
involvement in whatsoever... Therefore I can not
pay One cost to file One's petition.

1. I am up against all odds, and yet my Conviction
is void. It was obtained in violation of One laws
and treatise of the United States Constitution and
can not stand under One's Courts legal holding.

However, no Federal Judge will apply One's Courts' Holdings to One's Facts of my Case. In spite of One's Courts' Holdings These Men and Women Will not adhere to One Law on my behalf.

2. I am not an attorney, and When I filed my Original 2254 petition in One United States District Court, I had little or no understanding of One Law, yet, I presented Meritorious Constitutional Complaints to One district Court, I just could not cite One's Courts governing Cases. The district Court came up with a Crafty Way to Improperly Analyze, and dismiss my Claims as moot and my petition...

The Fifth Circuit upheld That Courts Ruling by denying me a "COA" in direct Conflict of One's Courts Holdings *Cura Novit Tura*, These Courts Knew One Law.

3. Since That time I've got some Knowledge of Constitutional Law, and Learned What They did and how They got away with it. I've Made Numerous attempts to appeal One's Void and illegal detention to no avail. The district Court will not budge and One 5th Circuit Simply will not apply One's Courts legal Standards to One's Facts of my Case. The bottom line is, They don't have to because an appeal in a Habeas Corpus proceeding

is not a Right. I am being victimized by the
tyranny of our own Corrupted System which ignores
our Courts laws daily.

It's me a poor man against the State of Texas, and
the Federal Judiciary, I pray to God in Heaven
that our Court will apply its own laws to the
facts, or Compel the lower Courts to do these jobs.

This is my honest assessment based on the facts
involved in our case, the procedural history, and
the case laws involved.

Signed our 18th day of January 2018.

Respectfully Submitted

Ray Williams # 828343

264 FM 3478 Estelle Unit

Huntsville, Texas 77320

pro se

