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IN THE
SUPREME COURT OF THE UNITED STATES

DARRELL J. HARPER-PETITIONER

vs.

JIM CROW-RESPONDENT(S)

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

DARRELL J. HARPER
7923 DOCKAL RD.
HOUSTON, TEXAS 77028
1-346-204-2180

QUESTION(S) PRESENTED

Whether or not Respondent, State and Federal Jim Crow laws are living a lie, by perjury of an oath that committing treason crimes, and terrorize the United States Constitution from being upheld, in order to overthrow a just democracy government, and traumatize petitioner.

Whether or not lower courts endorsed racism in the workplace and courtroom, perjuring the oath to hold the United States Constitution, subverting a just democracy government, could have possibly traumatize petitioner.

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:

Local, State, and Federal Government Officials.

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IN THE
SUPREME COURT OF THE UNITED

PETITION FOR WRIT OF CERTIORARI

Petitioner, Darrell J. Harper, pro se, respectfully request that a Writ of Certiorari issue to review the judgment and opinion of the United States Court of Appeals for the Fifth Circuit in this case.

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

☒ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☒ is unpublished.

JURISDICTION

[X] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was

April 26, 2017.

[X] No petition for rehearing was timely filed in my case.

The judgment of the United States Court of Appeals for the Fifth Circuit was enter on April 26, 2017. The Petition for Certiorari is filed within ninety days of that date. The jurisdiction of this Court is invoked under 28 U.S.C. 1254 (1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The First Amendment to the United States Constitution provides in pertinent part as follows:

Congress shall make no law respecting an established of religion or prohibiting the free exercise thereof; or abridging the free speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances without fear of retaliation.

U.S.C.A. Const. Am. 1.

The Fourth Amendment of the United States Constitution provides in pertinent part as follows:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall be issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

U.S. Const. Am. IV.

The Fifth Amendment of the United States Constitution provides in pertinent part as follows:

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 the Militia, when in actual service in time of War or public danger: nor shall any person be subjected for the same offence to be twice put in jeopardy of life or limb: nor shall be compelled in any criminal case to be 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.

U.S. Const. Am. V.

The Sixth Amendment of the United States Constitution provides in pertinent part as follows:

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 have the Assistance of Counsel for his defence.

U.S. Const. Am. VI.

The Eighth Amendment of the United States Constitution provides in pertinent part as follows:

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

U.S. Const. Am. VIII.

The Ninth Amendment of the United States Constitution provides in pertinent part as follows:

The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

U.S. Const. Am. IX.

The Thirteenth Amendment of the United States Constitution provides in pertinent part as follows:

Section 1. Neither slavery nor servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

U.S. Const. Am. XIII.

The Fourteenth Amendment of the United States Constitution provides in pertinent part as follows:

Section 1. All person born or naturalized in the United States and subject to the jurisdiction thereof, are citizen of the United States and the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges and 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 any person within it's jurisdiction the equal protection of the laws.

U.S. Const. Am. XIV.

STATEMENT OF THE CASE

According to U.S.C.A. Const. Amend. 14, if petitioner exercise of a constitutionally protected right guaranteed to him by the First Amendment, and he neither murder nor rape anyone than state shall make or enforce any law to abridge privileges or immunities of U.S. Citizenship, nor shall state deprive petitioner of life, liberty, or property, without due process of equal protection of law, within it's jurisdiction. Therefore, sanction imposed defending Jim Crow law, perjures the oath to uphold the United states constitution, and it subverts a just democracy government, because petitioner is succumb to racial discrimination by racism in the workplace and courtroom, in violation of Title VII of the Civil Rights Act of 1964, the Patriot Act, the Racketeer Influenced And Corrupt Organizations Act, the Administrative Procedure Act, the Whistleblower Protection Act, the Americans with Disabilities Act, the Federal Tort Claims, the Deceptive Trade Practices Act, the Texas Commission on Human Rights Act, the Michael Morton Act, and the Texas Tort Claims Act.

REASONS FOR GRANTING THE PETITION

1. Lower court and Respondent, Jim Crow, perjure the oath to safeguard the United States Constitution, in order to overthrow a just democracy government.
2. Respondent was a financial burden upon the petitioner, in making and enforcing law that abridge privileges and immunities, and deprived petitioner of life, liberty, and property without due process of law within its jurisdiction for filing employment discrimination complaints.
3. Lower courts and respondent in collusion treason crimes terrorizing the United States Constitution, that subverts a just democracy government.
4. Petitioner subjected to racial harassment infringement by a right to work.
5. Racism in the workplaces and courtrooms.
6. Unfair harm done to petitioner by the legal proceeding or another official action.
7. Petitioner being a political prisoner.
8. Petitioner deprived of life, liberty, and security.
9. Petitioner subjected to torture or to cruel, inhuman or degrading treatment or punishment.
10. Petitioner held guilty of a penal offence on account of an act or omission which did not constitute a penal offence under national law, at the time when it was committed, and was imposed a heavier penalty than the one that was applicable at the time the penal offence was committed.
11. If the behavior of a government official is so egregious, so outrageous, that it may fairly be said to shock the contemporary conscience, a court considering a 1983 claim against that official on that basis must determine whether there exist historical examples of recognition of the claimed liberty protection at some appropriate level of specificity, and a petitioner whose claim is not susceptible to proper analysis with reference to a specific constitutional right may still state a claim under 1983 for a violation of his or her Fourteenth Amendment substantive due process right, and have the claim judged by the constitutional standard which governs that right. U.S.C.A. Const. Amend. 14.
12. If government officials involved knew or reasonably should have known that their actions would violate petitioner's constitutional rights, or if they took action with malicious intent to cause deprivation of constitutional rights or other injury, qualified immunity defense would not

be available to such official in action alleging deprivation of constitutional rights under the color of law. *Bradford v. Edelstein* 467 F. Supp. 1361.

13. Lower courts and Respondent, Jim Crow created a dangerous environment, they knew it was danger, they used their authority to create an opportunity that would otherwise have existed for the third party's crime to occur, they stripped petitioner of means to defend himself and cut off from sources of aid. *Abdeljalil v. City of Fort Worth* 55 F. Supp. 2d 614.

14. Action by Prosecutorial Fraud and Absence of Jurisdiction motivated by retaliation for petitioner's exercise of a constitutionally protected right is actionable, even if the act, when taken for a different reason, might have been legitimate. *Spicer v. Collins* 9 F. Supp. 2d 673.

15. Respondent, Jim Crow, inspires followers to live a lie.

16. For purposes of racial discrimination claim, a "standard deviation" is measure of extent to which an observed result is likely to vary from an expected result; the larger the number of standard deviations an observed result is random or, in other words, the larger number standard deviations, the more likely observed result is result of discrimination, rather than chance. *Alba v. Quarterman* 621 F. Supp. 2d. 396.

17. A judgment of conviction is void when: (1) the charging instrument did not satisfy the requisites of a charging instrument; (2) the trial court did not have subject matter jurisdiction over the offense; (3) there were no evidence to support the conviction; or (4) counsel was not appointed for an indigent defendant who had not waived the right to counsel. *Few v. State* 136 S.W. 3d 707.

18. Respondent, Jim Crow is responsible for petitioner's civil and constitutional rights being violated, and expose to intimidation by retaliation.

19. Respondent is responsible for government corruption and government inducement.

20. Respondent obtained conviction by use of coerced confession.

21. Respondent obtained conviction by use of evidence gained pursuant to an unconstitutional search and seizure.

22. Respondent obtained conviction by use of evidence obtained pursuant to an unlawful arrest.

23. Respondent obtained conviction by a violation of the privilege against self-incrimination.

24. Respondent obtained conviction by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.

25. Respondent obtained conviction by a violation of the protection against double jeopardy.

26. Respondent obtained conviction by action of a grand or petit jury which was unconstitutionally selected and empaneled.

27. Respondent influenced the conduct in a denial of effective assistance of counsel.

28. Respondent influenced the conduct in a denial of right of appeal.

29. Respondent influenced the conduct in a denial of time credit on sentence.

30. Respondent having an influential impact in an improper revocation of parole or mandatory

supervision.

31. Respondent having an influential impact in an illegal sentence.
32. Respondent having an influential impact in an invalid or defective indictment.
33. Respondent having an influential impact in having no evidence or insufficient evidence.
34. Respondent failed to uphold the Integrity and Independence of the Judiciary.
35. Respondent failed to avoid Impropriety and the Appearance of Impropriety in all of the Judge's Activities.
36. Respondent failed to perform the Duties of the Judicial Office Impartially and Diligently.
37. Respondent failed to Minimize the Risk of Conflict with Judicial Obligations.
38. Respondent failed to refrain from Inappropriate Political Activity.
39. Respondent failed to comply with the code of Judicial Conduct.
40. Respondent knowingly assist or induce another to do so, or do so through the acts of another whether or not such violation occurred in the course of a client-lawyer relationship.
41. Respondent commit a serious crime or commit any other criminal act that reflects adversely on the lawyer's honesty trustworthiness or fitness as a lawyer in other respects.
42. Respondent engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.
43. Respondent engaged in conduct constituting obstruction of justice.
44. Respondent state or imply an ability to influence improperly a government agency or official.
45. Respondent knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.
45. Respondent engaged in conduct that constitute barratry as define by law of this state.