

24-7108
No. _____

ORIGINAL

FILED
MAY 01 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

THOMAS CRAAYBEEK — PETITIONER
(Your Name)

vs.

THE STATE OF TEXAS — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE COURT OF CRIMINAL APPEALS OF TEXAS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

THOMAS CRAAYBEEK # 2034863
(Your Name)

2101 FM 369 NORTH
(Address)

IOWA PARK, TEXAS 76367
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

When a state and/or federal government create constitutional and/or statutory right(s), does said government have a legal and binding obligation to uphold that right?

If a court of competent jurisdiction is presented in proper format with valid proof as to the question of a convicting court's jurisdiction - or lack thereof - does said court of competent jurisdiction have a ministerial duty to redress any void judgement(s) related thereto?

Is an unlawfully convicted person entitled to equal protection under the 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:

RELATED CASES

EX PARTE CORDAYBEEK, No. 10573-D, 90TH DISTRICT COURT & YOUNG COUNTY, TEXAS. JUDGMENT

ENTERED JANUARY 16, 2025.

EX PARTE CORDAYBEEK, No. WR-26,931-04, COURT OF CRIMINAL APPEALS OF TEXAS. JUDGMENT

ENTERED FEBRUARY 19, 2025.

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- APPENDIX D - COPY & ANSWER FOR TPJA/FOIA FROM CUSTODIAN OF THE RECORDS / STATE'S PROSECUTING ATTY. - 1
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TABLE OF AUTHORITIES CITED

CASES

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THOMAS CUSACK CO. V. CHICAGO, 242 U.S. 526 ; SNOWDEN V. HUGHES, 321 U.S. 1 ; HAMMOND PACKING CO. V. ARK-

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COUNTY OF SACRAMENTO V. LEWIS, 523 U.S. 833 ; MISSOURI P.R. CO. V. MACKAY, 127 U.S. 205 ; MINNEAPOLIS

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STATUTES AND RULES

OTHER

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 of Criminal Appeals of Texas court 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.

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 2/19/25.
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).

* PLEASE NOTE:

TEXAS RULES OF APPELLATE PROCEDURE PROHIBITS APPLICANTS FROM FILING A MOTION FOR REHEARING

ONCE A DENIAL OR DISMISSAL HAS BEEN ISSUED. TRAP 79.2 (A)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

TEX. CONST. ART. 1, § 10 - RIGHTS OF ACCUSED IN CRIMINAL PROSECUTIONS: "... NO PERSON SHALL BE HEID TO ANSWER FOR A CRIMINAL OFFENSE, UNLESS ON AN INDICTMENT OF A GRAND JURY..."

TEX. CONST. ART. 1, § 19 - DEPRIVATION OF LIFE, LIBERTY... BY DUE COURSE OF LAW: "NO CITIZEN OF THIS STATE SHALL BE DEPRIVED OF LIFE, LIBERTY... EXCEPT BY THE DUE COURSE OF THE LAW OF THE LAND."

TEX. CONST. ART. V, § 12 (b) - INDICTMENTS AND INFORMATION: "AN INDICTMENT IS A WRITTEN INSTRUMENT PRESENTED TO A COURT BY A GRAND JURY... THE PRACTICE AND PROCEDURE RELATING TO THE USE OF INDICTMENTS... ARE AS PROVIDED BY LAW. THE PRESENTMENT OF AN INDICTMENT... TO A COURT INVESTS THE COURT WITH JURISDICTION OF THE CAUSE."

TEX. GOV'T CODE § 311.016 (2) - "WORD SHALL" IN STATUTE IS GENERALLY CONSTRUED AS MANDATORY UNLESS LEGISLATIVE INTENT SUGGESTS OTHERWISE."

TEX. CODE OF CRIM. PROC. ART. 1.05 - RIGHTS OF ACCUSED: "... NO PERSON SHALL BE HEID TO ANSWER FOR A FELONY UNLESS ON INDICTMENT OF A GRAND JURY."

TEX. CODE OF CRIM. PROC. ART. 3.02 - CRIMINAL ACTION: "A CRIMINAL ACTION IS PROSECUTED IN THE NAME OF THE STATE OF TEXAS... UNDER THE AUTHORITY OF THE STATE, IN ACCORDANCE WITH ITS LAWS."

TEX. CODE OF CRIM. PROC. ART. 12.06 - AN INDICTMENT IS "PRESENTED" WHEN: "AN INDICTMENT IS CONSIDERED AS "PRESENTED" WHEN IT HAS BEEN DULY ACTED UPON BY THE GRAND JURY AND RECEIVED BY THE COURT."

TEX. CODE OF CRIM. PROC. ART. 21.02 (9) - REQUISITES OF AN INDICTMENT: "IT SHALL BE SIGNED OFFICIALLY BY THE FOREMAN OF THE GRAND JURY."

TEX. CONST. ART. 1, § 3 (2) - EQUALITY UNDER THE LAW: "EQUALITY UNDER THE LAW SHALL NOT BE DENIED..."

USCS CONST. AMEND. 14, § 1 - 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 NOVEMBER 28, 2014, AND REMAINED IN CUSTODY THROUGH HIS TRIAL AND CONVICTION IN CAUSE NO. 10573, IN THE 90TH DISTRICT COURT OF HARRIS COUNTY, TEXAS ON NOVEMBER 13, 2015. FOR TEXAS PENAL CODE § 20.02 (b) - AGGRAVATED ASSAULT ON A PUBLIC SERVANT TO WHICH PETITIONER RECEIVED A LIFE IN PRISON SENTENCE.

AFTER THE AFFIRMATION OF PETITIONER'S DIRECT APPEAL, PETITIONER FILED FOR HABEAS RELIEF AS A PRO SE & WHICH PROVED FRUITLESS MULTIPLE TIMES AND CREATED AN INTEREST IN ONE OF PETITIONER'S FAMILY MEMBERS WHO WAS FAMILIAR WITH THE CASE.

SAID FAMILY MEMBER FILED A TEXAS PUBLIC INFORMATION ACT REQUEST / FREEDOM OF INFORMATION ACT REQUEST WITH THE IDENTIFIED BY GOVERNMENT CODE CUSTODIAN OF THE GRAND JURY PROCEEDING RECORDS REQUESTING PROOF OF THE GRAND JURY CONVENING AND PROOF OF THE PRESENTMENT OF AN INDICTMENT BY THE GRAND JURY AS BOTH CONSTITUTIONALLY AND STATUTORILY REQUIRED BY THE STATE OF TEXAS, WHO SAID CUSTODIAN OF THE RECORDS - A.K.A. THE STATE'S PROSECUTING ATTORNEY - REFUSED TO RESPOND TO.

AFTER SAID FAMILY MEMBER PETITIONED THE OFFICE OF THE ATTORNEY GENERAL IN AN ATTEMPT TO GET THE STATE'S PROSECUTING ATTORNEY TO COMPLY, AND THE ATTORNEY GENERAL'S OFFICE ORDERED COMPLIANCE, THE STATE'S PROSECUTING ATTORNEY CONCEDED IN A CERTIFIED STATEMENT THAT NO RECORDS AS REQUESTED EXIST (BUT ARE REQUIRED BY STATUTE TO BE KEPT).

WHEN PETITIONER WAS MADE AWARE OF SUCH HE FILED A SUPPLEMENTAL ATTACHMENT TO AN EXISTING APPLICATION FOR HABEAS RELIEF, BUT SAID EXISTING APPLICATION GOT DENIED WITHOUT WRITTEN ORDER, THEREFORE, ON THE PRESUMPTION THAT THE DENIAL WAS DUE TO THE EXISTING APPLICATION, PETITIONER FILED FOR HABEAS RELIEF AGAIN, BUT THIS TIME ATTACKING THE TRIAL COURT'S JURISDICTION AND THE ASSOCIATED CONSTITUTIONAL PROVISIONS JOINED.

THE TRIAL COURT DID NOT HOLD A HEARING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND

THE COURT OF CRIMINAL APPEALS OF TEXAS ^{DISMISSED} ~~DETERMINED~~ THE APPLICATION WITHOUT WRITTEN ORDER ON
FEBRUARY 19, 2025.

AS TEXAS RULES OF APPELLATE PROCEDURE [TRAP 79.2(d)] PROHIBIT APPLICANTS FROM FILING A
MOTION FOR REHEARING ONCE A DENIAL OR DISMISSAL HAS BEEN ISSUED, PETITIONER IMMEDIATELY
NOTIFIED THE OFFICE OF THE CLERK OF THE SUPREME COURT OF THE UNITED STATES OF HIS WISH
TO FILE A DIRECT APPEAL OR CERTIORARI AS IS HIS RIGHT.

REASONS FOR GRANTING THE PETITION

THE STATE'S COURT OF LAST RESORT IN THIS CASE HAS MADE THEIR DECISION NOT ONLY IN CONFLICT OF THEIR OWN CONSTITUTIONAL AND STATUTORY LAWS, BUT IN VIOLATION OF THE PROTECTION OF THE FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION AND MULTIPLE RELEVANT DECISIONS OF THIS COURT GOING BACK AS FAR AS THE 1800'S.

AS ESTABLISHED BY THE DOCUMENTATION HEREIN PROVIDED IN APPENDICES A, C, AND D, THE STATES ACTIONS HAVE VIOLATED PETITIONER'S RIGHT FROM ARBITRARY ACTION BY GOVERNMENT IN THAT OF FAILING TO CONDUCT A GRAND JURY HEARING IN ORDER TO OBTAIN THE NECESSARY JURISDICTION OVER PETITIONER'S PERSON FOR TRIAL AND/OR CONVICTION IN HIS FELONY CASE.

THIS COURT HAS CONSISTENTLY STOOD ITS GROUND AGAINST SYSTEMATIC PROCEDURAL DUE PROCESS VIOLATIONS AND FUNDAMENTAL RIGHT ABUSES SUCH HAS OCCURRED HERE.

THE "FOURTEENTH AMENDMENT SAFEGUARDS FUNDAMENTAL RIGHTS & PERSONS AND OF PROPERTY AGAINST ARBITRARY AND OPPRESSIVE STATE ACTION." THOMAS GUNACK CO. V. CHICAGO, 242 U.S. 526, 37 S. CT. 190, 61 L. ED. 472 (1917); SNOWDER V. HUGHES, 321 U.S. 1, 64 S. CT. 397, 88 L. ED 497 (1944).

THE "FUNDAMENTAL GUARANTY OF DUE PROCESS IS ABSOLUTE AND NOT MERELY RELATIVE." HAMMOND PACKING CO. V. ARKANSAS, 212 U.S. 322, 29 S. CT. 370, 53 L. ED 530 (1909).

THE "FOURTEENTH AMENDMENT DOES NOT OPERATE TO DEPRIVE STATES & THEIR LAWFUL POWER AND RIGHT TO RESORT TO REASONABLE METHODS INHERENTLY BELONGING TO POWER EXERCISED; PROVISIONS OF DUE PROCESS CLAUSE ONLY RESTRAIN THOSE ARBITRARY AND UNREASONABLE EXERCISES & POWER WHICH ARE NOT REALLY WITHIN LAWFUL STATE POWER SINCE THEY ARE SO UNREASONABLE AND UNJUST AS TO IMPAIR OR DESTROY FUNDAMENTAL RIGHTS." AMERICAN LAND CO. V. ZEISS, 219 U.S. 47, 31 S. CT. 200, 53 L. ED 82 (1911).

BUT IN THIS INSTANCE, THE STATES LEGISLATIVE INTENT AIMED AT THE PRESERVATION OF SOCIAL ORDER, PROTECTION & THE WELFARE OF THE PUBLIC, AND PROTECTION OF THE INDIVIDUAL WAS INTENTIONALLY CIRCUMVENTED UNDER COLOR OF STATE LAW BY REASON IRRELEVANT.

"WHETHER THE FAULT LIES IN THE DENIAL OF FUNDAMENTAL PROCEDURAL FAIRNESS, SEE, E.G., FORTES V SHEVIN, 407 U.S. 67, 92 S. CT. 1983, 32 L. ED 2 556 (1972) (THE PROCEDURAL DUE PROCESS GUARANTEE PROTECTS AGAINST "ARBITRARY TAKINGS"), OR IN THE EXERCISE OF POWER WITHOUT ANY REASONABLE JUSTIFICATION IN THE SERVICE OF A LEGITIMATE GOVERNMENTAL OBJECTIVE, SEE, E.G., DANIELS V. WILLIAMS, 474 U.S. AT 331 (THE SUBSTANTIVE DUE PROCESS GUARANTEE PROTECTS AGAINST GOVERNMENT POWER ARBITRARILY AND OPPRESSIVELY EXERCISED)... SO-CALLED 'SUBSTANTIVE DUE PROCESS' PREVENTS THE GOVERNMENT FROM ENGAGING IN CONDUCT THAT 'SHOCKS THE CONSCIENCE', ... OR INTERFERES WITH RIGHTS "IMPLICIT TO THE CONCEPT OF ORDERED LIBERTY" (ADOPTING ROCHIN V. CALIFORNIA, SUPRA, AT 172, AND PALKO V. CONNECTICUT, 302 U.S. 319, 58 S. CT. 149, 82 L. ED 288 (1937))" CROUCH V. SACRAMENTO V. LEWIS, 523 U.S. 833 (1998).

DUE PROCESS OF LAW, WITHIN MEANING OF FOURTEENTH AMENDMENT, IS SECURED IF LAWS OPERATE ON ALL ALIKE, AND DO NOT SUBJECT INDIVIDUAL TO ARBITRARY EXERCISE OF POWERS OF GOVERNMENT. MISSOURI, P.R. CO. V. MACKEN, 127 U.S. 205, 8 S. CT. 1161, 32 L. ED 107 (1888); MINNEAPOLIS AND S.L.R. CO. V. HERRICK, 127 U.S. 210, 8 S. CT. 1176, 32 L. ED 109 (1888); LEAPER V. TEXAS, 139 U.S. 462, 11 S. CT. 577, 35 L. ED 225 (1891); GIOZZA V. TIEMMAN, 148 U.S. 657, 13 S. CT. 721, 37 L. ED 499 (1893); DUNCAN V. MISSOURI, 152 U.S. 377, 14 S. CT. 570, 38 L. ED 485 (1894).

THE "PROTECTION OF INDIVIDUAL FROM ARBITRARY ACTION IS THE VERY ESSENCE OF DUE PROCESS OF LAW." SLOCHOWER V. BOARD OF HIGHER EDUCATION, 350 U.S. 551, 76 S. CT. 637, 100 L. ED 692 (1956).

AND THE "STATE'S OBLIGATIONS UNDER FOURTEENTH AMENDMENT ARE NOT SIMPLY GENERALIZED ONES". RATHER, STATE OWES TO EACH INDIVIDUAL THAT PROCESS WHICH, IN LIGHT OF VALUES OF FREE SOCIETY, CAN BE CHARACTERIZED AS DUE." BOONIE V. CONNECTICUT, 401 U.S. 371, 91 S. CT. 780, 28 L. ED 2 113 (1971).

ARBITRARY AND OPPRESSIVE ACTION BY THE STATE CREATES DISTRUST OF THE JUSTICE SYSTEM, LAWLESSNESS, AND EVENTUALLY ANARCHY - WE ARE SUPPOSED TO BE A NATION BUILT ON TRUST, VALUES AND DEMOCRACY - NOT SOME DRACONIAN TOTALITARIAN RULE LIKE A THIRD WORLD COUNTRY.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large loop followed by a series of horizontal strokes, positioned above a horizontal line.

Date: April 28, 2025

CC / RESPONDENT
FILE