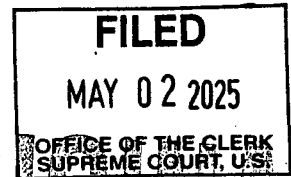


25-5681
No. _____



ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Mr. Kerron Otis — PETITIONER
(Your Name)

vs.

Bobby Lampkin — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals Fifth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Mr. Kerron Otis
(Your Name)

Polunsky Unit
3812 FM 350 South
(Address)

Livingston, Tx. 77351
(City, State, Zip Code)

NONE
(Phone Number)

QUESTION(S) PRESENTED

Mr. Otis Alleges that the District Court Judge Stetson was prejudice, Bias - misconduct toward him only After he send letters of Complaints to the Dist. Clerk, and Dist Judge Thurnel. Causing the judge Stetson to dismiss his petition, Conducted Hearing on motions he had filed months Before - Dismissing Them too. The judge had to Comply.

Did the Dist. Judge Stetson Error Dismissing Mr. Otis petition? AND Did the Dist. Judge error when reporting Mr. Otis not Show innocence nor Federal Violations nor Newly Discover Evidence?

Mr. Otis Alleges that the Fed. Dist Court Failed to grant him Evid. Hearing And that the magistrate Judge STETSON made false statements regarding his Claims.

Did The Fed. Dist. Judge proform misconduct, prejudice. stating that "witnesses Said that A male Driver speeding in Victim Vehicle". Excluding witnesses statements Seeing A white male at the Crime scene and speeding in Victim Vehicle?

Did the Fed. Dist. Judge Stetson error when saying - "Mr. Otis claim prosecution Threaten to inhence if He change his plea Back to Not Guilty"

Mr. Otis had no knowledge of the New Evidence nor witnesses. Untill 2020.

Did The Fed. Dist. Court err in deferring to the state Court Records, ignoring Mr. Otis Newly Discover Evid. and Fed. Violations?

The Fed. Court of Appeals stated: Mr. Otis Fail to file a new notice of Appeal. also He not Show Innocence. The Court lack Jurisdiction.

Did the Court of Appeals 5th Cir. Err Deny Mr. Otis Certificate of Appealability

And Relied on the Dist. Court Judgement? And Claim No. Fed. Violations?

Mr. Otis Alleges the state prosecution miscarriage justice, prejudice, when prosecution and Detectives Conspired against him, with hold exculpatory Evid, presented False statements, False Documents to the Grand Jury, so to indict him when Detectives and prosecution knew Mr. Otis was innocent of murder. Arrested 3 suspects. in custody. later prosecution Release for No Evid.

Did the prosecution prejudice, misconduct, when prosecution conspired with Detectives. with hold evid. from G/J and Defense for 6 years. Submitted False Documents to the G/J. Conspiring with Detective comitted perjury?

Did the prosecution err - misconduct when prosecution shift Guilt to Mr. Otis Being the suspect murder when, prosecution knew witnesses statements stated white men as murder - Jason, Cody - Phillip? Did murder? Merton Also Being a suspect.

QUESTION(S)

Did prosecution Act with misconduct allowing mr. Otis to Commit perjury when mr. Otis went to trial NGR1 plea, prosecution knew that He was innocent of the indictment Charge? Capital Murder?

Did prosecution Act with misconduct By Changing Suspect Race Identity From white male to A Black male. STATE memo to Defense Notice Enhance if Convicted lesser Offense and Durning Trial?

mr. Otis Alleged that the Trial Counsel Failed to inform him of the Exculpatory New Evid. the State and Counsel Conference Agreement. Defense would change plea BACK to Not Guilty. Counsel Abandoned mr. Otis. Fail to Defend, allowing mr. Otis to go to Trial with NGR1 plea, Commit perjury, when Counsel himself knew from Evid. mr. Otis was innocent. Counselor Argued in motions to Dismiss mr. Otis innocent of ----?

Did Trial Counsel Violate mr. Otis Right? Ineffectiveness of Counsel, prejudice, lack of interest, And Harm mr. Otis; Failing to perform Counsel Duty to Client?

Did the Dist Court Error, fail to timely Hear mr. Otis motion Reconsider Judgement and other motions?

MR. OTIS Sent Motion to the Dist Court. On 2/27/24 mr. Otis Sent A 3 Set Motion For 'Reconsider' Final Judgement. Due to mr. Otis not receive A Hearing on the motions. He on 3/18/2024 send A motion Request Court Judge to Conduct Hearing on the motion. MR. OTIS still No Response. He Send A Notice to Appeal to the Dist. Court and A Complaint to the US Court of Appeals to Compell the Dist. Court to Heer motions.

On July, 1st 2024 Judge Truncate Conduct Hearing- Deny The motion Reconsider. Set A, B, C. ELEVEN months later

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

Court of Appeals 4th Cir. Affirm - ~~OTIS~~ V STATE, MAY 5, 2010, ~~09-4007-00~~ 140CR
COURT OF CRIMINAL APPEALS OF TEXAS, OTIS V. STATE, Dismiss W/O. #04-93672-C
US. EASTERN Dist. OF Texas, Beaumont Division - OTIS V. LUMPKIN, Judgement, Dismissal
Feb. 2, 2024. NO: 1-23-CV-75. US. Dist. lexis 234617 / 2024 US. Dist. lexis 18642
US. COURT OF APPEALS, 5th Cir. OTIS V. LUMPKIN, Judgement, Denial Denied
Feb. 14, 2025

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APPENDIX B UNITED STATES DISTRICT COURT, FIFTH CIRCUIT

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28 USCS. 2244 (d) (1) (D)	
Judicial Act 1789-1888	
Constitution. 6. 14 Amend. And Art. IV 3 1	
TREATY ACT OF Congress. / 1980 UNID. UDHR UNITED NATIONS. Art. 1-30	
28 USCS 1738	
28 USCS. Judicial And judiciary proceedings procedures (1-5001) part 5.	
USCS FAD Rule Ann. For Judicial Conduct Art 2.	
USCS. Misconduct. Art 2 - Fed. Judges	
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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 2024 U.S. App. Lexis 30238 / 2025 U.S. App. Lexis 3610; 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 2023 U.S. Dist. Lexis 234617 / 2024 U.S. Dist. Lexis 18642; 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 _____ 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 NOV-26-2024

☐ 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: Feb-14-2025, 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).

And U.S. Const. TREATY OF THE UNITED STATES. MARTIN V HUNTER'S
428 U.S. 14 US 304. U.S. Ct (3-20-1916). Art III under the
Const. of The United States.

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ 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

The following STATUTORY and Constitutional Provisions are involved in This Case.

1. U.S. Const., Amend. VI. All Criminal prosecutions, the accuse... To have Compulsory process for obtaining witnesses in his favor and have the Assistance of Counsel for his defense.
2. U.S. Const. Amend. XIV. All persons born or naturalized in the United States, and Subjected to the jurisdiction... are citizens of the United States... No one shall make or enforce any law which shall abridge the privileges... Nor shall any STATE deprive any person of Life, Liberty, or property without due process of Law; nor deny to any person... The Equal protection of The Laws.

TREATY = UNITED NATIONS DECLARATION OF HUMAN RIGHTS (UDHR)

3. UDHR. Art 6; Everyone has Right to be Recognized Before the Law.
UDHR. Art. 7; All Are Equal Before the Law and are Entitled without any discrimination to equal protection of the Law. All are entitled to equal protection against any discrimination in violation of This Declaration and against any incitement to such discrimination.
4. UDHR. Art 8. Everyone has Right to effective Remedy by a Competent National Tribunal for acts Violating the Fundamental Rights Against him - rights granted him by the Constitution or by Law.
5. UDHR. Art. 30; Nothing in this Declaration may be interpreted as implying For any STATE, group, or person any right to engage in any activity or to perform any act which at the destruction of any of the Rights and FREEDOM set Forth herein

28 USC § 2254

(a). The Supreme Court, A Justice thereof, a Circuit judge, or a district Court shall entertain an Application for A writ of Habeas Corpus in behalf of a person in custody pursuant to the judgement of a State Court only on the ground that he is in custody in violation of the Constitution or LAWS or TREATIES OF THE UNITED STATES

(b)(1). An Application for a writ of habeas Corpus on Behalf of a person in custody pursuant to a judgement of a STATE COURT shall not Be GRANTED unless it appears that.

(A). The application has exhausted the Remedies available in the Court of the State; or - (B)(i) There is an abuse or absence of available in the Court corrective process; or (ii) Circumstances exist that render such process ineffective to protect the Rights of the Applicant

(2). An Application for a writ of Habeas Corpus shall/may be denied on the merit Notwithstanding the failure of the applicant to exhaust the Remedies Available in the Courts of the STATE.

(3) A STATE shall not be deemed to have waived the exhaustion requirement or ~~BE~~ ESTOPPED From reliance upon the Requirements unless the State, Through Counsel expressly waives the requirements. (c) An Application shall not be deemed to have exhausted the Remedies available in the Court of the State, within the means of this Section if He has the Right under The Law of the State to Raise, by any available procedure. The question presented. (d) An Application for A writ of habeas Corpus on behalf of a person in custody pursuant to a judgement of a state court shall not be Granted with Respect to any claims that were adjudicated on the merit of The state court proceedings unless the adjudication of The claim... (1) Resulted in A decision That was Contrary to, or involved an unreasonable Application of, clearly Established Federal Law, as determined by the Supreme Court of the United STATES, or (2) Resulted in A decision That was Based on a unreasonable determination of the FACTS in light of the evidence presented in The STATE Court proceedings (e)(1) in a proceeding instituted by an Application for A writ of Habeas Corpus by a person in custody pursuant to the judgement of a state court, A determination of a factual issue made By A state court shall be presumed to be correct. The applicant shall have the Burden of Rebutting the presumption of correctness by clear and Convincing Evidence. (2) If The Applicant has failed to develop the Factual Basis of a claim in STATE COURT proceedings, The Court shall not hold An Evidentiary hearing on the claim unless The Applicant show That.

(A) The claim Rely on. (i) A new rule of the Constitution Law, made Retroactive to cases on Collateral Review by the Supreme Court, that was previously Unavailable, or (ii) A Factual prediction that could have previously Been discovered through the exercise of Due Diligence; and (B) The FACT underlining the claim would be sufficient to be established by clear and Convincing Evidence that but for Constitutional error; no Reasonable (Jury) Fact Finder would have found the Applicant Guilty of the underlining offense. (F)

U.S. CONST. ART 14 § 1.

Sec. 1 Full FAITH AND CREDIT CLAUS. Full Faith and Credit shall Be Given in each State to The public Acts. And judicial proceedings of every other State And the Congress may Be General Law prescribed The manner in which Such Acts, Records, and proceedings shall Be provided - proved and in effect thereof.

28 USCS § 1738

28 uses. JUDICIARY AND JUDICIAL PROCEEDINGS - procedures §§ (1-500) part 5. procedures.

United STATES OF America TREATY With THE UNITED NATIONS. AND MEMBERSHIP. UNITED NATIONS DECLARATION OF HUMAN RIGHTS. ARTICLES 1-30.

U.S. Const.

All Duties impacts and exercise shall Be --- The privilege of the writ of Habeas Corpus shall not Be suspended unless when in cases of Rebellion or invasion The public Safety may Require it. Art 1.8.1

STATEMENT OF THE CASE

In 2004 Mr. Otis had been Rearrested - And Confined to the County Jail, while incarcerated he Repeatedly Attempted Suicide. He was also sent to state Hospital for Incompetency. HE WAS Bench Warrant Back to Appear Hearing for Agg. Perjury charge. Doctors stated Mr. Otis was still in competent and should be return. The Court Hearing was Reschedule. While being in Jail He overheard 2 White males discussing A Murder. Mr. Otis later introduce him self. One of the white males asked Mr. Otis. Why is he always doing suicide. Mr. Otis explained his Belief. He is John the Baptist the 7th spirit of God and his mission To Sacrifice his life Die for the world. But the medical and security keep stopping him. Chain him up. Sent him to Hospital and he Just Returned. "The white male stated. He know A way to help Mr. Otis Die and no one no medical - No security could stop. IF he Confess to murder someone the Law say that you will get Death Penalty. Mr. Otis later Agree to say that He murder someone. The two males began to tell Mr. Otis details about A Murder. Mr. Otis later request to speak with Detectives. And Gave A STATEMENT. That He and two Black men Together had Sought to kill Christians. Mr. Otis and the two Black men were Muslims and hate Christians. Robbed and Kill Mr. Arnold. Sept. 2004.

2005 Trial. Prosecution would use Mr. Otis Statement to Convict him. The Trial was reschedule. 2008. MR. OTIS changed plea From not Guilty TO NGRI PLEA.

2009. MR. OTIS RETURN FROM STATE Hospital Competent. in JANUARY 2009.

March 18 - March 20th Mr. Otis Trial For CAPA murder PLEA NGRI INsanity PLEA. The Jury determine that Mr. Otis wasn't INsanity during The OFFENSE OF MURDER. MR. OTIS WAS SENTENCE TO LIFE SENTENCE.

Mr. Otis Appeal. 2010. Two Error. 1. The Jury should have verdict INsanity.

2. The Court should not have use Mr. Otis Statement. The 11th Circuit Court GP Appeals Affirmed Otis v. State NO. 09-09-00140-CR. (TX. App. May 5, 2010) Direct Appeal

Mr. Otis 2009 11.07 was denied. Due to Pending Appeal writ. 93672 A. - WR-72,543-01

Mr. Otis in 2017-2018 Filed Mr. Otis File 11.07. NO. 93672-B. The Trial Court Requested The Court of Criminal Appeals to Dismiss Mr. Otis writ. The C.C.A. Order The Trial Court to Conduct A Hearing on why Mr. Otis File late writ. AND ORDER THE Appeal Attorney to Answer why Counsel Fail to inform Mr. Otis his Appeal was Affirm and he is To File PDR. The Trial Court decline to Grant MR. OTIS A Hearing And Attorney. And Due To Mr. Otis had in Form the Court He had Prison mail Records and Court letter From Appeal Division to show that his appeal Counsel perjury. Counsel Did not inform Him. The Trial Court denied him A Hearing and Attorney. instead Trial Judge order Him to write why his writ Delay. so to prevent Appeal Counsel From being Dis Barr and Mr. Otis writ Being Granted By the CCA. The Trial Court stated LACHES. The CCA Denied Dismiss MR. OTIS writ. without written order. Ex Parte Otis. Tex. Crim App. Writ Pub. Laws 402 The Order To The Trial Court "Applicant has Alledged Facts That IF TRUE might Entitle him to Relief. Strickland v. Washington

In 2020, Mr. OTIS had sent mail to his former Trial Counsel, requesting to send him his Trial Case Files, 5/14/2020. The month of Aug. 3, 2020, Mr. OTIS Trial Counsel send him the Case Files. After receiving and viewing, he discovered that the prosecution, Detectives, with held evid. showing he is not a party to the Crimes Conspired, Committed perjury, submitted inaccurate evid. to the Grand Jury. The prosecution with held evid. 6. Years from Defense. The Trial Jury. Also the Trial Counsel.

Mr. OTIS Filed A writ of Error sent to the Trial Court. He was ignored by the Courts, which again lead to him being mental Break Down and Hospitalized patient. Released from inpatient. 2022. of May 6. Mr. OTIS receive his property and File his writ 11.07. writ of Habeas. OTIS V. STATE 04-93672 C
The Trial Court Recommend Dismissal. The Court of Criminal Appeals. Dismissed without written Order. 9/12/2022. (0-31-2022) as successive-6.

Mr. OTIS learn that He should File A USCS 2254. Mr. OTIS File A USCS 2254 writ. Feb. 10. 2023. in the Eastern Dist. 5th Cir. in March-April. The Respondents Attorney Recommend the Magistrate Judge Dismiss Mr. OTIS Writ. As out of Time Filing. But the Magistrate Judge Decline to dismiss Mr. OTIS petition. Due to Mr. OTIS had write Complaint to the Senior Judge his concerns about the Magist. Associate Judge Refuses to Hear his motions. The Presiding Judge Decide to Deny his petition. And Recommend Dismissal. Dec. 18. 2023. Mr. OTIS Objects to the Recommendation. ~~OTIS~~ OTIS V. Dir. Tex. Dept. Crim. 2023 US Dist Lexis 234617 2023 WL 950909 E.D Tex. 1

On Feb. 2, 2024. The District Judge Objected and Adjured. Dismissed And DENIED MR. OTIS CERTIFICATE OF APPEALABILITY. He send Request Recommend.

Mr. OTIS send A Notice to Appeal. After he had sent A Motion to Reconsider. Mr. OTIS File Appeal to the US. Court of Appeals 5th Cir. The 5th Cir. Appeals Court Deny Mr. OTIS COA. STATING. MR. OTIS Fail to Give Notice of Appeal After his Reconsider was Denied. We have No Jurisdiction. . . . OTIS V. Lumpkin, 2024. US App. Lexis 30238 - Nov. 26. 2025.

Mr. OTIS Motion for Reconsider was Denied. OTIS V. Lumpkin 2025 US App. Lexis 3610. Feb. 14. 2025.

Mr. OTIS were inform to write to the Supreme Court for the United States For A petition. On 3-6-2025 He send A Request For A petition writ or Cert. Package to the S. Ct. clerk. Then again A Request 4-13-2025. On 4-22-2025 He Received A package form from the S. Ct. clerk. post Date. 4-1. 2025. Mr. OTIS. Mr. OTIS send motion For 30 DAY Extension to File. Due to Mr. OTIS Being Transferred to another unit. His legal - property would be later sent to him. He wouldn't Be able to Complete his Filings. On 6-6-2025 HE send motion For 30 DAY extension along with motion Form to proceed in Form paperis to the S. Ct.

REASONS FOR GRANTING THE PETITION

The Court Should Grant Mr. Otis Petition Because Mr. Otis seek Justice of the State Court prosecution, The Detectives and his Trial Counsel. There is no doubt as evidence prove Mr. Otis us. Const was Violated. The State Court prosecution, and Trial Counselor knew that Mr. Otis was innocent of the charge Capt. Murder. And Agreed to Dismiss murder and seek to Convict try Mr. Otis for Agg Robbery. And Since Trial Counsel later decide to Cease defending. Help Mr. Otis. Counsel let Mr. Otis Commit perjury. As well as The prosecution. Goto Trial with NGR1 plea.

When Mr. Otis seek the us. Fed Dist. Court for Justice. The us. Court Judge Stetson Behavior, proformance flawed and prejudiceness, Bias Because Mr. Otis motions - exhibits were ignored. his motions the judge delayed not hearing on which caused Mr. Otis to wonder if someone within the us. Dist. Court were trying to prevent his exoneration. Tamper with his exculpatory evidence. And when Mr. Otis decide to write concern letter to the us. Dist. Clerk and Dist. Judge. The presiding Judge Stetson was confronted and had to conduct hearings on motions that set on Docket for months. causing the judge Stetson to turn Against Mr. Otis. Deny all his motions. motions for A Evid. Hearing - and other motions. and then error stating that Mr. Otis not show Newly Evidence, Nor Fed. Violations. and Also make untrue claims Mr. Otis nor The Report stated. Then claim Mr. Otis not show innocence. Mr. Otis Late File. ~~and~~ Reconsider. Dismissal. That even the Dist. Judge Truncate failed to answer Mr. Otis motions. So to side with Judge Stetson to dismiss Mr. Otis petition. his Reconsider motion. And fail to hear Mr. Otis motion to grant COA or Reconsider motion. Mr. Otis had to send complaints to compel the Dist. Court.

Then The us. Court of Appeals 5th Cir. Deny Mr. Otis Request For COA. "

Mr. Otis claims he presented. The 5th c.v. Granted Ruled in Favor. And knew that Mr. Otis claims and exculpatory evid. he sent merit Relief. And is why when Mr. Otis Filed uses 2254. Then 2 months later the Respondent Attorney Recommend the Dist. Judge Stetson to Dismiss Mr. Otis petition. Stating. 1. Mr. Otis is Time Bar. 2. Mr. Otis not show innocence nor Fed. Violations. Yet the Dist. Judge didn't Dismiss Mr. Otis petition. But permitted the petition to move forward and conducted hearing on some of his motions. Mr. Otis Continued to send evidence and motions.

It was only until After Mr. Otis 4 months later began to worry why his motions were not being heard and no mail from the courts- 6 months into Court and he worry- Sends letter of his suspicion to the Court- Then in Dec. 2024- which force the judge to comply to Court Rules- Resulting- Dec-18-2024 Recomm. Dismissal. 1. Mr. Otis Time Bar. 2. Mr. Otis not show Fed. Violation- 3. Mr. Otis not show Newly discov. Evid. 4. Mr. Otis not show innocence.

The Dist. Judge Stetson Decide with the Same statements the Respondents Counsel cited in April. March 2024.

The U.S. Dist Court sth cir showed prejudiceness, misconduct and Failed to Apply the Standards. Fast to Conduct Evid. Hearing- So to determine. Hear the Evidence Mr. Otis Sent the Courts- that show proof that Mr. Otis Trial Counsel Failed to inform Mr. Otis of the Newly Disc. Evid. The state-Defense Agreement Defense change plea Back to M/G and the state would seek to Try Convict Mr. Otis For Robbery. and enhance if convicted lesser included offense. Not Capt. murder.

Evidence of the prosecution and Detectives Conspiring- Then prosecution withholding by years from the Grand Jury and Defense Counsel Exculpatory Evid. The State prosecution would Build A case using A witness and possibly DNA hope to, Convict For Robbery.

The U.S. Dist. Court sth cir.

Prejudice STANDARD OF STRICKLAND WARRANT THIS COURT ATTENTION, prejudice under william (Terry v. Taylor 529 US 362, 347-348 (2000)) Require A making the prejudice analysis under Strickland v. Washington.

The U.S. Dist. Court sth cir is in Conflict WITH THE DECISION OF OTHER COURTS.

under Stanley v. BARTLEY. 465 F.3d. 810 (7 Cir 2006)

The Court Con. Fronted A situation where The Eye witness and Evidence. Failure for Counsel to interview. Call witness. prejudice his client. The Fed. App. court state Trial Counsel prejudice client.

Conviction was Reversed where the Court Found ineffectiveness For Failure to present Evid. Smith v. Dretke 417 F3d. 438 (5 Cir 2005)

In Stanley. The issue is not whether Mr. Otis is innocent but whether if he had a Competent Lawyer - HN (1) HN (2) HN (3) HN 4.

The Fed. Court must Grant an Evid. Hearing to a habeas petition Applicant under the Following Standards — A Full and Fair hearing.

Townsend V. Sain 83 S. Ct 745 (U.S. 11 1963). Clearly Established Fed. law. The Federal Court can disagree with a state court credibility determination and when Guided By AEDPA.

The U.S. S. Ct. expended Oatis Analysis of 28 USC 2254 (d) Panetti V. Quarterman 127 S. Ct. 2842 - 2858 (2007) clearly Establish Fed. law. Const. Law 28 USC 2254 (d) (2) - Miller E1 V Cockrell, 532 U.S. 322. (2003) The AEDPA Does not Require the Court to Turn A Blind EYE.

The U.S. S. Ct. under Schlup V. Delo, 383, 326, 133 S. Ct 1984 Evid. Not Qualified As Newly Discover YF Evidence was Already within the Knowledge of the Client. (Mr. Otis had No Knowledge only the Trial Counsel and State prosecution.

In House V. Bell, 547 U.S. 518. Tennessee Suprem Court (House V. Bell 311 F. 3d 767 (CA6 2002) Concluded that House made A Compelling Showing of innocence The Court in Herrera V. Collins 506 U.S. 390 (1993) Assumed without deciding that A Capt. Case a Truly persuasive demonstration of actual innocence made.

Mr. Otis 28 USC 2254 claims were ineffectiveness of counsel, prosecution misconduct, Detectives Conspiracy, Newly Discover Evidence.

Under 28 USC, 2244 (d) (2), If petitioner Alleges Newly discover Evid. The Filing Deadline is One Year From the Date he discover wrong doing through The exercise of Due Diligence. Mr. Otis not discover until 2000, under Schlup V. Delo, must Establish Newly Discover evid. Moson V. Ceresini 2024 Lexis Dist. 99629 (HN 3-9-13).

The BRADY V. Maryland 373 U.S. 83 (S. Ct. 1963).

Mr. Otis had Confessed to Detective He participated in ~~HATE CRIME~~ ~~with Black Muslims~~, ~~not~~ the Actual Killers Shooters Detectives later discover that Mr. Otis had lied about participating. Yet Detective Warrant testify to the Grand jury That only Mr. Otis Acted Alone.

In Brady, Police Duty is to Turn over Evidence to the STATE prosecution. Disclose All material Evid. to the prosecution.

The U.S. Const. Amend. 14 Require prosecution, police...

To disclose material Evid to Defense. HN 9 HN 3 - HN 7.

United State V. CARTER 2025 US Dist lexis 78784

Granted writ of Certiorari.

Also in Fuller v. Johnson - Miller - EL v. LOCKRELL - Buxton v. Collins
in Fuller. 114. F3d. ~~441~~ 441-445. (5 Cir). Miller was Granted Relief
Mr. OTIS Being Denied COA.

The US Dist Court and US Appeals Court Deny Mr. OTIS COA.
in Welch v. United States:

in Miller-EL. The Court STATED "we do not require petitioner to prove
That some jurists would Grant habeas Corpus. Doubts to issue A COA.
Should Be in FAVOR OF petitioner. Fuller v. Johnson.

Does not Require to prove some jurist would Grant petition habeas...
indeed A claim Can be debatable even though every jurist of Reason
might Agree AFTER A COA has been granted....

BARKFOOT V. ESTELLE. 463 US. 88-893. (1983). held that
Appellate need not Show that HE would PREVAIL on the merits
But must Demonstrate that the issues are debatable Among jurist
of Reason That A Court Could Resolve the issue in A DIFFERENT
manner. [Citation omitted] ~~21~~ Flieger v. Delo 16 F3d
878-883 (8 Cir 1994)

The Court found ineffectiveness for failure to interview and present
witnesses and Evidence who would testify that the defendant did not Commit
the Crime. White v. Roper. 416 F3d. 728. (8th Cir 2006) Smith v. Dretke 417 F3d
438 (5th Cir). Under Strickland Standard, the Fed. App. Ct. in Stanley found that
the failure For the Trial Counsel to interview witnesses. And Evid. was prejudice
to client.

The Trial Counselor and prosecution knew that Mr. OTIS was innocent of
the indictment Charge of Capital murder. Yet knew that Mr. OTIS being unaware
of the Newly Discover Evid. prosecution withheld from the Grand jury and
defence 6 years. And Counsel, prosecution Agreement. Defense would
withdraw his 2008 NGRI plea. And Return to his original 2004 Not Guilty
plea. drop/dismiss Cap. Murder Charge - Reduce to Agg. Robbery. Due to Mr. OTIS
ignorance of this Agreement. He went to Trial NGRI plea. perjurying
himself. And Counsel would have been conflicting OTIS NGRI plea.
Had Counsel presented witnesses and Evid. Testify OTIS Not the murderer

Prosecution had Duty to not present into evidence that which it know is False not true, and Counsel is to Correct A witness testimony when prosecution know to be untrue. in Otis 2009 Trial. prosecution called A witness to testify that At 1.00pm. she see A Black male Speed pass her. However, A. nother witness. Testify Seeing A Black male (mr. Otis) Traveling Down the Hwy. He walk pass in front of her vehicle 1.00 pm. Hour. When other Key witnesses Eye witnesses sees White males at the Hour Crime Scene and White male with A Sun Tan as A Roofer (Sun Tan). As Hispanic Complexion. All 3 White males - Suspects were in Custody for the offense of murder. mr. Otis never was A Suspect. Detectives in 2004 of Nov. Received Evid. 6 page Card. Addressed to A Suspect Jason Moreno. The Content A Note Threaten Jason moreno. Cody, and Phillip. The unknown waster Threaten to Kill moreno, Cody and Phillip if they Dont turn them self in to Authorities. If not then B/He would begin killing. Suspect. Jason First. then the other Two. Detectives also help prosecution withhold the Eye witness statements, and Evid. from the Grand Jury so to have mr. Otis charged with Cap. murder when Detective discovered Otis Confession statement contain untrue. His involve ment. After Otis had Been Trick'd By Suspects. Agreed to Admit to Crime he didnt Do. A Suspect Morton later send A note to prosecution stating Otis had told him that He Robbed Victim for 30 Dollars. Prosecution later Release Suspects Because Otis Admit to the Crime. later prosecution discover in 2009 other evid showing Otis innocence. Due to the 2004 prosecutor Being White male. later ~~AFTER~~ indictment Return. The case was Transferred to prosecutor. R. Ramos, A Hispanic prosecutor.

This case is Racially motivated. Due to mr. Otis being A African American minister. 3 white males in white Groups: 3 white Detectives, and A white prosecutor. Detectives went to speak with mr. Otis Due to his vehicle was seen Abandon Beside Hwy Day of murder. However when mr. Otis Attempted to tell of what He saw. people at that church. and white males. Before Otis could Respond to Detective. Another Detective Grab him and Begin choking him. Saying. " you killed _____ "

Had not Detective Attack'd him. Otis would have told Detectives what he saw - Also Mr. Otis Brother A police man was First Responder, Night of the Call to murder. He was told By Some one that s/he seen A Black male walking Hwy's Officer Otis Drive and Locate the Black Traveler walking Along Hwy's Officer Otis speak with the Black males who also had A Back pack. Officer Otis Searched later Release the Black male who said He was walking to Houston Texas. For this Reason A Black male Being Seen A Night time - and The All Call Night Times and then Mr. Otis Vehicle. Detective Attacking And Accusation Assume Otis was the Murder. However, witnesses to see white males At the Church and in Victim Vehicle. But not the Crime. Detectives only had the 3 As potential Suspects, With Evidence - witnesses and motive. Detectives arrested.

THIS COURT IS WARRANTED

The Supreme Court is the Suprem Law and Under Article III Section 1.
The Judicial power - Shall Be invested in One Supreme Court - Art. III Sec. 2.
The Judicial power shall Extend to all Cases, in Law and Equity arising under the Constitution, . . . Controversies to which the United States Shall Be A party - Controversies Between Two or more States - Between A State and Citizen - . . . MARBURY V. MADISON 5 U.S. 137 Cranch 137-177, 2 LEO 60 (1803). Ex parte Watkins. 7. Peter. 560 (1833) Fed. App.
The Court Revises and Correct Lower Court proceedings in A Cause Already Instituted AND DOES NOT CREATE THAT CAUSE.

William V. Taylor. HN 1. in 1867 Congress enacted A STATUTE providing That Fed. Cts. "Shall have power to grant writs of Habeas Corpus (375) all Cases where A person. Any person shall - may be Restrained of his/her liberty in Violation of the U.S. Const, or Treaty or Law of the United States - HN 2 on the other hand. errors undermine the U.S. Const. entitle Remedy of habeas Stone v. Powell 428 US 465. - 3. CT. 3037 (1976) Brecht v. Abrahamson 507 US 619. - 3. CT. 1710 (1992)

In United States V. Hendrickson 2019. Counselor Failure to discuss options. and Rompilla V. Beard. 545 U.S. 374, 385-386 (2005) The most — The U.S. Ct. has Granted Relief For ineffective Assistance of Counsel: All Containing Rulings that Trial Counsel Strategy was Not Reasonable.

Mr. Otis Trial Counsel abandoned his duty to Continue or defend Mr. Otis. Had Counsel informed Mr. Otis of the Exculpatory Evidence and the Fact The prosecution and Detectives Withheld Evidence showing Mr. Otis Innocence. That the State prosecution 2009 Discovery - pretrial. State Admit. No Evidence to Convict Mr. Otis For Capt. murder and Counsel Filings motions To Dismiss. STATE would Build A Case Agg Robbery - not murder. Reduce Charge to Robbery and Try to Convict Mr. Otis For Robbery. and IF Convicted would enhance punishment. Counselor not notify or inform Mr. Otis. Feb. 13 - 2009 STATE STATE MEMO TO Counsel. "Notice Intent to ENHANCE." ... Also State Response to Counsel Motion to dismiss, Harm to Mr. Otis. STATE Reply. "Counsel now claim Client is innocent of the offense. ... Counsel must Consider his Clients 2008 plea Not Guilty By Reason of Insanity - which is Admission of Guilt. Clients NGR1 Plea. ... STATE Request Counsel to discuss with Client. New Defense plea options and Notify State of its defense. FEBRUARY 2009.

STATE Response ... A claim that Evid. Showing Defendant was not an Actor would preclude said Defense. The State would Respectfully Request notice if the Defense no longer intends to Rely upon Insanity as A Defense after ~~the~~ Investigation of the Claimed Exculpatory Evid." Again, Mr. Otis had no Knowledge.

STATE would Use Morton To Testify That Mr. Otis had told him in County Jail that He had Robbed Victim for 30 Dollars. STATE would ATTEMPT to Connect Mr. Otis to the Crime of Victim - Mr. Otis Capital murder. State accuse Mr. Otis of Robbery and Killing Victim in the Course of Robbery. Since the prosecution conspired with police. Then in 2005-2006 Trial would use only Mr. Otis Confession As STATE Evidence. (2009. STATE Compelled to Submit Withheld Evid. It Withheld 6 years. 2009 Trial.)

Trial Counselor would Subpoena 3 witness to prove Mr. Otis not Robber Nor was involve. And other material Evid. But later Trial Counsel not discuss This information - with Mr. Otis, and Abandoned Mr. Otis Defense.

Mr. Otis had No Knowledge of Any 2009 Counsel - state correspondence He later discover in 2020. Filed A writ of Error The Court Ignored. He has Mental Break Down. Inpatient treatment 2020 - 2022. Released. From Mental Care Treatment. HE Files U. of Writ. 93672 C

Miller. EL V. Cockrell, Fuller v. Johnson, Buxton v Collins, Butz v Mc Adony
Doubt as to whether A Certificate of Appealability should Be resolved in
favor of the petitioner. If district Court dismiss on procedural Ground
a Certificate of Appealability must Be issued if petitioner meet...

When Two Laws. Conflict with each other. The Court must Decide on the
— If A Law is opposite to the Const. Laws. Rulings that are Contrary is to be
Considered By the Court paramount Law. The Acts. principles, Theory of
our Govt. is entitle Void. The Const. limits legislation — power Actions
The U.S. S. Ct. is to Shall interperate what the Const. and Shall judge
according to the Supreme Law/us. Const. No Act of legislation Repugnants
to the Const... Shall Be Void.

The Supreme Court of the United STATES Has ~~SUPREME~~ Power over
A (THE) Final Judgement from a Court of Appeals because the matter
Concern an issue under the Constitution or A Treaty of the United STATES.
MARTIN V. HUNTER'S LESSON 14 US. 304. S. Ct. (3.20.1816).

Mr. OTIS 28 USC 2254 claim Newly Discover Evid. Not presented in Trial.
Bain v. Mjy prods. 751 F.2d 642. (1st Cir. 2014) HN. 3, HN 4. Grounds for Relief
From Final Judgement, Orders, or Proceedings, Newly Discover Evid. For the
Purpose of Fed. R. Civ. P. 60(LB)(2). Evid. that was lost, Hidden, or unavailable
during Trial Could Qualify as Newly Disc. Evid. when later found/Discovered —
even if the evid. was known to the movant at the time of Trial.

Welch V. United States. The S. Ct. In Welch. V. United States. 578 US 120
The Court Held. HN. 6. Under the AEDPA Act of 1996. Obtaining A Certificate of
Appealability does not require a showing that the appeal will succeed, and a Court of
appeals should Not ~~DECLINE~~ the Application merely because it believe will not....

The 5th Cir. Court is out of Step with other Circuit Courts
in its Consideration of the lower Trial Courts and Fed. Dist Court.
Ignoring Clearly Established Laws. 42 Fed. Const. Violations. Failing to
follow Fed. Circuit App. Pro. Rules. Failure to Apply the Conduct of Judges.
misconduct. prejudice, Harming Mr. Otis. Denying Mr. Otis Evid. Hearing
Bias Toward Mr. Otis.

The Court Dist Court 8 Cir. found ineffectiveness for Counselor failure to interview, present witnesses who would Testify that the defendant did not commit the Crime... White V. Roper 416 F.3d 728 (8 Cir 2005) Similarly to Smith V. Dretke, 417 F.3d 438 (5 Cir 2005). the Court found ineffectiveness assistance of Counsel for failing to present evid.

Rompilla V. Beard. 525 U.S. 374-385-386, 2005. The most recent case in which the U.S. Supreme Court has granted Relief for ineffectiveness Assistance of Counsel. all contain Rulings that Trial Counsel's Strategy was not Reasonable. Also In the Case white v. Roper. Court stated. Trial Counsel Decision to Not interview and call witnesses was ineffective Assistance of Counsel.

Mr. Otis has been an Ordained Minister since 1995, married and had purchased their Third Home. Mr. Otis was member of the Board and helped the Community. Volunteered, helped the Homeless-Needy and youth. He sponsored, Donated to Charities and ~~Feed~~ Feed the Hungry children world. And He was a participant in the City Elections. He sat on the Board of Elections STRATEGIZING and Scheduling. Mr. Otis had Recently purchased Their 3rd Home in Sept. 2003. Mr. Otis also has mental disorders schizophrenia.

Had Mr. Otis Trial Counsel Informed him of the State and Detectives with Holding evid. and The prosecution with holding exculpatory evid. 6 Years Then 2004 Add mit no evid. To Convict For Capt Murder. Will Reduce to Robbery and Enhance punishment if convicted For lesser offense. Trial Counsel inform Mr. Otis Two witnesses (Brothers statement Seeing Mr. Otis at their church Earlier that Day. Church member at Jesus Tabernacle. Not New Covenant Church where Crime Occure. Trial Counsel had intentions to call witnesses, 4 witnesses to Testify Mr. Otis not murderer - plus other evid. material Evid. To Support New Defense Robbery. Since Counsels - prosecution Agreement Defense would Change plea Back To Not Guilty. State would Reduce Capt. Murder to Agg. Robbery - Mr. Otis 2004 Not Guilty plea.

Mr. Otis discovered This about the Case in 2020 Case Files from Counsel. The Hidden Evid. Counsel and prosecution withheld From Mr. Otis and the jury - and Grand Jury.

CONCLUSION

Mr. Otis Fed. Const. was seriously Violated by the Trial Court, and Trial Lawyer as well as Detectives. The STATE Court Dismissed his 11.07. The us. Fed. Courts performed miscarriage justice. Due to Mr. Otis Complaints to the court clerks and judges.

The petition for a writ of certiorari should be granted. To Review the 5 Cir Court of Appeals Judgment and opinions. Review the us. Dist. Court. Mr. Otis Deserve To Be heard and opportunity to seek The us. Supreme Court. Thank you.

Respectfully submitted,

MR. Kerron L. Otis

Date: July 4, 2023