

No. 25-7055

FILED
JAN 10 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Otis McKane — PETITIONER
(Your Name)

vs.

State of Texas — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Texas Court of Criminal Appeals

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

PETITION FOR WRIT OF CERTIORARI

Otis McKane #00999622

(Your Name)

3872 FM 350

(Address)

Livingston, TX 77351

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- The first point of error pertain towards a statement in an Interrogation made by me to detective Duke and whether or not it was voluntarily made, ^{or} under coercion or Deception and persuasion under 38.21 and 38.22.
- also The state bears the burden of proving a knowing, intelligent and voluntary waiver by a preponderance of the evidence. Under Joseph v. State, 309 S.W. 3d 20, 24 (Tex. Crim. App. 2010)
- Point of Error ^{three} ~~two~~, statement made by me to Morris to be suppressed
- point of Error four, statements made by me to officer Entinger to be suppressed.

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

- *Moran v. Burbine*, 475 U.S. 412 (1986)
- *Joseph v. State*, 309 S.W. 3d 20, 24 (Tex. Crim. App. 2010)
- *Delao v. State*, 235 S.W. 3d 235, 239 (Tex. Crim. App. 2007)
- *Jackson v. Arno*, 378 U.S. 368 (1964)
- *Miranda v. Arizona*, 384 U.S. 436 (1966)
- *Green v. State*, 934 S.W. 2d 92, 99-100 (Tex. Crim. App. 1996)
- *Pugh v. State*, 624 S.W. 3d 565, 568 (Tex. Crim. App. 2021)
- *Berry v. State*, 582 S.W. 2d 463, 464-65 (Tex. Crim. App. 1979)
- *Chapman v. California*, 386 U.S. 18-24 (1961)
- *Beck v. State*, 712 S.W. 2d 745, 747 (Tex. Crim. App. 1986)

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STATUTES AND RULES

- Texas Law of confessions
- Tex. Code Crim. Proc. Ann. art. 38.21
- Tex. Code Crim. Proc. Ann. art. 38.22
- Tex. Code Crim. Proc. Ann. Art. 38.23

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 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 October 30, 2025. 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

Tex. Code Crim. Proc. Ann. art. 38.21

Tex. Code Crim. Proc. Ann. art. 38.22

Tex. Code Crim. Proc. Ann. Art. 38.23

Tex. Const. art. V §13

U.S. Const. Amend. IV

U.S. Const. Amend. V

U.S. Const. Amend. VI

U.S. Const. Amend. VIII

U.S. Const. Amend. XIV

STATEMENT OF THE CASE

Otis TYRone McKane was arrested, charged with capital murder and convicted on August 20 21, also sentenced to death. A Statement was given to Detective duke, officer Morris, officer entinger which the Jury had to go on due to the fact, there were no DNA, gun or credible witnesses. This whole case relied on false and unreliable statements given out of persuasion, deception and in violation of my 5th, 14th amendments rights.

- The Texas C.C.A. later ruled in the affirmative and sided with the trial court decision of guilty and stated that point of error 1, 3 & 4 were without merit and denied my direct appeal
- This petition is being filed for grant of relief due to those events in this case also the Tex. C.C.A. did not address the logic of a detective using methods of saying things that could help a suspect in a case of question.

REASONS FOR GRANTING THE PETITION

• First point of Error (1) The C.C.A. stated the confession was given freely and being handcuffed the whole time was justifiable due to the nature of the crime committed where a cop was killed, not knowing what suspect would do. And the diversionary device was not a gun shot.

* The Reason you should grant my petition is due to the fact that the so called confession was induced by persuasion, compulsion and violated 38.24.(1) The statement given to detective Duke was given in handcuffs the whole time, which led me to feel trapped, afraid and like I did something wrong, I want to put you in my shoes I knew I did not commit a crime so being in handcuffs did not feel justifiable even though they may have felt so I didn't know why I was being arrested. (2) Also being in handcuffs after I thought I was being shot at, I really felt afraid for my life and being accused of a crime. Although officers say there were no shots fired there was no proof for shots were fired or not which again gives my thought process merit and with a simple sound check by law enforcement could have given their argument more strength. (3) Also when you read the Interrogation Transcript on pg 52 Duke says he's on no one side, that he wants to help me too, which led me to think that he wanted to help me as if he was an lawyer, at trial he even said he came in the room without gun or badge. A man (detective) coming in a Interrogation with no identification and no gun saying he wanted to help is very persuasive and deceptive and a misrepresentation of the law. (4) Duke says on pg 59 of the transcript that he thought me saying I did the crime could help or benefit me also a false promise. (5) on pg 65 of the Interrogation transcript I ask Duke will it help my chances by giving information shows I did not fully understand my rights of self incrimination or 5th amendment rights after being told it could help or benefit me, also the information given was false. (6) Along with all this when Det. Duke read me my rights one, he never asked if I fully understood intelligently, knowingly and voluntarily waive my rights, two I did not sign a waiver card neither write a written statement. (7) Duke also violated 5th amendment ~~was~~ rights after reading them he says admitting to a crime I did not commit would help me.

• On Point Errors (3) & (4), Tex C.C.A. stated that statements made to officer Entinger and Morris matched the same statement given to Duke and their officers so their word holds truth. (1) first officer Morris statement and Entinger statement doesn't match the exact words that I was accused of saying Morris said I said "it felt good to shoot him" low with a mumble standing right next to him arm's length officer entinger says I said it loud while he was twelve feet away his account says I said "I'm glad that I shot him, you can't judge me, it felt good to do what I did and I finally got someone to listen. One account is longer than the other a big difference and it's their word against mine (2) To prove Entinger word is not credible is when asked at a pretrial hearing why was your body cam off he said it was procedure, but later in his statement admits it's not makes his word questionable along with the two different stories. (3) There was no audio or video to back these allegations of a word spoken to these two men Morris and Entinger, Entinger walked me from the Interrogation room to cutting his camera off and when he did have it on words were never exchanged between us, and who did it feel good to shoot?

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Otis McKenna

Date: 1-8-26

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Otis McKane — PETITIONER
(Your Name)

VS.

State of Texas — RESPONDENT(S)

PROOF OF SERVICE

I, Otis McKane, do swear or declare that on this date, January 8, 2026, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Nathan Moret, Assistant District Attorney 101 West Alamo
San Antonio, TX 78205

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 9, 2026

Otis McKane

(Signature)