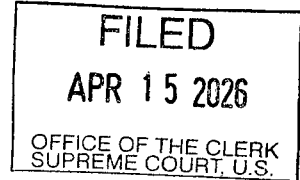


No. 26-5071 ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

USCAS NO. 25-40516

ADRIAN KEATON

— PETITIONER

(Your Name)

vs.

GUERRERO

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

5TH DISTRICT OF DALLAS, TEXAS

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

PETITION FOR WRIT OF CERTIORARI

ADRIAN ALDON KEATON

(Your Name)

STEVENSON UNIT

(Address)

1525 FM 766, CUERO, TX. 77954

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1. DID THE COURT'S DECISION INVOLVE AN UNREASONABLE APPLICATION OF STRICKLAND V WASHINGTON 466 U.S. 668, GRAHAM V CONNOR 490 U.S. 386, TEX. CIV. PRAC. AND REM CODE 18.061, ROMPILLA V BEARD 545 U.S. 374 IN DETERMINING COUNSEL'S PREJUDICE AND STRATEGIC DECISION TO NEGLECT TO RAISE 4TH ADAMENDMENT VIOLATIONS INVOLVING EXCESSIVE FORCE AND PROBABLE CAUSE, WHILE FAILING TO OBJECT TO PERJURY, FABRICATED EVIDENCE, SUPPRESSED EVIDENCE AND COLLATERAL REVIEW MADE RETROACTIVE UNDER TIMPA V DILLARD 20 F 4TH 1020

2. DID THE COURT'S DECISION INVOLVE AN UNREASONABLE APPLICATION OF NAPUE V ILLINOIS 360 U.S. 264, GIGLIO V UNITED STATES 405 US 150 AND BRADY V MARYLAND 373 US 83 IN DETERMINING PROSECUTION MISCONDUCT THROUGH SUPPRESSION OF EVIDENCE, PERJURY, AND "EVIDENCE CREATION" BY PROSECUTION THROUGH SUBORNATION, WHILE DESTROYING AND ~~REMOVING~~ WITHHOLDING VIDEO EVIDENCE.

3. DID THE COURT'S DECISION INVOLVE AN UNREASONABLE APPLICATION OF GRAHAM V CONNOR 490 US 386, STRICKLAND V WASHINGTON 466 U.S. 668, BRADY V MARYLAND 373 US 83, DOBBS V ZANT 506 U.S. 357, SCHUPP V DELO 513 U.S. 298, STONE V POWELL 428 US 465, MAYLE V FELIX 545 U.S. 644, FULMINANTE 499 U.S. at 309, PEUGH V UNITED STATES 569 U.S. 530, FRANKS 438 US at 155-56 98 S. Ct. at 2676, KEMMELMAN V MORRISON 477 U.S. 365 IN DETERMINING THE COURT'S JUDGMENT THROUGH EX POST FACTO, INVOLVING EXCESSIVE FORCE BY WAY OF CHANGING PROBABLE CAUSE REMOVING ARRESTING CHARGE AND INCREASING PUNISHMENT, WHILE ALLOWING PREJUDICE BY COUNSEL DIRECTLY AND SPECIFICALLY IN VIOLATION OF LAW TO CREATE BIAS OF JURY, THROUGH PASSIONS OF COUNSELS CONSANGUINITY TO ENHANCEMENT VICTIM.

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below. If a party is a corporation with a stock ticker symbol, that symbol is also included.

ADRIAN KEATON

PETITIONER

v

GUERRERO

RESPONDANT

RELATED CASES

1. KEATON V GUERRERO 2026 U.S. APP. LEXIS 5751
2. KEATON V GUERRERO 2026 U.S. APP. LEXIS 9473
3. KEATON V DIR. TEX. DEPT OF CRIM. JUST - CORR INSTS. DIV. 2025 US DIST LEXIS 177534
4. KEATON V DIR. TEX. DEPT OF CRIM. JUST - CORR. INST. DIV 2025 US DIST LEXIS 149261
5. KEATON V STATE 2020 TEX. APP. LEXIS 8052
6. KEATON V DIR. TEX. DEPT OF CRIM. JUST - CORR INSTS. DIV 2025 U.S. DIST. LEXIS 147898
7. KEATON V DIR. TEX. DEPT OF CRIM JUST - CORR. INSTS. DIV. 2022 U.S. DIST. 178891
8. KEATON V DIR. TEX. DEPT OF CRIM. JUST - CORR. INSTS. DIV. 2024 U.S. DIST. LEXIS 236549
9. KEATON V DIR. TEX. DEPT OF CRIM. JUST - CORR. INSTS. DIV. 2025 U.S. DIST LEXIS 3415
10. KEATON V DIR. TEX. DEPT OF CRIM. JUST - CORR. INSTS. DIV. 2022 U.S. DIST LEXIS 177615

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[REDACTED]

[REDACTED]

[REDACTED]

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

☒ For cases from **federal courts**:

☒ reported at KEATON v DIR TEX DEPT OF CRIM JUST-CORR INSTS DIV 2025 US DIST LEXIS 149261; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

1.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was FEBRUARY 24, 2026 5TH CIRCUIT IN CASE NO. 25-40516

☐ 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: APRIL 02, 2026, and a copy of the order denying rehearing appears at Appendix D.

☐ 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 REDACTED.
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

SHOW CAUSE WAS ORDERED TO RESPONDANT, THE STATE FAILED TO CURE THE CONSTITUTIONAL ERRORS RAISED OF EXCESSIVE FORCE CAUSING SAID ORDER CONDITIONS PROVING IT HAS NOT DEMONSTRATED THAT IT DESERVES RELIEF FROM JUDGMENT UNDER FED R. CIV PROC CONDITIONAL GRANT OF HABEAS CORPUS UNDER 28 USCS 2254 REQUIRES PETITIONERS RELEASE FROM CUSTODY.

• UNCONSTITUTIONAL TREATMENT AT THE HANDS OF STATE OFFICIALS, IN THE SCOPE OF OPERATION EXHAUSTION OF STATE REMEDIES IS A PREREQUISITE TO 2254

• WHEN IS PERSON "IN CUSTODY" SO AS TO MAKE HIM ELIGIBLE FOR REMEDY, UNDER FEDERAL STATUTORY PROVISION FOR HABEAS CORPUS, FOR VIOLATION OF FEDERAL CONSTITUTIONAL RIGHTS 36 L Ed 2d 1012

SELF DEFENSE INVOLVING OFFICERS USE OF EXCESSIVE FORCE TEX CRIM PRAC § 123.02

1ST AMENDMENT OF U.S. CONSTITUTION: FREEDOM OF SPEECH

4TH AMENDMENT OF U.S. CONSTITUTION: UNREASONABLE SEARCH AND SEIZURES.

6TH AMENDMENT OF U.S. CONSTITUTION: RIGHTS OF THE ACCUSED

14TH AMENDMENT OF U.S. CONSTITUTION: DUE PROCESS AND EQUAL PROTECTION

- TEX. CIV. PRAC. AND REM CODE 18.061: CAN NOT EXPRESS SYMPATHY OR BENEVOLENCE RELATING TO THE PAIN, SUFFERING, OR DEATH OF AN INDIVIDUAL INVOLVED IN AN ACCIDENT BY CONSANGUINITY.
- FED R. CIV PROC 59-194 PASSION, PREJUDICE OR SHOCK TO CONSCIENCE OF COURT:
NEW TRIAL UNCONDITIONALLY IF VERDICT RESULT IN PASSION, PREJUDICE, OR CAPRICE
- 28 USCS § 2254 (d)(1)(C): CONSTITUTIONAL RIGHT ASSERTED WAS INITIALLY RECOGNIZED BY THE SUPREME COURT AND MADE RETROACTIVE APPLICABLE TO CASES ON COLLATERAL REVIEW. (SUCH AS; DILLARD V TIMPA 142 S. Ct. 2755) MAY 31 2022
- 87 L. Ed. 2d 802: DUTY UNDER DUE PROCESS CLAUSE OF FEDERAL CONSTITUTION IS;
(a) FAILURE OF POLICE TO PRESERVE POTENTIALLY EXCULPATORY EVIDENCE VIOLATING STATE CONSTITUTION 40 ARL5TH 113. (b) EXCLUSION OF EVIDENCE 27 ARL4TH 105
(c) SUPPRESSION OF EVIDENCE 7 ARL3d 181

FED R. EVID 201 DISTRICT COURT REFUSED ALL "JUDICIALLY NOTICE" REQUESTS TIMELY FILED, AND FIFTH CIRCUIT ALSO DENIED WHILE STILL KEEP ORIGINAL REQUEST FROM DISTRICT COURT ORDERS. PROVING TRANSCRIPT AND EXHIBITS.

STATEMENT OF THE CASE

ON SEPTEMBER 3, 2018 OFFICER BRANDON OZUNA WAS CALLED FOR A NOISE DISTURBANCE. WHEN HE ARRIVED AND SPOKE WITH COUPLE ADRIAN KEATON AND JOHANNA STYRMAN HE SAW NO ISSUE. BOTH PARTIES SAID THERE WAS NO ISSUE RR II 157:1-3 OZUNA AGREED AND LEFT RR II 9:11

LATER THAT DAY OFFICER KEITH A. MILKS WAS CALLED TO THE APARTMENT. WHEN MILKS ARRIVED KEATON WAS SITTING IN PASSENGER SIDE OF A VEHICLE NOT RUNNING AND STYRMAN WAS OUTSIDE NEAR PARKING LOT. AS SEEN IN BODYCAM KEATON APPROACH MILKS AND SAID "HE JUST WANTED TO TALK" STANDING ABOUT 10 FEET FROM MILKS. MILKS TOLD KEATON TO RETURN TO HIS CAR AND AS HE STARTS WALKING BACK SAYS SOMETHING WHICH MILKS SAID WAS "COWARD" RR II 183:1-4 IMMEDIATELY MILKS STOPS KEATON AS HE WAS WALKING TO THE VEHICLE. MILKS THEN ARREST KEATON PLACING HANDCUFFS BEHIND HIS BACK. WHEN MILKS IS DOING THIS KEATON ASKS MILKS WHAT HE WAS BEING ARRESTED FOR IN WHICH MILKS RESPONDS "PUBLIC INTOXICATION". AT THIS POINT MILKS HAS CONCEDED IN TESTIMONY THAT KEATON WAS NOT A THREAT TO HIMSELF OR OTHERS, AND WAS IN FACT, COMPLYING WITH INSTRUCTIONS. RR II 184:8-11

AS THE BODYCAM FOOTAGE SHOWS FROM MILKS BODYCAM, WHEN KEATON DID NOT WANT TO SIT IN NEIGHBORS CHAIR IMPEDING THEIR DOOR, MILKS IMMEDIATELY THROWS KEATON ON HIS FACE TO THE GROUND STATING KEATON WAS "RESISTING ARREST" KEATON YELLS "I'M NOT RESISTING". MILKS BEGINS TO USE BODYWEIGHT FORCE ON KEATON'S BACK WHILE SHOVING HIS FACE INTO THE CONCRETE. KEATON ASK MILKS TO GET OFF OF HIM, BUT MILKS REFUSES. RR II 184:12-13 WHEN MILKS CONTINUES TO USE BODYWEIGHT FORCE WHILE SHOVING KEATON'S FACE INTO THE CONCRETE WHILE HANDCUFFED BEHIND HIS BACK, KEATON INFORMS MILKS THAT HE WAS GOING TO SUE MILKS FOR THE USE OF FORCE BY MILKS. RR II 186:19-23. WHEN MILKS STILL REFUSED TO STOP USING SAID FORCE KEATON TOLD MILKS THAT HE WOULD NOT FIGHT BACK BECAUSE HE RESPECTED MILKS POSITION AS AN OFFICER. RR II 184:17-19 FOR "THIRTY MINUTES" MILKS CONTINUED TO USE BODYWEIGHT FORCE WHILE SHOVING KEATON'S FACE INTO THE CONCRETE. WHEN OFFICERS RABB AND HOFFMAN ARRIVED TO TRANSPORT KEATON (BECAUSE MILKS WAS A K9 UNIT) KEATON APOLOGIZED TO THEM AND ASKED RABB AND HOFFMAN TO GET MILKS OFF OF HIM. RR II 185:12-14 MILKS CONTINUED TO

STATEMENT OF THE CASE

USE BODYWEIGHT FORCE AND SHOVE KEATON'S FACE INTO THE CONCRETE WITH NO INTERVENTION FROM RABB OR HOFFMAN. RR II 185:16-25, RR II 186:1-13 WHEN MILKS PUTS KEATON INTO RABB AND HOFFMAN'S VEHICAL, MILKS BEGINS TO LAUGH. WHEN KEATON ASKS MILKS IF HE THOUGHT THE SITUATION WAS FUNNY MILKS REPLIED (AS SEEN ON BODYCAM) "YEAH, I DO." RR II 189:17-24

AT THIS POINT KEATON IS RESTRAINED, SUBDUED, AND CONFINED IN THE POLICE VEHICAL. MILK TURNS AROUND AFTER CONCLUDING THE ARREST AND PULLS KEATON STILL HANDCLIPPED BEHIND THE BACK OUT OF THE VEHICAL SO AGGRESSIVE KEATON'S SHOES GET PULLED OFF BY MILKS. KEATON TELLS MILKS "YOU JUST PULLED MY SHOES OFF." MILKS THROWS KEATON'S SHOES IN THE FRONT SEAT. RR II 190:7-15

AS KEATON IS GETTING BACK INTO THE POLICE VEHICAL IN THE RAIN STILL HANDCLIPPED BEHIND BACK, MILKS SAYS, "YOU KICKED AT ME BUBBA." RR II 190:7-15 7:43 OF VIDEO. KEATON RESPONDS, "I'M SORRY." (BECAUSE KEATON SLIPPED ON THE WET SEAT USING HIS FEET TO PUSH HIMSELF IN.) MILKS WAS NOT IN PHYSICAL DISTANTS OR SITE BY KEATON.

DURING 2019 PROCEEDING IN JUNE KEATON BROUGHT TO THE COURT'S ATTENTION FIRST COUNSEL ~~REDACTED~~ RICK DUNN SAYING ONLY THE DASHCAM WAS AVAILABLE AND NO BODYCAM'S. COUNSEL DURING SAID PROCEEDING HAD BEEN MISLEADING KEATON WITH MULTIPLE DVD'S CLAIMING ALL REQUESTED VIDEO'S AVAILABLE 4 BODYCAM VIDEO'S (OZUNA, MILKS, HOFFMAN, RABB) AND 1 DASH CAM. COUNSEL GARLAND CARDWELL ADMITTED NEVER REVIEWING ANY OF THE CASE INCLUDING VIDEO'S. CARDWELL WITHDREW AS COUNSEL AND UPON BEING APPOINTED TIM HANEY AS THIRD COUNSEL, A REVIEW OF THE DVD'S WERE DUPLICATES OF OFFICER MILKS BODYCAM. KEATON FILE 1983 SUIT NO. 4:19-CV-457 IN REGARDS TO THE VIDEO'S SUPPRESSED DO TO EXCESSIVE FORCE VIOLATIONS. ONLY TO BE "HECK BARRED".

DURING DIRECT APPEAL TO 5TH DISTRICT, DALLAS COUNSEL FOR APPEAL ROBERT E.L. RICHARDSON REFUSED REQUESTED CLAIMS OF EXCESSIVE FORCE, PERJURY, CONSPIRACY, AND SUPPRESSED EVIDENCE ALONG WITH FAILURE TO CALL WITNESSES RABB, AND HOFFMAN. CLERKS RECORDS (ORIGINALS) WERE FILED IN PETITION OF LETTERS SENT BY CLERK FROM KEATON SEAL ~~REDACTED~~ OF COURT

STATEMENT OF THE CASE

ON EACH LETTER SENT TO ALL PREVIOUS COUNSELS REQUESTING SAID CLAIMS RAISED, AND TO RICHARDSON TO BE RAISED ON APPEAL WELL BEFORE DEADLINES. CR (CLERKS RECORDS) 29, 30, 49, 54, 55, 87, 88, 137, 138, 139, 140, 173, 174, 176, 183, 184, 391, 419, 420, 311, 431, 432, 435, 436, 440, 441, 442, 439, 437, BRADY v MARYLAND

- ALL ISSUES WERE RAISED (THAT RICHARDSON REFUSED, FILING INSUFFICIENCY OF EVIDENCE IN DIRECT APPEAL) ON 11.07 INCLUDING BOWWARD AND QUESTIONING PUBLIC OFFICE.

- KEATON FILED SEVERAL PDR WITH COURT OF CRIMINAL APPEAL BECAUSE A MISUNDERSTAND THAT REVIEW MUST BE MADE TO EXHAUST ALL REMEDIES, AND NOT DENIED. WHICH CAUSED A NINE DAY PROCEDURAL DEFAULT.

- PETITIONER FILED A 2254. FIRST MAGISTRATE ORDER RESPONDANT TO "SHOW CAUSE" WHY THE CONSTITUTIONAL CLAIMS SHOULD NOT PROCEED FOR A RELEASE OF PETITIONER. BRIEFS WERE FILED IN WHICH RESPONDANT CONFIRMED ON PAGE 5 OF BRIEF, MILKS CONCEDED TO ACTS WHICH INSTITUTE THE FACTORS OF EXCESSIVE FORCE. ON PAGE 26 OF RESPONDANT BRIEF [EXHIBIT B] FACTS CONFIRMING HANEY'S USE OF EMOTIONAL AND PSYCHOLOGICAL INFLUENCE ON THE JURY ARE CLEARLY CONCEDED BY RESPONDANT, INVOLVING PASSIONS OF CONSANGUINITY. ON PAGE 40 OF RESPONDANT'S BRIEF [EXHIBIT B] ~~(REDACTED)~~ (APPENDIX B) RESPONDANT CONFIRMS INJURY REPORT FABRICATION AND PERJURY BUT OMITTED FACTS OF DOCUMENTS THAT IF WERE NOT PRESENTED TO STATE HABEAS, WERE NOT FAULT OF PETITIONER BUT CLERK OF COURT FOR FAILURE TO ATTACHED. [APPENDIX E] ON PAGE 39 RESPONDANT BRIEF, RESPONDANT CONFIRMS PERJURY DURING CROSS-EXAMINATION INVOLVING MATERIAL EVIDENCE SUPPORTED BY THE OFFICER WHO'S EVIDENCE MILKS PERJURED. THOUGH ON TRANSCRIPT, (WHICH THE ORIGINAL IS IN THE 2254) OZUNA SAYS REGARDING THE REVIEW MILKS CLAIMED TO WATCH OF OZUNA'S BODY CAM, "NO, THAT WOULD BE IMPOSSIBLE." [APPENDIX B] AND PAGE 7 OF RESPONDANT BRIEF CONFIRMS CLAIM OF "ACTUAL INNOCENCE" ON REVIEW OF WORKMAN'S COMP. AND INJURY ARREST REPORT. THE CLAIM WAS FILED UNDER INEFFECTIVE COUNSEL CLAIM THEREBY ~~RE~~ RESPONDANT USED INACCURATE LEGAL ARGUMENTS, WHILE CONFIRMATION OF NUMEROUS CLAIMS WERE PRESENTED. THREE JUDGES WERE CHARGED AND THREE YEAR THE COURT IGNORE PETITIONER THROUGH DEFAULT JUDGMENT MOTION, SUMMARY JUDGMENT MOTION, THEN MANDAMUS. DISMISSING WITH PREJUDICE AND DENY COA.

REASONS FOR GRANTING THE PETITION

I. GROUNDS

1. EXCESSIVE FORCE: INEFFECTIVE ASSISTANCE OF COUNSEL

IT IS BECAUSE OF INEFFECTIVE ASSISTANCE OF COUNSEL THAT CLEAR VIOLATION OF 4TH AMENDMENT INCLUDING EXCESSIVE FORCE WAS NOT RAISED. AS SEEN ON MILKS BODYCAM PLAINTIFF WAS ARRESTED FOR SAYING THE WORD 'COWARD'. REII 183:1-9 AND TOLD KEATON HE WAS BEING CHARGED WITH PUBLIC INTOXICATION. DURING TRIAL MILKS TESTIFIED THAT KEATON WAS NOT COMPLYING WITH INSTRUCTIONS AND BEING VERBALLY COMBATIVE. REII 183:8-9 SAYING COWARD IN NO WAY PROVOKES VIOLENT REACTION, THEREFORE PROTECTED BY FREEDOM OF SPEECH. CORRELL V CAL 403 U.S. 15 (SUPREME CT. 1971) PAR 2. (MILKS THEN TESTIFIED THAT STYRMAN THOUGHT INTOXICATED, IN THE SAME PLACE, AND OUT IN PUBLIC CHOSE NOT TO ARREST HER. REII 183:22-25, REII 184:1-4 MILKS THEN RECANTS HIS TESTIMONY STATING, "KEATON WAS NOT BEING A THREAT TO HIMSELF OR OTHERS, AND WAS IN FACT, COMPLYING WITH MILKS INSTRUCTIONS. REII 184:8:11) PROVING KEATON WAS ARRESTED WHEN OTHERWISE STYRMAN, A SIMILARLY SITUATED INDIVIDUAL NOT ENGAGING IN THE SAME SORT OF PROTECTED SPEECH HAD NOT BEEN. PROVING THE REQUIREMENTS SO PETITIONERS CLAIM WOULD PROCEED IN THE SAME MANNER AS CLAIM WHERE PETITIONER HAS MET THRESHOLD SHOWING OF THE ABSENCE OF PROBABLE CAUSE. IMANE V CITY OF BATON ROUGE 614 F. SUPP. 3d 306 (5TH CIR. 2022) AS SEEN ON BODYCAM MILKS THEN TELLS KEATON TO SIT IN NEIGHBORS CHAIR IN FRONT OF THEIR DOOR. WHEN KEATON PASSIVELY PROTESTS AND SAYS NO, IMMEDIATELY MILKS SAYS KEATON IS RESISTING ARREST AND THROWS HIM FACE DOWN HANDCUFFED BEHIND THE BACK AND WHILE SHOVING KEATONS FACE IN THE CONCRETE STARTS USING BODY WEIGHT FORCE ON KEATON.

THIS IS THE "FIRST TEMPORAL AND CONCEPTUALLY DISTICT MOMENT IN WHICH NOT ONLY EXCESSIVE FORCE COULD BE DETERMINED. HECK V HUMPHREY 512 U.S. 477, BUSH V STRAIN 513 F. 3d 492 (5TH CIR. 2008) BUT A CONSPIRING ALTERATION OF ORIGINAL ARRESTING CHARGE WERE MADE FROM PUBLIC INTOX. AND RESISTING ARREST, TO PETALATION AND ASSAULT ON A PUBLIC SERV-ANT REMOVING PROBABLE CAUSE MONELL V DEPT OF SOC. SERVS. 436 U.S. 658 THE CHANGING OF MILKS INTENTIONAL CHARGES (AS CONFIRMED ON BODYCAM)

OF "PUBLIC INTOXICATION" AND "RESISTING ARREST" IMPAIRS THE ENTIRE PROCESS AND REMOVES EVEN THE FALSE PROBABLE CAUSE CHARGES BY MILKS, SO TO INCREASE PUNISHMENT AND PREVENT CONSTITUTIONAL PROTECTION OF EXCESSIVE FORCE BY PREVENTING CONCEPTUAL AND TEMPORAL DISTINCTION THEREBY CREATING A "HECK BARR" CONDITION, WHILE RESTRICTING FURTHER CLAIMS OF SELF DEFENSE § 123.02 FROM THE USE OF SAID FORCE. SO BASIC TO A FAIR TRIAL THAT THEIR INFRACTION CAN NEVER BE TREATED AS HARMLESS, AND SO PRONE TO PREJUDICE, PREJUDICE SHOULD BE PRESUMED. CHAPMAN V CALIFORNIA 386 U.S. 18, 23 (1967); FULMINANTE 499 U.S. at 249-95 (OPINION OF WHITE) id at 309-10; SATTERWHITE V TEXAS 486 U.S. 249, 256 (1988); ROSE V CLARK 478 U.S. 570, 577-78 (1986) STRICKLAND V WASHINGTON 466 U.S. 668, GRAHAM V CONNOR 490 U.S. 386

MILKS CONTINUES TO SHOVE KEATON'S FACE INTO THE CONCRETE WHILE USING BODYWEIGHT FORCE PLACING HIS KNEE IN THE MIDDLE OF KEATON'S BACK REII 185:16-22 OFFICER MILKS IS GUILTY OF RETALIATION, OBSTRUCTION OF JUSTICE, FABRICATION OF EVIDENCE, AND PERJURY TO CONCEAL HIS USE OF EXCESSIVE FORCE WHILE UNDER THE COLOR OF LAW. KEATON WAS ORIGINALLY ARRESTED FOR A MINOR CHARGE OF P.I. AND RESISTING ARREST AND AS CONCEDED BY MILKS, KEATON POSED NO THREAT TO HIMSELF, OR OTHERS GRAHAM V CONNOR 490 U.S., ESTATE OF AGUIRRE V CITY OF SAN ANTONIO 995 F.3d 395. REII 184:8-11

PETITIONER WAS NOT CHARGED WITH ORIGINAL CHARGE STATED ON MILKS BODYCAM OF PUBLIC INTOX AND RESISTING ARREST BUT DURING PROCEEDINGS CHANGED ARRESTING CHARGES. A FALSE STATEMENT MADE KNOWINGLY, AND INTENTIONALLY, OR WITH RECKLESS DISREGARD, FOR THE TRUTH, AND THE FALSE STATEMENT IS NECESSARY TO THE FINDING OF PROBABLE CAUSE. FRANKS 438 U.S. at 155-56 98 S.Ct. at 2676 ROGERS 701 F.3d 483 (5TH CIR 2018)

KEATON THEN ASKS MILKS TO GET OFF OF HIM. REII 184:12-13, PROVING WHO WAS THE AGGRESSOR MORALES V CARRILLO 2022 U.S. DIST. LEXIS WHEN MILKS REFUSED KEATON INFORMED HIM HE WOULD SUE MILKS FOR THE VIOLATION OF EXCESSIVE FORCE REII 186:19-23 THEREBY PROVIDING MILKS WITH THE KNOWLEDGE OF HIS ACT TO BE UNCONSTITUTIONAL IN ALL ITS APPLICATION. RUBIO V STATE 2020 TEX. APP. LEXIS 4746 HN12, CARANZAY

POOL 623 F. Supp. 3d 936 HNIO (7th Cir. 2022) EVEN THEN AS SEEN ON BODYCAM WHEN MILKS CONTINUED HIS FORCE KEATON MADE CLEAR THAT HE WOULD NOT DEFEND HIMSELF BECAUSE OF MILKS POSITION AS AN OFFICER AND AS LONG AS HE WAS UNDER THE COLOR OF LAW USING SAID FORCE HE RESPECTED THE AUTHORITY. PR# 184:17-23 WHEN RABB AND HOFFMAN ARRIVED, THOUGH KEATON ASKED THEM TO GET MILKS OFF OF HIM, NO INTERFERENCE TO MILKS BEHAVIOR WAS MADE BY EITHER. TIMPA V DILLARD 20 F. 4TH 1020

MILKS HAD USED BODYWEIGHT FORCE TO A HANDCUFFED INDIVIDUAL WHILE PUSHING THEIR FACE INTO THE CONCRETE GROUND FOR A TIME OF AROUND THIRTY MINUTES. ESTABLISHED LAW HAS CLEARLY DEFINED, "SHOVING SOMEONE FACE INTO AN OBJECT WHILE HANDCUFFED BEHIND THE BACK AND USING PROLONG USE OF BODYWEIGHT FORCE OF 'NINE MINUTE' EXCESSIVE. TIMPA V DILLARD 20 F. 4TH 1020 (CET DENIED, DILLARD V TIMPA, 2022 U.S. LEXIS 2635 (U.S. MAY 31, 2022)) MILKS ACT IS ALSO CONSIDERED DEADLY AFTER 14 MINUTES DO CONDITIONS KEATON SUFFERED OF: INJURIES, ASTHMA, EXCITED DELIRIUM, AND OBESITY CREATING PHYSICAL EXHAUSTION. GUTIERREZ 139 F.3d at 446

WHEN KEATON IS PUT INTO THE VEHICLE AND AS SEEN ON BODYCAM MILKS BEGINS TO LAUGH, KEATON ASKS MILKS IF HE THOUGHT THE SITUATION WAS FUNNY HE REPLIES, "YEAH, I DO". PR# 189:17-25

AT THIS POINT IS THE "SECOND" CONCEPTUALLY AND TEMPORALLY DISTINCT MOMENT SEPARATING EXCESSIVE FORCE. HECK V HUMPHREY 512 U.S. 477 KEATON IS ARRESTED, HANDCUFFED AND CONFINED COMPLETELY IN VEHICLE AND MILKS HAS WALKED AWAY FROM CAR CONCLUDING ARREST. BUSH V STRAIN 513 F.3d 492 (5TH CIR 2008)

MILKS RETURNS UNNECESSARILY AND AS SEEN ON BODYCAM PULLS KEATON BY HIS FEET OUT OF THE CAR SO AGGRESSIVE KEATON'S SHOES COME OFF IN MILKS HANDS WHICH HE THROWS IN FRONT SEAT. PR# 189:2-6, GRAHAM V CONNOR 490 U.S. 386 THAT ACT IS OUTSIDE OF THE TRAINED BEHAVIOR OF A POLICE OFFICER INVOLVING A SUBDUED, RESTRAINED INDIVIDUAL. CITY OF CANTON V HARRIS 489 U.S. 378 PROVIDING A SECOND EVIDENCE THAT MILKS WAS AGAIN THE AGGRESSOR. MORALES V CARRILLO 2022 U.S. DIST LEXIS 161272 THIS ALL HAPPENED PRIOR TO THE ALLEGED KICK.

A COURT LOOKS ONLY TO THE CIRCUMSTANCES EXISTING AT THE PRECISE TIME AN OFFICER PERCEIVED THE THREAT IS AN APPROACH REJECTED AS IMPROPER, BUT EVEN IN THESE CONDITIONS WOULD NOT SURVIVE. HOWEVER, THE COURT MUST CONSIDER ALL THE RELEVANT CIRCUMSTANCES, INCLUDING FACTS AND EVENTS LEADING UP TO THE CLIMATIC MOMENT. BALLES V FELIX 605 U.S. 73 (S.Ct 2025)

IT WASNT UNTIL KEATON ATTEMPTS TO GET BACK INTO THE CAR IN THE RAIN HANDCLIPPED BEHIND HIS BACK THAT, WHEN KEATONS FOOT SLIPS ON THE BACK SEAT AS HE IS PUSHING HIMSELF INTO THE CAR THAT HIS FOOT SLIPS ON THE WET RAIN COVERED SEAT THAT MILKS STATES "YOU KICKED AT ME BUBBA." REIT 190:7-15, 7:43 OF VIDEO AFTER KEATON HAD BEEN THROWN OUT USING EXCESSIVE FORCE A SECOND TIME DURING ARREST TO KEATON. GRAHAM V CONNOR 490 U.S. 386

PETITIONER ADRIAN KEATON CHALLENGES THE FACT OF EXCESSIVE FORCE USED BY OFFICER MILKS UNDER THE COLOR OF LAW VIOLATING CONSTITUTIONAL 4TH ARMENDMENT RIGHT UNDER FACTORS OF GRAHAM V CONNOR 490 U.S. 386 AND TIMPA V DILLARD 20 F. 4TH 1020 AND THE DURATION OF CONFINEMENT WHICH IS FAVORABLE DETERMINATION OF CLAIM WOULD ENTITLE PETITIONER TO AN ACCELERATED RELEASE FROM PRISON. VELA V LUMPKIN 2024 U.S. DIST. LEXIS 183968 (5TH CIR 2024) FAILURE OF COUNSEL TO RAISE EXCESSIVE FORCE FELL BELOW STANDARDS OF REASONABLENESS AND THE DEFICIENCY PREJUDICED KEATON. STRICKLAND V WASHINGTON 466 U.S. 668, UNITED STATES V SCRIBNER 832 F. 3d 252 HN4 (5TH CIR 2016), BAILEY V RAMOS 2023 U.S. DIST. LEXIS 28106 HN16 (5TH CIR 2023) WHICH WOULD HAVE LED TO A NOT GUILTY VERDICT OR A LESSER PUNISHMENT. WILSON V STATE NO. 05-10-00326-CR- 2011 TEX. APP. LEXIS 5528 (TEX APP. DALEAS 2011) PET REF'D, NO. PD-1189-11, 2012 TEX. CRIM. APP. LEXIS 263 (TEX. CRIM. APP. FEB 1, 2012)

2. COUNSEL'S FAILURE TO OBJECT TO PERJURY DURING CROSS-EXAMINATION:

DURING CROSS-EXAMINATION MILKS PERTURED HIS TESTIMONY INVOLVING MATERIAL EVIDENCE THAT WAS DESTROYED STATING "MILKS REVIEWED OFFICER OZUNA'S BODYCAM GIVING REASON FOR SUCH FORCE!" WHEN OZUNA WAS QUESTIONED IF MILKS WATCH HIS BODYCAM VIDEO, OZUNA REPLIED IN TESTIMONY, "NO, THAT WOULD BE IMPOSSIBLE." REIT 127, REIT 161

SUPPRESSION OF STATEMENTS BY COUNSEL'S FAILURE TO OBJECT TO ONLY EYE WITNESS WAS UNCONSTITUTIONAL "UNDER THE RULE" UNDER "BRADY" BECAUSE IT WAS EXCULPATORY AND IMPEACHING AND SUPPRESSION PREJUDICED KEATON AS MILKS FIRST PERJURY, AND BECAUSE INFORMATION CONTRADICTED PROSECUTIONS VERSIONS OF EVENTS. JOHNSON v CAIN 68 F. SUPP. 3d 593 (5TH CIR 2014) "IT'S THE RIGHT TO SHARE WITH THE JURY WHAT CROSS-EXAMINATION REVEALS" MILLER v GENDVESE 994 F. 3d 734 (6TH CIR 2021) DEFENSE INABILITY TO EXPOSE A WITNESSES PECUNIARY BIAS IS PREJUDICIAL WHEN THE CASE HINGES ON THE JURY'S CRITIQUE OF KEY WITNESS. VIRGIL v CITY OF NEW PORT 545 F. SUPP. 3d 444 HN29 (6TH CIR 2021) ALSO ARE THESE PERJURY'S HANEY FAILED TO OBJECT TO: RPT 171, 172, 175, 178, 183, 184, 185, 189, 190, 195, 197, BRADY v MARYLAND, STRICKLAND v WASHINGTON

3. COUNSEL'S FAILURE TO OBJECT DURING INJURY TESTIMONY

WHEN QUESTIONED DURING TRIAL ABOUT WHERE HE WENT FOR HIS INJURY MILKS TESTIFIED: "I WENT TO ONE MEDICAL, WHICH IS MANDATED" RPT 175: 2-4 "WHERE THEY EXAMINED IT, THEY X-RAYED IT, AND SAID IT WAS A WRIST SPRAIN WITH A SUBCUTANEOUS HEMATOMA AND LACERATIONS" RPT 175: 6-9

WHEN IN FACT, IF COUNSEL WOULD'VE REVIEWED DISCOVERY, (IN WHICH TRANSCRIPTS FILED IN 2254 HAVE HANEY STATE "HE DID NOT REVIEW EVIDENCE"), BRADY v MARYLAND, HANEY WOULD'VE DISCOVERED FROM THE ACTUAL "AND ENCT" INJURY REPORT FROM, OFFICER MILKS WORKMAN'S COMP INJURY REPORT, THAT MILKS DID NOT GO TO ONE MEDICAL BUT "CARENOW" AND WAS DIAGNOSED BY DOCTOR LISA HELLMAN WITH NO INJURIES OR RESTRICTIONS, NO MENTION OF ANY LACERATIONS WERE MADE.

PROVING MILKS PERJURY OF INJURY DURING TESTIMONY, SUPPORTED BY MILKS ARREST REPORT, IN WHICH SAID INJURY MILKS CLAIMED DURING TRIAL IS DOCUMENTED AS A SELF PROCLAIMED REPORT PRIOR TO ANY DOCTOR. PROVING BY EVIDENCE FABRICATION OF FALSE EVIDENCE AND PERJURY. BRADY MARYLAND, STRICKLAND v WASHINGTON

HANEY FAILED TO OBJECT TO:

(1) PERJURY BY MILKS DURING CROSS-EXAMINATION INVOLVING MATERIAL EVIDENCE, SUPPORTED BY ANOTHER OFFICER'S TESTIMONY. FED. R. EVID. R. 609

(2) PERJURY OF INJURY TESTIMONY BY MILKS SUPPORTED BY ARREST REPORT AND WORKMAN'S COMP INJURY REPORT.

(3) FABRICATION OF INJURY REPORT BY MILKS SUPPORTED BY ARREST REPORT AND WORKMAN'S COMP. INJURY REPORT.

(4) PROSECUTOR'S FAILURE TO CORRECT TESTIMONY OF MILKS THAT PROSECUTOR KNEW TO BE FALSE.

(5) PROSECUTOR SUPPRESSING MATERIAL EVIDENCE AFFECTING CREDIBILITY OF WORKMAN'S COMP. REPORT, ARREST REPORT, DASHCAM, AND HOFFMAN AND RABB'S BODYCAM'S.

(6) COERCED SUBORNATION OF WITNESS USING FALSE FABRICATED EVIDENCE BY PROSECUTION. [EXHIBIT 14]

(7) THE SUPPRESSION OF EVIDENCE OF VIDEOS REQUESTED OF DASHCAM AND RABB AND HOFFMAN'S BODYCAM'S WHILE INTRODUCING EVIDENCE OBTAINED IN VIOLATION OF THE 4TH AMENDMENT. 87 L. Ed. 2d 802, KIMMELMAN V. MORRISON 477 U.S. 365 (1986)

COUNSEL'S PERFORMANCE WAS DEFICIENT AND PREJUDICED KEATON. STRICKLAND V. WASHINGTON

4. COUNSEL'S FAILURE TO CALL OFFICER WITNESSES

COUNSEL HANEY REFUSED TO CALL ASSISTING AND TRANSPORTING OFFICERS RABB AND HOFFMAN, WHO COULD HAVE CORROBORATED PETITIONER'S CLAIM OF EVENTS THAT OCCURRED. SMITH V. DRETKE 417 F.3d 438 (5TH CIR 2005) COURT COMMITTED ERROR IN REFUSING TO ADMIT CROSS-EXAMINATION OF OFFICERS INVOLVED IN EXCESSIVE FORCE AND SELF DEFENSE BY PETITIONER. REVERSIBLE ERROR. NICHOLSON V. STATE 738 S.W. 2d 59 HN2 (1ST CIR 1987) OFFICER MILKS USE OF FORCE OCCURRED BEFORE KEATON'S ALLEGED USE OF RESISTANCE. TEX. PENAL CODE § 9.31(c)(1), PENA V. STATE 725 S.W. 2d 505, 507 (TEX. APP. CORPUS CHRISTI 1987) HANEY FAILED TO QUESTION MILKS, RABB, AND

HOFFMAN INVOLVING THEIR FAILURE TO PROPERLY INVESTIGATE AND PRESERVE EVIDENCE AND STATEMENTS. 87 L. Ed 2d 802, DODD 2013 U.S. DIST. LEXIS 160364, 2013 WL 5969607 at 20 INTERROGATORIES INVOLVE INQUIRY INTO VITAL AND HIGHLY CONTRAVERSIAL PHASES OF A CASE AND SHOULD BE HAD TO ORAL EXAMINATION OF WITNESSES. HARTFORD - EMPIRE CO. V GLENSHAW GLASS CO. 4 F.R.D. 210, 64 U.S. P.Q. (SNA) 508, 1943 U.S. DIST. LEXIS 1622 (D. Pa 1943) FED R. CIV. P. R. 30 INCLUDED TO HANEY'S FAILURE TO USE DISCOVERY EVIDENCE CORROBORATING MILKS GUILT OF PERJURY AND FABRICATION, ADEKEYE V DAVIS 938 F.3d 678 (5TH CIR 2019) SO HANEY COULD AVOID THE "TWO WITNESS RULE" THAT WOULD HAVE PROVED BY TESTIMONY OF ONE MORE WITNESS OR EVIDENCE INCLUDING OZUNA'S TESTIMONY, THAT MILKS TESTIMONY WAS UNTRUTHFUL. UNITED STATES V DAVIS 548 F.2d 840 (9TH CIR 1977), STRICKLAND V WASHINGTON

5. CONSANGUINITY/PASSIONS BY HANEY

DURING ENHANCEMENT PHASE OF TRIAL COUNSEL TIM HANEY PREJUDICED KEATON BY TELLING THE JURY HIS RELATIONS BY BLOOD, KNOWN AS "CONSANGUINITY" TO THE VICTIM OF THE ENHANCEMENT PHASE CHARGE, "EXPRESSING SYMPATHY OR BENEVOLENCE, RELATING TO THE PAIN, SUFFERING, OR DEATH, OF AN INDIVIDUAL INVOLVED IN AN ACCIDENT." VIOLATING DIRECT EXACT LAWS PREVENTING HANEY FROM DOING SUCH AN ACT. TEX. CIV. PROC. AND REM. CODE 18.061, FED. R. CIV. PROC. R. 59-194 PASSIONS, PREJUDICE OR SHOCK TO CONSCIENCE OF COURT, LUX V MCDONNELL DOUGLAS CORP. 608 F. Supp. 98, 1984 U.S. DIST. LEXIS 21329 (N.D. ILL 1984) REV'D REMANDED SUB NOM. IN RE AIR CRASH DISASTER NEAR CHICAGO 803 F.2d 304 25 FED. R. EVID. SERV. (CBC) 1092, 1986 U.S. APP. LEXIS 32097 (7TH CIR 1986), STRICKLAND V WASHINGTON, RIII 43

6. HANEY'S NEGLECT TO REVIEW OR REQUEST EVIDENCE

IN TRANSCRIPTS FILED IN 2254 IS THE ORIGINAL TRANSCRIPT OF HANEY STATING DURING TRIAL, "I HAVE NOT REVIEWED EVIDENCE". DURING PROSECUTOR'S EVIDENCE CREATION USING AN INCIDENT REPORT

OF AN INJURY REPORT OF KEATON FALLING OFF TOP BUNK IN COUNTY JAIL SO TO INFLUENCE JURY'S OPINION, WHILE USING SUBORNATION COERCING COUNTY OFFICER. "INVESTIGATION INTO MITIGATING EVIDENCE SHOULD COMPRISE EFFORTS TO DISCOVER ALL REASONABLE EVIDENCE TO REBUT ANY AGGRAVATING EVIDENCE THAT MAY BE INTRODUCED BY PROSECUTOR" ROMPILA V BEARD 545 U.S. 374 (SUPREME CT.) HANEY'S FAILURE TO OBJECT TO PROSECUTOR'S SUBORNATION IN VIOLATION OF PROSECUTION'S ROLE PREJUDICES KEATON. WEARRY V FOSTER 33 F. 4TH 260 HNII (5TH CIR. 2022) HANEY'S FAILURE TO DISCOVER THE ARREST REPORT AND WORKMAN'S COMP INJURY REPORT THAT WOULD HAVE PROVEN MILKS FALSE INJURY TESTIMONY, DEFICIENTLY PREJUDICED KEATON'S DEFENSE. UNITED STATES V CHAVEZ 193 F. 3d 375 (5TH CIR 1999)

7. ROBERT E.L. RICHARDSON'S REFUSAL TO RAISE REQUESTED CLAIMS

EVERYONE OF THE CLAIMS RAISED IN THIS PETITION WERE REQUESTED TO BE RAISED ON APPEAL BY RICHARDSON. SPECIFIC LETTERS DOCUMENTED THAT WERE FROM KEATON SENT VIA CLERK OF COURT WITH THE SEAL OF THE COURT TO RICHARDSON ARE FILED IN KEATON'S 2254 PETITION WITH SPECIFICS JUST AS EXPLAINED ON THIS CERTIORARI. ALONG WITH REQUEST TO ALL PREVIOUS COUNSEL FOR ALL VIDEO'S, EXCESSIVE FORCE, PERJURY, CONSPIRACY, FABRICATED EVIDENCE 4TH ADMENDMENT VIOLATIONS WERE ALL REFUSED AND THE USE OF THAT EVIDENCE KNOWINGLY FOR CONVICTION BY PROSECUTION. NABUE V ILENDIS 360 U.S. 224, GIGLIO V UNITED STATES 405 U.S. 150, BRADY V MARYLAND 373 U.S. 83, THE FAILURE TO CALL REQUESTED WITNESSES NOT RAISED VIOLATING 6TH AND 14TH ADMENDMENT AND FAILED TO RAISE 87 L. Ed 2d 807, STRICKLAND V WASHINGTON 466 U.S. 668

8. HANEY FAILED TO INVESTIGATE AND RECOGNIZE TWO CONCEPTUALLY AND TEMPORALLY DISTINCT MOMENTS SEPERATING EXCESSIVE FORCE.

THE RULE OF LAW IS IF "ONE" CONCEPTUALLY AND TEMPORALLY DISTINCT MOMENT OCCURS EXCESSIVE FORCE CAN SURVIVE "HECK BAR". HECK V HUMPHREY 512 U.S. 477 BOTH HANEY AND RICHARDSON ARE GUILTY OF PLAIN ERROR BY FAILING TO CONDUCT AN ADEQUATE PRE-TRIAL INVESTI-

GATION VIOLATING CONSTITUTIONAL RIGHTS OF 4TH, 6TH, 14TH, CONCERNING POTENTIAL DEFENSES AND WITNESSES. GAINES V HOPPER 515 F.2d 1147 AS SEEN ON MILKS BODYCAM WHEN MILKS TELLS KEATON HE IS 'RESISTING ARREST' AND TAKES KEATON TO THE GROUND HANDCLIPPED BEHIND BACK AND USING BODYWEIGHT FORCE REII 183:1-9 KEATON, NOT ONLY IS NOT RESISTING BUT TELLS MILKS THAT HE'S NOT, AND WOULD NOT RESIST OR FIGHT BACK. REII 184:17-23

THIS IS THE 'FIRST' CONCEPTUAL MOMENT TO WHERE EXCESSIVE FORCE, UNDER ORIGINALLY INTENDED CHARGES, WOULD HAVE PREVAILED AFTER THE ALLEGED 'RESISTING ARREST' HAD STOPPED. BUSH V STRAIN 513 F.3d 492 (5TH CIR 2008) IN WHICH 'THIRTY MINUTES' OF EXCESSIVE FORCE BY MILKS OCCURS AS SEEN ON MILKS BODYCAM. TIMPA V DILLARD 2d F. 4TH 1020. GRAHAM V CONNOR 490 U.S. 386

THE 'SECOND' CONCEPTUAL AND TEMPORALLY DISTINCT MOMENT OCCURS WHEN MILKS PUT KEATON INTO VEHICAL, HANDCLIPPED BEHIND BACK, CONFINED, CONCLUDING ARREST WITH NO RESISTANCE, MILKS BEGINS TO LEAVE AND POSED NO THREAT TO MILKS, IN FACT THE OPPOSITE BECAUSE MILKS LAUGHS AND TOLD KEATON HE THOUGHT THE SITUATION WAS FUNNY. REII 189:17-25, BUSH V STRAIN 513 F.3d 492 (5TH CIR 2008)

THE SECOND INCIDENT OF EXCESSIVE FORCE THEN OCCURS WHEN MILKS RETURNS TO THE VEHICAL AND PULLS KEATON FEET FIRST FROM CAR. GRAHAM V CONNOR 490 US 386 THIS BEHAVIOR IS OUTSIDE THE REALM OF TRAINING OF A POLICE OFFICER. MONELL V SOC. SERVS. 436 U.S. 658

II. PROSECUTORIAL MISCONDUCT:

(a) PROSECUTION BRITTON BROOKS KNOWINGLY USED FALSE TESTIMONY OF INJURY REPORT FROM MILKS DURING TRIAL. ALLOWING MILKS TO TESTIFY, HE WENT TO [REDACTED] 'ONE MEDICAL' REII 175:2-4 IN WHICH WAS MANDATED, WHERE I (MILKS) WAS X-RAYED, EXAMINED, AND TOLD IT WAS A SPRAIN, WITH SUBCUTANEOUS HEMATOMA WITH LACERATIONS. REII 175:6-9

STATE MAY NOT KNOWINGLY USE FALSE EVIDENCE, INCLUDING TESTIMONY TO OBTAIN A TAINTED CONVICTION, IN ANY CONCEPT OF ORDER LIBERTY DOES NOT CEASE TO APPLY MERELY BECAUSE THE FALSE TESTIMONY GOES ONLY TO CREDIBILITY OF WITNESS. NAPUE V ILLINOIS 360 U.S. 764, BRADY V MARYLAND 373 U.S. 83

(b) BRITTON BROOKS INTENTIONALLY SUPPRESSED EXCULPATORY EVIDENCE AFFECTING THE CREDIBILITY OF MILKS TESTIMONY OF THE WORKMAN'S COMP. INJURY REPORT, WHILE ALLOWING MILKS ARREST REPORT TO BE FABRICATED AS THE INJURY REPORT FROM DOCTOR.

WHEN IN FACT, THE ACTUAL (AND ONLY) MEDICAL REPORT WAS FROM "CARENOW" NOT ~~██████████~~ ONE MEDICAL AND DIAGNOSED BY DOCTOR LISA HELLMAN WHO DIAGNOSED MILKS WITH ZERO RESTRICTION, NO HEMATOMA OR LACERATIONS AND COULD RETURN TO WORK IMMEDIATELY. NO HEMATOMA OR LACERATIONS WERE EVER MENTIONED. THAT CLAIM WAS MADE BY MILKS IN HIS ARREST REPORT. THE MATERIAL EVIDENCE AFFECTING CREDIBILITY WAS UNLAWFUL. SIGLIO V UNITED STATES 405 U.S. 150.

THIS ILLEGALLY ~~██████████~~ SEIZED EVIDENCE USED IN ALL PROCEEDINGS AND APPEALS, AND AGAINST ADRIAN KEATON, CONTAINS EXCULPATORY EVIDENCE THAT HAS BEEN FABRICATED AND PERTURBED BY MILKS INVOLVING THE TRUTH ABOUT MILKS, THAT HE FABRICATED AND PERTURBED HIS TESTIMONY AND IN FACT, WAS NOT INJURED BY KEATON. THIS EVIDENCE HAS BEEN USED AS A BACKGROUND REPORT IN ALL APPEALS AND OBJECTED TO IN 59(e) IN DIRECT VIOLATION OF THE 4TH AMENDMENT AND ITS EXCLUSION MUST EXTEND FOR POTENTIAL CONTRIBUTION TO THE EFFECTUATION OF THE 4TH AMENDMENT THROUGH DETERRANCE OF POLICE MISCONDUCT. STONE V POWELL 428 U.S. 465 (S.C.T. 1976)

(c) BRITTON BROOKS USE FALSE EVIDENCE AND COERCED SUBORNATION

BRITTON BROOKS USED AN INJURY REPORT AS A BEHAVIOR REPORT WHILE COERCING COUNTY OFFICER INTO PERTURB WHILE WITHHOLDING EXHIBIT FROM SAID OFFICER. SEE EXHIBIT 14 IN 2254 (I SENT ORIGINAL IN PETITION)

SO TO SWAY BIAS IN THE JURY PREJUDICING KEATON BY GIVING FALSE CHARACTER PRESENTATION. ORIGINAL TRANSCRIPTS ARE FILED IN 2254 INVOLVING EXHIBIT 4. BRADY v MARYLAND 373 U.S. 83. PETTY v CITY OF CHICAGO 754 F.3d. 416 HNID (7TH CIR 2014). GUERRA v COLLINS 916 F. SUPP. 620 HNI, HNI9 (5TH CIR 1995) THIS IS A VIOLATION OF PROSECUTIONS DUTIES, THIS FUNCTION IS CALLED "EVIDENCE CREATION", WHICH IS NOT A PART OF THE PROSECUTOR'S ROLE AS ADVOCATE, BUT A CORRUPTION OF THE INVESTIGATOR'S FUNCTION OF SEARCHING FOR CLUES, AND CORROBORATION. WEARY v FOSTER 33F. 4TH HNII (5TH CIR 2022)

III. EX POST FACTO VIOLATION

COUNSEL, PROSECUTION, AND COURT ALL ALLOWED THE CHANGING OF ARRESTING CHARGES. AS SEEN ON MILKS BODYCAM WAS PUBLIC INTOX AND RESISTING ARREST. RET 184.12-13 TO RETALIATION AND ASSAULT ON PUBLIC SERVANT, REMOVING PROBABLE CAUSE AND ARRESTING CHARGES, SO TO ELIMINATE CONCEPTUAL AND TEMPORALLY DISTINCT MOMENTS THAT SHOULD ALLOW PROTECTION OF 4TH ADMENDMENT RIGHTS INVOLVING EXCESSIVE FORCE ALONG WITH SUPPORTING CLAIM OF SELF DEFENSE § 123.02 AND "HECK BARD" CIVIL RIGHTS PROTECTING SUCH ACTS. AN OFFICER WHO KNOWINGLY MAKES OMISSIONS THAT RESULT IN A WARRANT BEING ISSUED WITHOUT PROBABLE CAUSE IS ALSO LIABLE UNDER "FRANKS". MICHALIK v HERMANN 422 F.3d 252, 258 n5 (5TH CIR 2005); (CITING HART 127 F.3d at 448) THE LIABILITY SHOULD ATTACH TO THE AFFIANT WHO PREPARED, OR IS RESPONSIBLE FOR THE PREPARATION OF THE WARRANT APPLICATION. MICHALIK 422 F.3d at 261, MELTON v PHILLIPS 875 F.3d 256 (5TH CIR 2017) "A FALSE STATEMENT MADE KNOWINGLY AND INTENTIONALLY, OR WITH RECKLESS DISREGARD FOR THE TRUTH, AND THE FALSE STATEMENT IS NECESSARY TO THE FINDING OF PROBABLE CAUSE. FRANKS 438 US at 155-56 98 S. CT. at 2674. AND CORRECTING AFFIDAVIT WOULD NOT SURVIVE CHARGES WINFREY v ROGERS 901 F. 3d 483 (5TH CIR 2018)

THE CONSTITUTION FORBIDS THE PASSAGE OF EX-POST-FACTO LAW THAT CHANGES THE PUNISHMENT, AND INFLICTS A GREATER PUNISHMENT THAN THE LAW ANNEXED TO THE CRIME WHEN COMMITTED. CALDER V BULL 3 DALL 386, 390, 3 U.S. 386 1 L.ED. 648, PEUGH V UNITED STATES 569 U.S. 530 (S. CT. 2013) ALTERING CHARGES NOT ONLY TO INCREASE PUNISHMENT, BUT TO PREVENT A FAIR DEFENSE VIOLATING 4TH, 6TH, AND 14TH ADAMENDMENT AND PROTECTION FROM SUCH EXCESSIVE FORCE DEMONSTRATED BY MILKS THROUGH SELF DEFENSE § 123.02 DEPRIVED IS AN ERROR SO INTRINSICALLY HARMFUL AS TO REQUIRE AUTOMATIC REVERSAL, AND THEREFORE, MUST BE PERMITTED IN APPEAL. CALIFORNIA V ROY 519 U.S. 2, 5, (1996); BRECHT 507 U.S. at 629, 641, CONCURRING: ATLEY V AULT 191 F. 3d 865, 874 (8TH CIR 1999)

IV. ABUSE OF DISCRETION

(A) THE COURT'S DECISION WAS CONTRARY TO THE UNITED STATES SUPREME COURT RULING IN REGARDS TO EXCESSIVE FORCE USED BY MILKS ON ADRIAN KEATON UNDER FACTORS OF GRAMM V CONNOR, AND TIMPA V DILLARD, REED V STEPHENS 739 F. 3d 753 (5TH CIR 2014)

(b) COURT NEGLECTED TO SUPERVISE ITS OFFICERS USE OF FORCE IN VIOLATION OF 4TH ADAMENDMENT OF U.S. CONSTITUTION. BARNES V CITY OF EL PASO U.S. DIST. LEXIS 109091 (5TH CIR. 2023), TUTTLE V SEPULHO 68 F. 4TH 964, 975 (5TH CIR. 2023)

(C) COURT ALLOWED CLEAR PREJUDICE BY HANEY TO EXPRESS PASSIONS THROUGH HIS RELATIONSHIP WITH VICTIM OF ENHANCEMENT PHASE CHARGE, KNOWN AS CONSAINGUINITY, IN DIRECT VIOLATION OF LAWS ESTABLISHED, VIOLATING DUE PROCESS AND CREATING BIAS IN JURY. TEX. CIV. PRAC. AND REM. CODE 18.061, UNITED STATES V GEMAR 65 F. 4TH 777 (5TH CIR 2023), 6TH AND 14TH ADAMENDMENT OF U.S. CONSTITUTION

(d) PHILLIPS NEGLECTED TO REVIEW MEDICAL RECORDS OF AN ~~IN~~-INCIDENT THAT SOLEY RELIED ON THE INJURY TO SUPPORT CONVICTION WHEN SUFFICIENT FACTS WERE RAISED GIVING REASONABLE EXPECTATION THAT DISCOVERY WOULD SUPPORT CLAIMS. LEWIS V HORTON U.S. DIST. LEXIS 55576 (5TH CIR. 2023)

(e) THE TWICE ALTERING OF PROBABLE CAUSE (ONCE BY MILKS, THE OTHER WHOEVER IS RESPONSIBLE FOR ALTERING TO RETALIATION AND ASSAULT) AND THE TWICE NEGLECTING "TWO COUNTS" OF EXCESSIVE FORCE THROUGH SAID CHARGES OF ARREST, THEREBY REMOVING ANY ARRESTING CHARGE AND THE ALTERED BACKGROUND REPORT NEGLECTING THE TWO CONCEPTUALLY AND TEMPORALLY DISTINCT MOMENTS DEFINING SAID FORCE USED ALL WHILE USING THE FALSE AND FABRICATED INJURY REPORT PERJURED, CLEARLY RECOGNIZED IF ANY INVESTIGATION OF THE EVIDENCE PROVIDED WOULD HAVE BEEN REVIEWED. THIS IS A CASE THAT MILKS WAS NOT INJURED, WHEN KEATON SAID HE'D SUE FOR THE VIOLATIONS TO HIS RIGHTS THROUGH EXCESSIVE FORCE, THE COURT, PROSECUTION, AND DEFENSE COUNSEL TRIED TO MAKE CHANGES AND PREVENT THE EXPOSURE OF AN OFFICER IN BAD-FAITH UNDER THE COLOR OF LAW USING EXCESSIVE FORCE. SO BASIC TO A FAIR TRIAL, THEIR INFRACTIONS CAN NEVER BE TREATED AS HARMLESS, AND SO PRONE TO PREJUDICE WHEN DONE, PREJUDICE SHOULD BE PRESUMED. CHAPMAN V CALIFORNIA 386 U.S. 18, 23 (1967); FULMINANTE 499 U.S. at 249-95, OPINION OF WHITE J Id at 309-10; SATTERWHITE V TEXAS 486 U.S. 249, 256 (1988); ROSE V CLARK 498 U.S. 590, 577-78 (1986), STONE V POWELL 428 U.S. 465

MILKS HAS A HISTORY OF IDENTICAL BEHAVIOR TO ANOTHER PERSON SEE: ANDERSON V STATE 2020 TEX. APP. LEXIS 6132 WITHIN WEEKS OF KEATON INCIDENT, SHEPARDIZING CONVICTIONS WITH ONLY MILKS TESTIMONY. HENCE, THE PEASON COUNTY WOULD ATTEMPT TO COVER IT UP. MONELL V DEP'T OF SOC. SERVS. 436 U.S. 658

IN CONCLUSION, I PRAY YOU "GRANT" A DECISION TO VACATE THE
THE UNCONSTITUTIONAL JUDGMENT OF LOWER COURTS AND RELEASE
PETITIONER ADRIAN KEATON, AFTER REVIEWING THE CASE BECAUSE OF
THE TRUE "MISFEASANCE OF JUSTICE", AND FOR THE INTEREST OF
PUBLIC TO PREVENT FURTHER UNCIVIL, AND UNCONSTITUTIONAL
PRACTICE OF EXCESSIVE FORCE AND THE ABUSE OF PROCESS IN WHICH
DEPRIVED PETITIONER ADRIAN KEATON OF HIS RIGHT PROTECTED BY
LAW.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A ADRIAN KEATON

Date: MAY 19TH, 2024