

NO.

IN THE
SUPREME COURT OF THE UNITED STATES

CHRIS SANCHEZ PROSE - PETITIONER

VS

LORI DAVIS, DIRECTOR - RESPONDENT(S)
ON PETITION FOR A WRIT OF CERTIORARI TO
UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

CHRIS SANCHEZ PROSE

3060 FM 3514 (STILES UNIT)

BEAUMONT, TEXAS 77705

TDCJ-ID# 1702978

QUESTION(S) PRESENTED

CAN A CLAIM OF ACTUAL INNOCENCE GIVEN THAT THE STATE PRESENTED FALSE EVIDENCE AT TRIAL NAMELY PERJURED TESTIMONY FROM LAW ENFORCEMENT OFFICERS AND THAT CONSTITUTIONAL ERROR RESULTED IN THE CONVICTION OF ONE WHO IS ACTUALLY INNOCENT AND A MISCARRIAGE OF JUSTICE OCCURRED. APPLYING "FUNDAMENTAL MISCARRIAGE OF JUSTICE EXCEPTION" AND ASKING FOR AN EQUITABLE EXCEPTION NOTE EQUITABLE TOLLING AND PRESENTING "NEW" RELIABLE EVIDENCE WRONGLY EXCLUDED AND EVIDENCE OBTAINED BY PETITIONER NOT PRESENTED FOR JUDGE'S ASSESSMENT NEEDED FOR PROOF TO PROVE PERJURED TESTIMONY AND CRITICAL FOR AN AFFIRMATIVE DEFENSE A SELF-DEFENSE CLAIM CAN THIS CLAIM OVERCOME THE LIMITATION PERIOD? UNDER 28 USC § 2244 (d)

CAN A CLAIM OF ACTUAL INNOCENCE GIVEN THAT THE STATE PRESENTED FALSE EVIDENCE AT TRIAL NAMELY PERJURED TESTIMONY FROM LAW ENFORCEMENT OFFICERS BEING THE UNDERLYING CONSTITUTIONAL CLAIM, IS THIS CLAIM NOT SUBSTANTIAL SHOWING OF THE DENIAL OF A CONSTITUTIONAL RIGHT OF THE 5TH & 14TH AMEND DUE PROCESS RIGHT OR A VALID CLAIM THAT IS CONSTITUTIONAL BY (IN) NATURE ITSELF AS STATED? IS IT NOT SUFFICIENT TO GRANT A (CIDA) CERTIFICATE OF APPEALABILITY UNDER 28 USC § 2253 (c)(2)

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 PROCEEDINGS IN THE COURT WHOSE JUDGEMENT IS THE SUBJECT OF THIS PETITION IS AS FOLLOWS:

LORIE DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.

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POLICE EVENT

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RECORDS - THE CITY OF EL PASO - FIRE DEPARTMENT, FIRE
MEDICAL SERVICES.

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 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 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 _____ 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 MAY-07-2018.

☒ 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 _____.
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).

APPENDICES

APPENDIX A: UNITED STATES COURT OF APPEALS OPINION
ORDER: THE JUDGMENT ISSUED AS THE MANDATE HIS
C.O.A MOTION IS DENIED (DATE: MAY-07-2018)

APPENDIX B EXHIBIT #2 INCIDENT ACTIVITY SUMMARY
POLICE EVENT

APPENDIX C EXHIBIT #3 LAS PALMAS MEDICAL CENTER
EMERGENCY PHYSICIAN RECORD.

APPENDIX D EXHIBIT #1 AFFIDAVIT FOR MEDICAL
RECORDS - THE CITY OF EL PASO - FIRE DEPARTMENT,
FIRE DEPARTMENT MEDICAL SERVICE

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

ARTICLE VI: NO PERSON SHALL BE HELD TO ANSWER FOR A CAPITAL OR OTHERWISE INFAMOUS CRIME, UNLESS ON A PRESENT MENTOR INDICTMENT OF A GRAND JURY, EXCEPT IN CASES ARISING IN THE LAND OR NAVAL FORCES, OR IN THE MILITIA, WHEN IN ACTUAL SERVICE IN TIME OF WAR OR PUBLIC DANGER; NOR SHALL ANY PERSON BE SUBJECT FOR SAME OFFENCE TO BE TWICE PUT IN JEOPARDY OF LIFE OR LIMB; NOR SHALL BE COMPELLED IN ANY CRIMINAL CASE TO BE A WITNESS AGAINST HIMSELF; NOR BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW; NOR SHALL PRIVATE PROPERTY BE TAKEN FOR PUBLIC USE, WITHOUT JUST COMPENSATION.

ARTICLE XIV: SECTION 1. ALL PERSON BORN OR NATURALIZED IN THE UNITED STATES, AND SUBJECT TO THE JURISDICTION THERE OF ARE CITIZEN OF THE UNITED STATES AND OF THE STATE WHERE THEY RESIDE NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABRIDGE THE PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE UNITED STATES; NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW; NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION EQUAL PROTECTION OF THE LAW.

28 USC § 1254 (1)

28 USC § 2241 (c) (3)

28 USC § 2244 (d) (1) (D)

28 USC § 2253 (c) (2)

28 USC § 2254 (a)

SUPREME COURT RULE 10 (a), (c)

TEX PENAL CODE 9.32 (a) (1) (2) (A) (B)

FED RULE CIV PROC 8(f)

STATEMENT OF THE CASE

PETITIONER FILED A (C.D.A) CERTIFICATE OF APPEALABILITY TO THE FIFTH CIRCUIT COURT OF APPEALS. ON THE DATE OF MAY, 07, 2018 THE JUDGEMENT ISSUED AS THE MANDATE WAS RECEIVED BY THE PETITIONER. UNITED STATES CIRCUIT JUDGE, DON R WILLETT ORDER WHICH STATED THE FOLLOWING: CHRIS SANCHEZ, TEXAS PRISONER # 01702978, HAS APPLIED FOR A CERTIFICATE OF APPEALABILITY (C.D.A). TO APPEAL THE DISTRICT COURT'S DISMISSAL OF HIS 28 USC § 2254 PETITION AS TIME BARRED. SANCHEZ'S § 2254 PETITION CHALLENGED HIS TEXAS MURDER CONVICTION. IN SEEKING A C.D.A, SANCHEZ ARGUES THAT THE DISTRICT COURT ERRONEOUSLY DENIED HIM EQUITABLE TOLLING OF THE LIMITATION PERIOD UNDER 28 USC § 2244 (d). ACCORDING TO SANCHEZ, HIS ACTUAL INNOCENCE OVERCOMES THE LIMITATION PERIOD. SANCHEZ CONTENDS THAT HE IS ACTUALLY GIVEN THAT THE STATE PRESENTED FALSE EVIDENCE AT TRIAL, NAMELY PERJURED TESTIMONY FROM LAW ENFORCEMENT OFFICERS, THIS COURT MAY GRANT SANCHEZ A C.D.A ONLY IF HE HAS "MADE SUBSTANTIAL SHOWING OF THE DENIAL OF A CONSTITUTIONAL RIGHT," 28 U.S.C § 2253(C)(2); SEE MILLER-ELV COCKRELL, 537 US 322, 366 (2003). WHERE, AS HERE, THE DISTRICT COURT HAS DENIED § 2254 RELIEF ON PROCEDURAL GROUNDS WITHOUT REACHING THE UNDERLYING CONSTITUTIONAL CLAIM, "A C.D.A SHOULD ISSUE WHEN THE PRISONER SHOWS, AT LEAST, THAT JURISTS OF REASON WOULD FIND IT DEBATABLE WHETHER THE PETITION STATES A VA-

--LID CLAIM OF THE DENIAL OF A CONSTITUTIONAL RIGHT AND THAT JURISTS OF REASON WOULD FIND IT DEBATABLE WHETHER THE DISTRICT COURT WAS CORRECT IN ITS PROCEDURAL RULING," SLACK V MCDANIEL, 529 US 473, 484 (2000)
SANCHEZ HAS NOT MADE THE REQUIRED SHOWING SEE: SLACK, 529 US, AT 484. ACCORDING, HIS COA MOTION IS DENIED.

REASONS FOR GRANTING THE PETITION

PETITIONER ASSERTS (THAT FAILURE TO CONSIDER HIS CLAIMS WILL RESULT IN A FUNDAMENTAL MISCARRIAGE OF JUSTICE). THE "MISCARRIAGE OF JUSTICE" EXCEPTION EXTENDS TO CASES OF "ACTUAL INNOCENCE" SEE QUINN V DOOLEY, 272 FSUPP2d 839 (DSD 2003) AT 846

ERICKSON V PAROUS, 551 US 89, 94 (2007) ("A DOCUMENT FILED PRO SE IS TO BE LIBERALLY CONSTRUED, AND A PRO SE COMPLAINT, HOWEVER INARTFULLY PLEADED, MUST BE HELD TO LESS STRINGENT STANDARDS THAN FORMAL PLEADINGS DRAFTED BY LAWYERS" (CITATIONS AND INTERNAL QUOTATION MARK OMITTED)); Cf. FED RULE CIV PROC. 8A ("ALL PLEADINGS SHALL BE SO CONSTRUED AS TO DO SUBSTANTIAL JUSTICE")

LONCHAR V THOMAS, 116 SCT 1293 (1996) AT 1299 - DISMISSAL OF A FIRST FEDERAL HABEAS PETITION IS A PARTICULARLY SERIOUS MATTER, FOR THAT DISMISSAL DENIES THE PETITIONER THE PROTECTION OF THE GREAT WRIT ENTIRELY RISKING INJURY TO AN IMPORTANT INTEREST IN HUMAN LIBERTY SEE EX PARTE YERGER, 8 WALL 85, 95 (1964) 332 (1869) ("THE WRIT" HAS BEEN FOR CENTURIES ESTEEMED THE BEST AND ONLY SUFFICIENT DEFENCE OF PERSONAL FREEDOM") WITHROW, SUPRA: AT 700, 113 S. CT. 1 AT 1758

THE SUPREME COURT MAY REVIEW A LOWER COURT'S DENIAL OF AN APPLICATION FOR A CERTIFICATE OF APPEALABILITY SEE HOLLAND, 524 US 236, 241 (SUPREME COURT HAS JURISDICTION TO REVIEW DENIAL OF APPLICATION FOR CERTIFICATE OF APP.

APPEALABILITY BY CIRCUIT JUDGE OF APPELLATE PANEL BECAUSE APPLICATION QUALIFIES AS "CASE" UNDER 28 USC § 1254 (1) SEE, ES US V ALKER, 174 F3d 934, 937 (8th CIR 1999) (REVERTING DENIAL OF APPEALABILITY FOR PETITIONER'S BARLEY CLAIM IN LIGHT OF HODIN WHICH HELD SUCH CLAIM WAS CONSTITUTIONAL IN NATURE]

THE FIFTH CIRCUIT COURT STATED THE FOLLOWING: CHRIS SANCHEZ, TEXAS PRISONER #01702978, HAS APPLIED FOR A CERTIFICATE OF APPEALABILITY (C.O.A.) TO APPEAL THE DISTRICT COURT'S DISMISSAL of his 28 USC § 2254 PETITION AS TIME BARRED. SANCHEZ § 2254 PETITION CHALLENGED HIS TEXAS MURDER CONVICTION IN SEEKING A C.O.A., SANCHEZ ARGUES THAT THE DISTRICT COURT ERRONEOUSLY DENIED HIM EQUITABLE TOLLING OF THE LIMITATION PERIOD UNDER 28 U.S.C. § 2244(d) ACCORDING TO SANCHEZ, HIS ACTUAL INNOCENCE OVERCOMES THE LIMITATION PERIOD SANCHEZ CONTENDS THAT HE IS ACTUALLY INNOCENT GIVEN THAT THE STATE PRESENTED FALSE EVIDENCE AT TRIAL, NAMELY PERJURED TESTIMONY FROM LAW ENFORCEMENT OFFICERS. PETITIONER CONTENDS THE COURT MISAPPREHEND PETITIONER'S REQUEST. PETITIONER STATED THAT HE WANTED AN EQUITABLE EXCEPTION TO THE TIME LIMITATION UNDER ACTUAL INNOCENCE AND A MISARRIAGE OF JUSTICE EXCEPTION BECAUSE HIS CONVICTION WAS OBTAINED THROUGH THE KNOWINGLY USE OF PERJURED TESTIMONY INITIATED BY THE PROSECUTOR WHEN SHE QUESTIONED BOTH POLICE OFFICER'S SHELTON AND SINCLAIR THAT CONSTITUTIONAL ERROR, RESULTED IN THE CONVICTION

OF ONE WHO IS ACTUALLY INNOCENT. PETITIONER IS ACTUALLY INNOCENCE OF THE UNDERLYING CRIME HE WAS CONVICTED OF MURDER. THE PERJURED TESTIMONIES AND OTHER IAC CLAIMS PRESENTED AND CRITICAL EVIDENCE NOT PRESENTED COULD HAVE NEGATED AN ESSENTIAL ELEMENT OF THAT OFFENSE AND ALSO CRITICAL EVIDENCE TO PROVE THE PERJURED TESTIMONY AND OTHER FACTS THAT COULD'VE PROVIDED FACTS FOR SELF-DEFENSE CLAIM UNDER TEXAS PENAL CODE 9.32(2)(1)(2)(B). WHICH PRECLUDED PETITIONER PROVING HIS AFFIRMATIVE DEFENSE UNDER TEXAS PENAL CODE 9.32(2)(1)(2)(B). SINCE THE BURDEN OF PROOF BY A PREPONDERANCE OF EVIDENCE IS PLACED ON THE ACCUSED. SINCE ONE MUST HAVE THE SPECIFIC PURPOSE AND INTENT TO CAUSE THE DEATH OR THAT ONE HAD DONE SO WITH PRIOR CALCULATION AND DESIGN BUT THIS CAN ALSO BE SHIFTED TO THE VICTIMS INTENT. IF THE ACTOR PROVES THAT THE DECEASE HAD THESE INTENTIONS BY THE PRIOR ACTS AND THREATS ETC. OFFICER SHELTON'S FALSE TESTIMONY WAS CRITICAL FOR THE STATE TO ARGUE AGAINST THE PETITIONER. ONE CANNOT SAY THAT PETITIONER'S RIGHT TO DUE PROCESS OF THE 5TH & 14TH AMEND WERE NOT VIOLATED THEY WERE. ACTUAL INNOCENCE CLAIM AND THE FUNDAMENTAL MISCARRIAGE OF JUSTICE EXCEPTION APPLY HERE. UNDER A SUPREME RULING AND AN ADDRESSMENT IS NEEDED UNDER SUPREME COURT RULE 10(2) A UNITED STATES COURT OF APPEALS HAS ENTERED A DECISION IN CONFLICT WITH THE DECISION OF ANOTHER UNITED STATES

COURT OF APPEALS ON THE SAME IMPORTANT MATTER AS TO CALL FOR AN EXERCISE OF THE COURT'S SUPERVISORY POWER (HAS SO FAR DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS, OR SANCTIONED SUCH A DEPARTURE BY A LOWER COURT.

THE CONSTITUTION OF THE UNITED STATES OF AMERICA
AMEND ART [V] READS IN PERTINENT PART: NOR BE DEPRIVED OF
LIFE, LIBERTY OR PROPERTY, WITHOUT DUE PROCESS OF LAW
AMEND ART [XIV] NO STATE SHALL MAKE, OR ENFORCE ANY LAW
WHICH SHALL ABRIDGE THE PRIVILEGES OR IMMUNITIES OF
CITIZEN 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 LAW.

PETITIONER ASSERT, THE COURT FIRST CONSIDERED THE MERITS OF HIS FEDERAL CLAIMS AND APPLIED THE PROCEDURAL BAR ONLY AFTER, ONLY AFTER DETERMINING THAT DOING SO WOULD NOT ABRIDGE ONE OF PETITIONER'S CONSTITUTIONAL RIGHTS, LITTLE V STREETER, 101 SCT 2202 (1981) AT 2205; THE FOURTEENTH AMENDMENT PROVIDES IN PART "NO STATE SHALL... DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS OF LAW"....

PETITIONER ASSERTS THAT HIS RIGHT TO DUE PROCESS WAS ABRIDGE BY THE REFUSAL.

COLEMAN V THOMPSON, 111 SCT 2540 (1991) AT 2554 - WHEN A FEDERAL DISTRICT COURT REVIEWS A STATE PRISONER'S HABEAS

CORPUS PETITION PURSUANT TO 28 USC § 2254. IT MUST DECIDE WHETHER THE PETITIONER IS "IN CUSTODY IN VIOLATION OF CONSTITUTION OR LAWS OR TREATIES OF UNITED STATES" *IBID*. THE COURT DOES NOT REVIEW A JUDGMENT, BUT THE LAWFULNESS OF THE PETITIONER'S CUSTODY *SIMPLICITER* SEE FAY V NIDIA 372 US 391, 430, 83 S Ct 822, 844, 9 L Ed 2d 837 (1963).

MURRAY V. CARRIER, 477 US 478, 496, 110 S Ct 2639, 2649-2650, 91 L Ed 2d 397 (1986) ("[W]HERE A CONSTITUTIONAL VIOLATION HAS PROBABLY RESULTED IN THE CONVICTION ONE WHO IS ACTUALLY INNOCENT, A FEDERAL HABEAS COURT MAY GRANT THE WRIT EVEN IN THE ABSENCE OF SHOWING OF CAUSE FOR THE PROCEDURAL DEFAULT")

SLACK V. MCDANIEL, 120 S Ct 1595 (2000) AT 1003 - THE WRIT OF HABEAS CORPUS PLAYS A VITAL ROLE IN PROTECTING CONSTITUTIONAL RIGHT IN SETTING FORTH PRECONDITIONS FOR INSURANCE OF C.O.A UNDER § 2253(C) CONGRESS EXPRESSED NO INTENTION TO ALLOW TRIAL COURT PROCEDURAL ERROR TO BAR VINDICATION OF SUBSTANTIAL CONSTITUTIONAL RIGHT ON APPEAL. PETITIONER ASSERTS THE 14TH AMEND DUE PROCESS (CONSTITUTIONAL VIOLATION OCCURRED) THE KNOWINGLY USE OF PERJURED TESTIMONY. PRECLUDED PETITIONER FROM PROVING HIS AFFIRMATIVE DEFENSE AND BY THE COURTS NOT ALLOWING PETITIONER A COMPLETE JURY CHARGE ON SELF-DEFENSE UNDER TEXAS PENAL CODE 9.32(2)(1)(2)(B) WHICH WAS EXCLUDED. AN AFFIRMATIVE DEFENSE IS ONE INVOLVING "AN EXCUSE OR JUSTIFICATION" PECULIARLY WITHIN THE KNOWLEDGE OF THE ACCUSED ON WHICH

WE CAN FAIRLY BE REQUIRED TO ADDUCE SUPPORTING EVIDENCE. PETITIONER CONTENDS THAT THE FIFTH CIRCUIT COURT OF APPEALS HAS ENTERED A DECISION IN CONFLICT WITH THE DECISION OF ANOTHER UNITED STATES COURT OF APPEALS ON SAME IMPORTANT MATTER. SUPREME COURT RULE 10(a) SEE TRITMAN v. UNITED STATES, 124 F3d 361, 378-79 (2d CIR 1997) (OBSERVING INDICATE THAT THE PROCEDURAL DENIAL UNDER AEDPA OF COLLATERAL REVIEW TO A PARTY CLAIMING ACTUAL INNOCENCE COULD RAISE SERIOUS CONSTITUTIONAL PROBLEMS) SEE ALSO MILLER v. MARR, 141 F3d 976, 978 (10th CIR 1998) (NOTING THAT IF AEDPA'S STATUTE OF LIMITATION PREVENTED A PETITIONER WHO IS ACTUALLY INNOCENT FROM FILING A FIRST FEDERAL HABEAS PETITION, AEDPA'S LIMITATION PERIOD WOULD 'RAISE' SERIOUS CONSTITUTIONAL QUESTIONS AND POSSIBLY RENDER [THE HABEAS AS REMEDY] INADEQUATE AND INEFFECTIVE'); IN RE DORSAIN-VIL, 119 F3d 245, 248 (3d CIR 1997) (OBSERVING THAT "[W]ERE NO OTHER AVENUE OF JUDICIAL REVIEW AVAILABLE FOR A PARTY WHO CLAIMS THAT S/HE IS FACTUALLY OR LEGALLY INNOCENT, ... WE WOULD BE FACED WITH A THORNY CONSTITUTIONAL ISSUE"); ZUNO-ARCE, 25 FSUPP 2d AT 1102 ("[T]OO FORCLOSE A CLAIM OF CONSTITUTIONAL VIOLATION WHERE THERE HAS BEEN A COLORABLE SHOWING OF FACTUAL INNOCENCE WOULD LIKELY CONSTITUTE A DUE PROCESS VIOLATION OR AN IMPROPER SUSPENSION OF HABEAS CORPUS RELIEF")

PETITIONER ASSERTS THAT THE CONSTITUTIONAL ERRORS CAUSED THE RESULT IN THE CONVICTION OF ONE WHO IS ACTUALLY INNOCENT AND

THAT HIS ACTUAL INNOCENCE CLAIM AND THE FUNDAMENTAL MIS-
CARRIAGE OF JUSTICE EXCEPTION WOULD HAVE OVERCOME THE LIM-
ITATION PERIOD. HAD THE FEDERAL COURT OR THE 5TH CIRCUIT COURT
LOOKED AT THE FEDERAL CLAIMS IN HIS § 2254 WRIT PETITIONER COULD
HAVE PASS THROUGH THE ACTUAL INNOCENCE GATEWAY FOR THESE
REASONS. SUPREME COURT RULE 10(C), UNITED STATES COURT OF APP-
EALS HAS DECIDED AN IMPORTANT QUESTION OF FEDERAL LAW
THAT HAS NOT BEEN REVIEW BECAUSE OF THE COURTS REFUSAL TO
ADDRESS SO THE ISSUES AND CLAIMS ARE NOT DEVELOPE FOR PRO-
PER ASSESSMENT BUT SHOULD BE PROPERLY ADDRESSED BUT THIS
COURT DENIED REVIEW AND SETTLED BY THIS COURT, THAT
WOULD HAVE CONCLUDED AND SETTLED A DECISIVE CONCLUSION
ON THE CLAIM OF ACTUAL INNOCENCE AND A FUNDAMENTAL
MISCARRIAGE OF JUSTICE HAS OCCURRED. THE FEDERAL COURT
AND FIFTH CIRCUIT COURT HAS DECIDED AN IMPORTANT FED-
ERAL QUESTION IN A WAY THAT CONFLICTS WITH RELEVANT DE-
CISIONS OF THIS COURT SUPREME COURT RULE 10(C).

SEE MCQUINN V PERKIN, 133 S CT 1924 AT 1603 - THE COURT APP-
LIED THIS "FUNDAMENTAL MISCARRIAGE OF JUSTICE EXCEPTION TO
OVERCOME VARIOUS PROCEDURAL DEFAULTS INCLUDING, AS
MOST RELEVANT HERE, FAILURE TO OBSERVE STATE PROCEDURAL
RULES SUCH AS FILING DEAD LINES SEE COLEMAN V THOMPSON,
501 US 722, 750, 111 S CT 2546, 115 L Ed 2d 640. THE EXCEPTION
THE COURTS DECISIONS BEARDUT, SURVIVED AEDPA'S PASSAGE
SEE EG. CALDERON V THOMPSON, 523 US 538, 558, 118 S CT 1489

140 Led 2d 228; HOUSE, 547 US, AT 537, 538. 120 SCT 2004, 165 Led 2d 1. THESE DECISION "SEEK" TO BALANCE THE SOCIETAL INTERESTS IN FINALITY, COMITY, AND CONSERVATION OF SCARCE JUDICIAL RESOURCE WITH INDIVIDUAL INTEREST IN JUSTICE THAT ARISES IN THE EXTRA ORDINARY CASE SCHULZ, 513 US, AT 324, 115 S. CT 851. 130 Led 2d 808, SENSITIVITY TO INJUSTICE OF INCARCERATING AN INNOCENT INDIVIDUAL SHOULD NOT ABATE WHEN THE IMPEDIMENT IS AEDPA'S STATUE OF LIMITATION. PP. ——— 185 Led 2d AT 1030-1031 (b) THE STATE URGES THAT RECOGNITION OF A MIS CARRIAGE OF JUSTICE EXCEPTION WOULD RENDER § 2244 (d) (1) (D) SUPERFLOUS, THAT IS NOT SO, FOR AEDPA'S TIME LIMITATIONS APPLY TO THE TYPICAL CASE IN WHICH NO ACTUAL-INNOCENCE CLAIM IS MADE, WHILE THE EXCEPTION APPLIES TO A SEVERELY CONFINED CATEGORY, CASES IN WHICH NEW EVIDENCE SHOW "IT IS MORE LIKELY THAN NOT THAT 'NO REASONABLE JUROR' WOULD HAVE CONVICTED [THE PETITIONER]" SCHULZ, 513 US, AT 329, 115 S. CT 851. 130 Led 2d 808. MANY PETITIONERS THAT COULD NOT PASS THROUGH THE ACTUAL-INNOCENCE GATEWAY WILL BE TIMELY OR NOT MEASURED BY § 2244 (d) (1) (D)'S TRIGGERING PROVISION. PETITIONER ASSERTS OFFICER'S SHELTON AND SINCLAIR BEING EL PASO POLICE OFFICER'S CARRIES GREAT MORAL ASCENDANCY TO THEIR CREDIBILITY THUS COULD NOT HELP BUT BE CENTRAL TO THE DELIBERATION OF ANY JURYSORTING THROUGH THE FACTS OF THE CASE TO IMPLICATE A GUILTY VERDICT

THIS ALONE SHOULD HAVE PUT A COURT TO INQUIRE INTO HIS CLAIM OF ACTUAL INNOCENCE AND TO THE FACT THAT A DUE PROCESS VIOLATION HAD OCCURRED WHEN PETITIONER CLAIMED THAT HE IS ACTUALLY INNOCENT GIVEN THAT THE STATE PRESENTED FALSE EVIDENCE AT TRIAL, NAMELY PERJURED TESTIMONY FROM LAW ENFORCEMENT OFFICER'S "DUE PROCESS 5TH AND 14TH AMENDMENT RIGHT OF THE UNITED STATES CONSTITUTION" WERE IN QUESTION, THE COURT SHOULD HAVE FIRST CONSIDERED THE MERITS OF HIS FEDERAL CLAIMS AND APPLIED THE PROCEDURAL BAR ONLY AFTER DETERMINING THAT DOING SO WOULD NOT ABRIDGE ONE OF PETITIONER'S CONSTITUTIONAL RIGHTS. THESE REASON ALONE WERE ADEQUATE TO DESERVE ENCOURAGEMENT TO PROCEED FURTHER. DUE PROCESS RIGHT OF LAW IS A SAFEGUARD TO PROTECT A PERSON FROM AN UNJUST CONVICTION. THE PERJURY ISSUES COMING FROM OFFICER'S OF LAW WOULD HAVE DEMONSTRATED THAT THE ISSUES WERE DEBATABLE AMONG JURISTS OF REASON TO INQUIRE INTO THE TRUTHFULNESS OF THE FACTS PRESENTED FOR REVIEW THAT IS THE "28 USC § 2254 WRIT OF HABEAS CORPUS" THE ALLEGED CONSTITUTIONAL ERROR PRECLUDED THE DEVELOPMENT OF TRUE FACTS WHICH WOULD RESULT IN THE ADMISSION OF FALSE ONE'S THESE ALLEGATION CLEARLY IMPLICATED QUESTIONS ABOUT THE ACCURACY OF THE TRUTH-FINDING PROCESS. PETITIONER ASSERTS THAT THE GOVERNMENT ABOGATED PETITIONER'S RIGHT TO A FAIR TRIAL.

STATEMENT OF THE FACTS

THE STATE PROFFERED TESTIMONY BY OFFICER SEAN SHEITON OF THE EL PASO POLICE DEPARTMENT WHOM TESTIFIED: PETITIONER ALSO CLAIMED THAT LEAH LEGGETT HIT HIM ON THE HANDS SEE: RR VOL 5 AT 12, 15; IN THE OPINION OF OFFICER SHEITON THE PURPORTED BITE MARKS DID NOT APPEAR TO BE FRESH SEE RR VOL 5 AT 13, 18, 19; OFFICER SINCLAIR AND SHEITON DETERMINED THAT PETITIONER WAS THE AGGRESSOR IN THE INCIDENT AS THE PHYSICAL EVIDENCE DID NOT MATCH HIS CLAIMED INJURIES (SEE: RR VOL 5 AT 12); THE PROSECUTOR WAS AWARE OF THE INCIDENT SUMMARY POLICE REPORT OF EVENTS EXHIBIT #12 PROSECUTOR WAS AWARE THAT THE QUESTIONS SHE ASKED THE OFFICER SHEITON WERE NOT TRUE FACTS BUT DID NOT CORRECT THE STATEMENTS NOR ADVISED THE COURT JUDGE OF THE TRUE FACTS EVIDENCE WAS IN THE POSSESSION OF PROSECUTOR. THE JUDGE HAD ASKED THE PROSECUTOR ABOUT EVIDENCE OF THE ASSAULT THAT OCCURRED 11/11/2008. SHE STATED SHE HAD GIVEN IT TO MR. ASLAS PETITIONER'S TRIAL COUNSEL SEE RR VOL 3 AT 178-180 PETITIONER WAS PRECLUDED FROM A COMPLETE JURY CHARGE ON SELF-DEFENSE. THE FURTHER INSTRUCTED THE JURY ON THE APPLICATION OF SELF-DEFENSE TO THE FACTS - TEXAS PENAL CODE 9.32 (a) (1) (2) (A). THE APPLICABLE STATUTORY PROVISION ENTITLED "DEADLY FORCE IN DEFENSE OF PERSON" BUT EXCLUDED TEXAS PENAL CODE SELF-DEFENSE 9.32 (a) (1) (2) (B) SEE RR VOL 6 AT 11-15

PRECLUDED EVIDENCE NOT PRESENTED FOR JURORS ASSESSMENT

(CRITICAL FACTS - ACTUAL FACTS FOR SELF DEFENSE CLAIM)

"NEW" RELIABLE EVIDENCE NOT PRESENTED FOR JURORS ASSESSMENT
WRONGLY EXCLUDED BY TRIAL COUNSEL AND PROSECUTOR

EXHIBIT #2 - INCIDENT SUMMARY POLICE REPORT OF EVENTS

911 CALL OF INCIDENT THAT OCCURRED ON 11/11/2008 / EVIDENCE
THAT WAS IN THE POSSESSION AND KNOWN BY PROSECUTOR
AND DEFENSE COUNSEL. THE SAID EVIDENCE WAS IN PETITI-
ONERS "ATTORNEY CLIENT FILES". THE CONTEXT THEREIN
THAT STATE: HE IS BITTEN ON BOTH HANDS - BLEEDING FROM
HANDS - ASSAULTED - ABLE TO CONTROL BLEEDING - WAS IN BED
THREATENED BY WIFE - SHE STARTED GOING CRAZY - THREATENED TO SHOOT

"NEW" RELIABLE EVIDENCE OBTAINED BY PETITIONER THROUGH
HIS OWN DILIGENCE. EVIDENCE ALSO NOT PRESENTED AT
TRIAL. "CRITICAL FOR SELF-DEFENSE CLAIM"

EXHIBIT #3 - LAS PALMAS MEDICAL CENTER EMERGENCY

PHYSICIAN RECORD: THAT STATES THE FOLLOWING: ALLEGED ASS-
AULT. OF INCIDENT THAT OCCURRED ON 11/11/2008: CHIEF
COMPLAINT - INJURY TO WRISTS - OCCURRED: JUST PRIOR
TO ARRIVAL - WHERE: HOME CONTEXT: BITTEN RIGHT WRIST
LEFT WRIST - SEVERITY OF PAIN MILD SKIN LACERATION
DIAGRAM STATE LOCATION: WOUNDS TO BOTH WRIST - DIA-
GNOSIS: NEED FOLLOWUP CLINICAL IMPRESSION: ALLEGED ASS-
AULT AND HUMAN BITE WOUNDS

EXHIBIT #1 - THE CITY OF EL PASO FIRE DEPARTMENT - FIRE MED-

ICAL SERVICES; OF INCIDENT THAT OCCURRED 11/11/2008
AND AFFIDAVIT FOR MEDICAL RECORD; SIGNED 10TH DAY OF
NOV-2014. A BRIEF STATEMENT OF FACTS STATED: NATURE
OF CALL ASSAULT IMPRESSIONS PRIMARY ASSAULT LOWER
RIGHT ARM BITE MARK LEFT HAND BITE MARK LOWER
LEFT ARM BITE MARK X2 NARRATIVE 46 4DM C/D ASSAU-
LTED PT. STATED HE WAS BITTEN 4 TIMES BY FEMALE SUBJECT
THE FIFTH CIRCUIT COURT STATED THE FOLLOWING; SANCHEZ
CONTENDS THAT HE IS ACTUALLY INNOCENT GIVEN THAT THE
STATE PRESENTED FALSE EVIDENCE AT TRIAL, NAMELY PERJ-
URED TESTIMONY FROM LAW ENFORCEMENT OFFICERS. THE
THE COURT MAY GRANT SANCHEZ A C.D.A ONLY IF HE HAS
"MADE A SUBSTANTIAL SHOWING OF THE DENIAL OF A CONST-
ITUTIONAL RIGHT" 28 USC § 2253 (C) (2); SEE MILLER-ELV
COCKRELL, 537 US 322, 340 (2003) WHERE, AS HERE, THE DIS-
COURT HAS DENIED § 2254 RELIEF ON PROCEDURAL GROUNDS
WITHOUT REACHING THE UNDERLYING CONSTITUTIONAL CLAIMS,
"A C.D.A SHOULD ISSUE WHEN THE PRISONER SHOW, AT LEAST, THAT
JURISTS OF REASON WOULD FIND IT DEBATABLE WHETHER THE
DISTRICT COURT WAS CORRECT IN ITS PROCEDURAL RULING" SLACK
MC DANIEL, 529 US 473, 484 (2000). SANCHEZ HAS NOT
MADE THE REQUIRED SHOWING SEE SLACK, 529 US, AT 484
PETITIONER CONTENTS THAT THE COURT MISAPPREHEND
PETITIONER AND STATES FOR THE RECORD BOTH OFFICERS GAVE
FALSE TESTIMONY AND FALSE IMPRESSIONS TO THE FACTS BY
ACCUISING PETITIONER AS THE AGGRESSOR WHEN IN FACT PE-

PETITIONER WAS THE VICTIM IN THE ASSAULT A FALSE ARREST OCCURRED (THE CASE NEVER WENT TO TRIAL) OFFICER SHEITON MINIMIZED THE EXTENT OF THE INJURIES HE SUSTAINED DURING THE NOVEMBER 11, 2008 INCIDENT. THE OFFICERS CONCLUDED THAT PETITIONER WAS THE AGGRESSOR IN THE INCIDENT AS THE PHYSICAL EVIDENCE DID NOT MATCH HIS CLAIMED INJURIES

PETITIONER ASSERTS THE PERJURED TESTIMONY AND FALSE IMPRESSIONS CLEARLY VIOLATE DUE PROCESS RIGHT UNDER THE 14TH AMEND. THE ALLEGED CONSTITUTIONAL ERROR PRECLUDED THE DEVELOPMENT OF TRUE FACTS WHICH WOULD RESULT IN THE ADMISSION OF FALSE ONES THESE ALLEGATION CLEARLY IMPLICATED QUESTIONS ABOUT THE ACCURACY OF THE TRUTH FINDING PROCESS. PETITIONER ASSERTS THAT THE GOVERNMENT ABROGATED PETITIONER'S RIGHT TO A FAIR TRIAL.

PETITIONER ASSERTS THAT A MISCARRIAGE JUSTICE OCCURRED BY THE REFUSAL OF THE FEDERAL COURT AND THE FIFTH CIRCUIT COURT IN THEIR FAILURE TO CONSIDER THE MERITS OF THE CLAIMS ON HIS § 2254 WRIT. SINCE THE DUE PROCESS CLAUSE DOES NOT "TOLERATE" CONVICTIONS UNDER PERJURY A DEFENDANT HAS A CONSTITUTIONAL PROTECTED PRIVILEGE TO FUNDAMENTAL FAIRNESS. THIS RIGHT WAS ABRIDGED BY THE REFUSAL OF THE FEDERAL DISTRICT COURT TO ADDRESS THIS ISSUE ON HIS FEDERAL CLAIMS 28 USC § 2254 AND BY THE FIFTH CIRCUIT'S FAILURE TO REALIZE SUCH CLAIM WAS CONSTITUTIONAL IN NATURE AND AS NEEDED UNDER SUPREME COURT RULE 10 (3) A UNITED STATES COURT OF APPEALS HAS ENTERED A DECISION IN CONFLICT WITH

THE DECISION OF ANOTHER UNITED STATES COURT OF APPEALS ON THE SAME IMPORTANT MATTER; AS TO CALL FOR AN EXERCISE OF THIS COURT'S SUPERVISORY POWER.

PETITIONER CONTENTS THAT THE 5TH CIRCUIT COURT OF APPEALS DENIAL TO ISSUE THE GRANTING OF A C.O.A. IN THE 'QUESTION OF SOME SUBSTANCE' OR A REQUIREMENT OF PRISONER TO DEMONSTRATE A 'SUBSTANTIAL UNDERLYING CONSTITUTIONAL CLAIM' THE PERJURED TESTIMONY CLAIM IS CONSTITUTIONAL IN NATURE A JURIST OF REASON ONE SKILLED IN LAW WOULD OF REALIZED WITHOUT DOUBT OR RESERVATION. AN IMPLICIT DENIAL OF DUE PROCESS FUNDAMENTAL FAIRNESS A 14TH AMEND CONSTITUTIONAL VIOLATION HAD OCCURRED.

SEE: MILLER-ELUCOCKRELL, 123 SCT 1029 (2003) AT 1042 AT THE C.O.A. STAGE, HOWEVER, A COURT NEED NOT MAKE A DEFINITIVE INQUIRY INTO THIS MATTER, AS WE HAVE SAID, A C.O.A. DETERMINATION IS A SEPARATE PROCEEDING, DISTINCT FROM THE UNDERLYING MERITS. SLACK, 529 U.S., AT 481, 120 SCT 1595; HODGE, 524 U.S., AT 241, 118 SCT 1962. THE COURT OF APPEALS SHOULD HAVE INQUIRED WHETHER A "SUBSTANTIAL SHOWING OF THE DENIAL OF A CONSTITUTIONAL RIGHT" HAD BEEN PROVED. DECIDING THE SUBSTANCE OF AN APPEAL IN WHAT SHOULD ONLY BE A THRESHOLD INQUIRY UNDERMINES THE CONCEPT OF A C.O.A. THE QUESTION IS THE DEBATABILITY OF THE UNDERLYING CONSTITUTIONAL CLAIM, NOT THE RESOLUTION OF THAT DEBATE. SEE ALSO SUFFAR V DRETKE, 368 F3d 441 (8TH CIR 2004) AT 464. SEE ALSO EG US V APKER, 174 F3d 934, 937 (8TH CIR 1999) (REVERING DENIAL OF APPEALABILITY FOR PETITIONER'S BAILEY CLAIM

IN LIGHT OF HONN WHICH HELD SUCH CLAIM WAS CONSTITUTIONAL IN NATURE.

SUPREME COURT RULE 10(C), UNITED STATE COURT OF APPEALS HAS DECIDED AN IMPORTANT QUESTION OF FEDERAL LAW THAT HAS NOT BEEN REVIEW BECAUSE OF THE COURTS REFUSAL TO ADDRESS SO THE ISSUES AND CLAIMS ARE NOT DEVELOPE FOR PROPER ASSESSMENT BUT SHOULD BE PROPERLY ADDRESSED BY THIS COURT DENYING REVIEW AND SETTLED BY THIS COURT OR HAS DECIDED AN IMPORTANT FEDERAL QUESTION IN A WAY THAT CONFLICTS WITH RELEVANT DECISIONS OF THIS COURT.

SEE MOORE V DEEMSEY, 261 US 86, 43 SCT 265, 105 LEd 543 (1923) WHAT WE HAVE TO DEAL WITH IS NOT THE PETITIONER'S "INNOCENCE OR GUILT BUT SOLELY THE QUESTION WHETHER CONSTITUTIONAL RIGHTS HAVE BEEN PRESERVED" at 87-88, 43 SCT; AT 265 (EMPHASIS ADDED)

PETITIONER CONTENTS HAD THE FEDERAL COURT AND FIFTH CIRCUIT COURT OF APPEALS LOOKED AT HIS FEDERAL CLAIMS IN HIS 28 USC 2254 WRIT THE COURTS WOULD HAVE CONCLUDED AND WOULD HAVE COME TO A DECISIVE CONCLUSION ON THE CLAIM OF 14TH AMEND RIGHT VIOLATION OF DUE PROCESS WAS VIOLATED BY PROSECUTOR'S KNOWINGLY USE OF PERJURED TESTIMONY BY OFFICERS OF LAW ENFORCEMENT.

APPLICATION OF LAW FOR DUE PROCESS VIOLATION

"PERJURED TESTIMONY"

CALIFORNIA V. ROMBETTA, 104 S.Ct 2528 (1984) AT 2532 - UNDER THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT, CRIMINAL PROSECUTIONS MUST COMPORT WITH PREVAILING NOTIONS OF FUNDAMENTAL FAIRNESS.

THE MOST RUDIMENTARY OF THE ACCESS-TO EVIDENCE CASES IMPOSE UPON THE PROSECUTION A CONSTITUTIONAL OBLIGATION TO REPORT TO THE DEFENDANT AND TO THE TRIAL COURT WHENEVER GOVERNMENT WITNESS LIE UNDER OATH NABUE V ILLINOIS, 360 US 264, 269-272, 79 SCT 1173, 1177-1179, 3 LEd 2d 1 (1959); SEE ALSO MOONEY V HOLAHAN, 294 US 103, 55 SCT 340, 79 LEd 791 (1935).

A STATE DENIES A CRIMINAL DEFENDANT DUE PROCESS WHEN IT KNOWINGLY USE PERJURED TESTIMONY AT TRIAL OR ALLOWS UNTRUE TESTIMONY TO GO UNCORRECTED. GIGLIO V UNITED STATE, 405 US 150, 92 SCT 763, 31 LEd 2d 104 (1972); NABUE V ILLINOIS, 360 US 264, 79 SCT 1173, 3 LEd 2d 1217 (1959) WHETHER THE STATE SOLICITS THE FALSE TESTIMONY OR MERELY ALLOW IT TO STAND UNCORRECTED WHEN IT APPEARS DOES NOT DIMINISH THE VIABILITY OF THE PRINCIPLE, NABUE, SUPRA, 360 US, AT 269; GIGLIO, SUPRA, 405 US, AT 153; NOR DOES THE RULE LOSE FORCE BECAUSE THE PERJURY REFLECTS ONLY UPON THE CREDIBILITY OF THE WITNESS, NABUE, SUPRA, 360, AT 269. A CONVICTION OBTAINED THROUGH THE USE OF TESTIMONY KNOWN BY THE STATE TO BE UNTRUE MUST FALL, IF, THE FALSE TESTIMONY COULD IN ANY REASONABLE LIKELIHOOD HAVE AFFECTED THE JUDGEMENT OF THE JURY [OR IF] THE FALSE TESTIMONY USED BY THE STATE IN SECURING CONVICTION OF PETITIONER MAY HAVE HAD AN EFFECT ON THE OUTCOME OF TRIAL. NABUE, AT 271, 272; GIGLIO, 405 US, AT 154; SEE ALSO NOBLES V JOHNSON, 127 F3d 409, AT 415-416 (5th CIR 1997); THE DEFENDANT RIGHT TO A FAIR TRIAL RIGHT

IS UNQUESTIONABLY PROTECTED BY THE DUE PROCESS CLAUSE ~~ABIE~~
SEE ALSO UNITED STATE V BAGLEY, 473 US 607, 107 S. CT 3375, 87
LED 2d 481 (1985); UNITED STATE V AGURS, 427 US 97, 96 S. CT 2392,
49 LED 2d 342 (1976)

MURRAY V CARRIER, 106 S. CT 2639, 2678 (1986) - LIKE THE GREAT
WRIT FROM WHICH IT DRAWS ITS ESSENCE SEE ENGLE V
ISAAC, 456 US 107, 126, 102 S. CT 1558, 1571, 71 LED 2d 1783 (1982), THE
ROOT PRINCIPLE UNDERLYING 28 USC § 2254 IS THAT GOVERNMENT
IN A CIVILIZED SOCIETY MUST ALWAYS BE ACCOUNTABLE FOR AN
INDIVIDUAL'S IMPRISONMENT, IF THE IMPRISONMENT DOES
NOT CONFORM TO THE FUNDAMENTAL REQUIREMENTS OF LAW, THE
INDIVIDUAL IS ENTITLED TO HIS IMMEDIATE RELEASE.

MURRAY V CARRIER, 106 S. CT 2639 (1986) AT 2659 - BUT THE HIS-
TORY OF THE COURT'S JURISPRUDENCE INTERPRETING THE ACTS OF CO-
NGRESS AUTHORIZING THE ISSUANCE OF THE WRIT OF HABEAS CORPUS
UNAMBIGUOUSLY REQUIRES THAT WE CAREFULLY PRESERVE THE EXCE-
PTION WHICH ENABLES THE FEDERAL WRIT TO GRANT RELIEF IN
CASES OF MANIFEST INJUSTICE.

MURRAY V CARRIER, 106 S. CT 2639 (1986) AT 2670 - THE HISTORIC
OFFICE OF THE GREAT WRIT AS THE ULTIMATE PROTECTION AGA-
INST FUNDAMENTAL UNFAIRNESS AS WELL KNOWN. THAT MIS-
SION IS REFLECTED IN THE STATUTORY REQUIREMENT THAT THE
FEDERAL COURT "DISPOSE OF THE MATTER AS LAW AND JUS-
TICE REQUIRE" 28 USC § 2243.

THE SUPREME COURT THE HIGHEST FEDERAL COURT IN THE UNITED STATES THE ULTIMATE AUTHORITY BEING THE PARAMOUNT OF THE FOREMOST IMPORTANCE OF THIS NATION. THE UNITED STATE OF AMERICA. WHOM HAS BEEN ENTRUSTED TO THE PROTECTION AND UPHOLDING OF ONE'S DUE PROCESS RIGHT UNDER THE 14TH AMENDMENT TO FUNDAMENTAL FAIRNESS (FAIR TRIAL), THAT WAS ESTABLISHED BY THE CONSTITUTION OF THE UNITED STATE OF AMERICA AS STATED FOR (WE THE PEOPLE). MY ENDEAVOR IN THIS PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT AN ENDEAVORMENT OF SYMPATHY FOR ALL (WE THE PEOPLE). WHOM ENTRUST THAT OUR CONSTITUTIONAL RIGHTS ARE NEVER ABRIDGED NOR ABRIDGED BY ANY STATE(S) IN ANY FORM OR FASHION. BY THE POWER ENTRUST UPON THEM BY CONDUCTING THEMSELVES OUTSIDE (WE THE PEOPLE) CONSTITUTIONAL RIGHTS BEING RICH, POOR, BLIND, LAME OR DUMB (WE THE PEOPLE) DEPEND ON THE HONOR, TRUST AND INTEGRITY OF THE SUPREME COURT OF THE UNITED STATES OF AMERICA, TO UPHOLD THESE CONSTITUTIONAL RIGHTS OF (WE THE PEOPLE)

CONCLUSION

THE PETITION FOR A WRIT OF CERTIORARI SHOULD BE GRANTED.

RESPECTFULLY SUBMITTED,

Crista Sanchez

DATE: JULY - 12 - 2018