

No. \_\_\_\_\_

\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_

CHARLES ALFRED JACKSON — PETITIONER  
(Your Name)

VS.

LORI DAVIS, DIRECTOR — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

CHARLES ALFRED JACKSON  
(Your Name)

FRENCH ROBERTSON, 10271 FM 3522  
(Address)

ABILENE TEXAS 79601  
(City, State, Zip Code)

none  
(Phone Number)

## QUESTION(S) PRESENTED

[1] DID THE DISTRICT COURT SIDE STEP THE COA DETERMINATION UNDER §2253(c) WHEN IT DENIED JACKSONS APPEAL AND HIS COA AND JUSTIFIED IT'S DENIAL OF HIS COA BASED ON THE ADJUDICATION OF THE ACTUAL MERITS ?

[2] WAS THE RESOLUTION OF JACKSON'S CLAIMS DEBATABLE AMONG JURIST OF REASON, OR WAS IT WRONG RESOLUTION APPLIED BY THE DISTRICT COURT ?

[3] WAS THE DISTRICT COURTS DENIAL OF JACKSON'S 2254 WRIT AN UNREASONABLE AND INCORRECT APPLIATION OF LAW AS DETERMINED BY THE SUPREME COURT, WHEN IT FAILED TO ADDRESS THE TWO PRONGS OF STRICKLAND ?

[4] DID THE FIFTH CIRCUIT ENTER A DECISION IN CONFLICT WITH THE ESTABLISHED LAW OF THE SUPREME COURT BY DENYING JACKSON'S COA REQUEST?

[5] DID THE STATE COURT COMMIT FRAUD ON THE COURT WHEN IT ALTERED THE 2002 PROCEEDINGS OF JACKSON V. STATE BY ADDING A 3 TO 4 PAGE CROSS-EXAMINATION OF THE STATES WITNESS APRIL WILLIAMS THAT NEVER HAPPENED ?

[6] DID THE STATE AND DISTRICT COURT COMMIT FRAUD UPON THE COURT BY PRESENTING FALSE STATEMENT OF FACTS ALLEDGING THAT THE PETITIONER HAD MOLESTED A.W ON NUMEROUS OCCASSIONS WHERE THE WHERE THE STATE COURTS EVIDENCE REBUTTS IT CITING THAT IT ONLY HAPPENED ONCE.

[7] Should the Fifth Circuit Court Appeals had granted Jackson's Motion for Judicial Notice and his Motion to have Counsel Appointed??

[8] Did the Petitioner receive a full and fair hearing in State Court and the District Court.?

## LIST OF PARTIES

- [ ] All parties appear in the caption of the case on the cover page.
- [X] 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:

CHARLES ALFRED JACKSON, PETITIONER

RICHARD KLINE, LEAD ATTORNEY

ERNEST ROTHFIELDER , CO. COUNSEL

JUDGE SHARON WILSON, CRIMINAL DISTRICT COURT NUMBER ONE OF  
TARRANT COUNTY, NOW HAS MOVED TO BE THE TARRANT COUNTY DISTRICT  
ATTORNEY.

LEA PAMPLIN AND AMY COLLUM, TRIAL DISTRICT ATTORNEY

DONALD GANDY, APPELLATE ATTORNEY

LORI DAVIS, TDCJ DIRECTOR

KEN PAXTON AND SARAH HARP, STATE ATTORNEY GENERALS

VALERI ALLEN, COURT REPORTER

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## 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 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 B 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 D 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 ~~FIFTH CIRCUIT COURT OF APPEALS~~ 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 17, 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: JUNE 22 2018, and a copy of the order denying rehearing appears at Appendix 4.

☐ 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).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

THE SIXTH AMENDMENT RIGHT GUARENTEED TO JACKSON UNDER THE UNITED STATES CONSTITUTION WERE VIOLATED ,

[1] THE RIGHT TO CONFRONT ONES ACCUSER AGAINST HIM , TO HAVE COMPULSORY PROCESS FOR OBTAINING WITNESSES IN HIS FAVOR, AND TO HAVE ASSISTANCE OF COUNSEL IN HIS DEFENSE.

THEFOURTEENTH AMENDMENT RIGHT TO JACKSON UNDER THEUNITEDSTATE'S CONSTITUTION WERE VIOLATED

[1] NO STATE SHALL DEPRIVE ANY PERSON OF LIFE,LIBERTYOR PROPERTY WITHOUT DUE PROCESS OF LAW, NOR SHALL THEY BE DENIED EQUAL PROTECTION OF THE LAW.

CODE OF CRIMINAL PROCEEDURES ARTICLE36.27,2007 2000-011

### COMMUNICATION, JURY, WITH THE COURT

#### STANDARD OF REVIEW      DURING DELIBERATIONS

THARTICLE36.277SETS UP A PROCEDURE FOR A JURY TO COMMUNICAT WITH THE COURT AFTER IT HAS BEGUN TO DELIBERATE. It also provides that the court shall answer such communication in writting after allowing the defendant or counsel to make objections to the answer.

~~THE~~ THIS Article is the only Statute dealing with the required method for the trial judge to communicate with the jury during deliberations.

It specifically provides that "the written instruction or answer to the communication shall be rered in open Court unless expressly waived by the defendant". A Trial Court commits reversible error if it gives an additional instruction to a jury without the provisions in the communication being in open court and in the presence of the defendant as required by Article 36.27, which is the situation presented in this case.



## STATEMENT OF THE CASE

In 2002 the petitioner was convicted in Criminal District Number One Of Tarrant County Texas of aggravated sexual assault of a child, and Indecency with a child and was sentenced to a term of 60 years in the Texas Department Of Criminal Justice. The Allegation consist of complaintant A.W. claiming that on one occassion and one occassion only that the petitioner caused her mouth to touch his penis. The Indictment and all the evidence presented by the prosecution alledges that this incident only happened once, But the District Attorney during direct examination asked questions to make it appear that the petitioner was engaged in a pattern of abuse with A.W. the D.A. asked questions like many times did the grinding take place?these types of questions were repeated over and over to the alledged victim , till it started to look like the petitioner was engaged in a pattern of abuse over several;years. petitioner trial counsel never objected and then when asked if he wanted a cross examin A.W. trial counsel replied , "not at this time your honor but I reserve the right to later. Trial Counsel never did Cross-Examin A.W. But when the Petitioner did finally receive his trial transcrips years later he discovered that the trial record had been altered to show Trial Counsel Richard Kline doing a three to four page cross examination on A.W. which never has happened the petitioner has presented three(3) motions for Judicial Notice to three different Courts the last Court being the Fifth Circuit Court Of Appeals which denied petitioners motions, the facts of the case are wrong and have been led to make others whom are the triers of facts such as Judge M McBride of the United States District Court where he stated in his Memorandum Opinion of his denial of the petitioner

2254 Writ where he stated numerous different occasions where the petitioner was supposedly had molested A.W none of which is supported by any of the evidence presented at trial nor is it supported by A.W. or the Indictment. the petitioner has alledged numerous times to the State Court and the Supreme Court Of Texas, and to the District Court of northern Texas as well as the Fifth Circuit Court of Appeals,, That the Statement of facts regarding the petitioner's case was wrong and that the trial transcripts have been altered, but neither Court State or Federal have responded to the petitioner's allegations, the true statement of facts from the trial record the portions that were not altered consist of in court Statement's from witnesses, as well as evidence of the indictment and the expert witines(SANE) notes and testimony which all state the the grinding, masterbation, and oral cupulation all took place in in incident, and that years past by and nothing else ever happened. The

The question that the petitioner has presented to this Court for consideration is of extreemly relevent because the false statement of facts has greatly prejudiced the petitioner on appeal.

On direct appeal the petitioner was repersented by Donald Gandy and the petitioner was never contacted by the appellate attorney, The Petitioner did not even know he was being repersented by a court appointed lawyer until after he contacted the State Bar of Texas, and had to send in an Affidavit. The Petitioner then received letters from the State Bar with Donald Gandys name on them stating that his direct appeal had been affirme, this was a year and a half after his case had already been affirmed he had been perceedurly barred from Federal Review. the petitioner then filed his first 11.07allegding

That Appellate counsel was ineffective in his counsel because, he filed petitioner's direct appeal without the complete record namely the voir-dire of prospective jurors, and that he filed a frivolous appeal with one ground of error that the Second Court of Appeals of Texas ruled on citing that the ground of error had not been properly preserved for appellate review because counsel failed to ask for a running objection. The state Court granted petitioner Jackson an out-of-time appeal and dismissed his remaining ground as premature. the petitioner filed a discretionary review with the Texas Supreme Court and they denied relief, The petitioner then filed his second 11.07 appeal and re-raised his previous ground the State Court and the Texas Supreme Court denied relief the petitioner then filed his 2254 Writ with the Federal District Court of Northern Texas for FortWorth Texas, The Petitioner Cited that the Texas Court of Criminal Appeals decision to deny his 11.07 Appeal was an unreasonable and Contrary to Supreme Court Law as well as an Incorrect Application of law because the Texas Supreme Court failed to address the two prong standards of Strickland v. Washington, the District Court granted a show Cause and allowed the petitioner to proceed in forma pauperis, the district court then denied relief and accepted the state courts factfinding and cited that they do not need to address the prejudice prong of Strickland. The petitioner then filed notice of appeal and requested that the Fifth Circuit Court of Appeals grant him a COA they then denied misapprehending the petitioner's requested COA grounds to be certified. A rehearing en Banc Motion was filed but the court said it was untimely even though the Motion was placed in the facility internal mail box system before the filing date and was witnessed by Sgt. Peters and the units Cameras,

## REASONS FOR GRANTING THE PETITION

An exercise of this Court's supervisory power; is called for because a United State's Court of Appeals has entered a decision in conflict with the decision of another united states court of appeals on the same important matter; and has sofar departed from the accepted and usual course of judicial proceedings;

the petitioner calls for the exercise of this Courts supervisory power , because the The District Court as well as the Fifth Circuit Court of Appeals have both have denied the petitioner relief in regards to his 2254 Writ application the petitioner will outline compelling reasons why this Courts power should be exerised;

1 The District Courts decision was "Unusual and Contary" and Incorrect and involved an incorrect application of Law as determined by the U.S. Supreme Court "because they failed to address the LEGAL STANDARDS OF REVIEW; For the right to assistance of counsel which is guaranteed by the Sixth Amendment and the Fourteenth Amendment to the U.S. Const. and Art 1§10 of The Texas Constitution Which is all governed by U.S. Supreme Court Law Strickland v. Washington, being the vehical for which a determination for whether an attorney has rendered effective assiatance The decision was incorrect and contary to U.S. Supreme Court Law because they failed to Address the Two Prong Standards of Strickland V. Washington during it's denovo review on the merits. The Petitioner was granted Show Cause in the Disttrict Court when he filed his 2254 Writ Application because the State Courts had failed to address the two prong standards of Strickland v. Washington therefor this petition should be granted because the petitioner has not received a full and fair hearing in either the State Court nor the Federal Court

Federal Court . This Is United States law that has been laid down by the Lands highest Court this effects every citizen at some point especially upon entering the criminal judicial system. The public would surly like to know if the equal protection of the law has been erroded because some authority figures are abusing their authority and simply refusing to address the constitutional violations which have been brought fourth in the GREAT WHITE WRIT then adding subttterfudge to the law of Strickland and shielding there ineffectiveness with labels of trial strategy.

The importance of others similarly situated is of grave importance to me and others like me because day after day month after month year after year inmates trudge down to a law library that is ill equiped withoutdated books, struggling to learn the law without guidance but being diligent in their pursuit of justice messing up each stage of their appeal because they are atill learning , yet still being deligent and filing grounds that have merit but on to be shot down because some new law has arrived while they were still working on their appeal a law which undermines that very merterious ground they were working on, or as stated early someone abuses their authority and missapperhends the application of law to their writ thus denying them relief; "yes" it would be of grave importance for similarly situated inmates to know that at the end of the long appellate road that the lands highest Court the United States Supreme Court is there overseeing and making sure that in the Intrest of Justice the correct application of Law shall prevail.

(3) The further granting of this petition should be because the the resoulution of Jacksons claims are debatable amoungst jurist of reason where the appellate counsel clearly filed a frivilous appeal

### **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

\_\_\_\_\_

Date: \_\_\_\_\_