

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Thomas "Tommy" EARL Boone — PETITIONER
(Your Name)

vs.

Director of T.D.C.J.-I.D. — 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

Thomas EARL Boone #283484
(Your Name)

3001, S. Emily Drive, McConnell Unit
(Address)

Beeville, Tx. 78102
(City, State, Zip Code)

X None
(Phone Number)

THE "QUESTION" Presented

Isn't The State Statute, ART. 42.08 & b, VACCP,
"Unconstitutional", AS INTERPRETED BY THE TEXAS COURT
IN EX PARTE KUESTER, 21 S.W.3d 264 & 2000, ?

* * * * *

The Court misconstrues the Triggering "event" that
causes one sentence to CEASE (OR BE "COMPLETED") SO AS
TO CAUSE A Subsequent sentence to Commence to Run.

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:

otherwise //
The case here presents possibility that Thousands of similarly
situated Texas prisoners, all ^{"currently"} sentenced pursuant to Article 42.08

(a) and (b), VACCP, as well as those who may be sentenced pursuant
to such special sentencing statute in the "future" could be considered

Parties of Concern - I don't know why not! I personally know
a lot of such prisoners similarly situated here on McConnell Unit
in Administrative Segregation (# 12 Bldg.) alone. I am locked up and
unable to move about and attend law library where prisoners may
congregate and if I were able I could find some to sponsor
an attorney to help us all if I convince them we are being
improperly held years beyond proper commencement periods and so
it ultimately extends incarceration on such sentences far beyond
proper periods of early release or discharge dates.

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

- ① EX PARTE "KUESTER"
21 S.W. 3d 264 (2000)
- ② EX PARTE "RUTHART"
980 S.W. 2d 469 (1998)
- ③ EX PARTE "BYNUM"
772 S.W. 2d 113 (1989)

(See) Statement of the Case, Generally
and "Memorandum" Arguments in
Support of "Petitions, Appendix C, and D"

[NOTE] at top of p. i, Introduction to
STATEMENT of the

- ★ Ruiz vs. Johnson (S.D. Tx., MAR. 1999)
37 F. Supp. 2d 855

(See) Introduction to "STATEMENT of the Case"
Introduction at p. ii

STATUTES AND RULES

- ① ART. 42.08, Tx. Cd. Cr. Proc.
- ② ~~Sec. 508.145~~ (f), Govt. Code,
- ③ § 508.150 (a) and (b), Govt. Code,
- ④ § 508.150 (d) (1) (2), Govt. Code,
- ⑤ ART. 11.07, Tx. Cd. Cr. Proc.
- ⑥ § 501.0081, Tx. Govt. Code

Nos. (1) - (6)
Appendix (B)

Appendix "C" and "D"
The Hab. Corp. Petitions
and Statement of the Case
— GENERALLY —

- ⑦ ABUSE of the WRIT (Rule 91b)
- ⑧ EXHAUSTION (State/Fed. Comity Relations)

(See) Footnotes Nos. (6) and (7) of "Plurality" in Rose v. Lundy, 455 U.S. 509
(1982) at F.N. No. (7) FAILURE TO AFFORD A FULL AND FAIR ADJUDICATION
OF THE FEDERAL CLAIMS RAISED. 455 U.S. 509 (1982) Rose v. Lundy.

OTHER

- ⑨ The Constitutional Doctrine of
"SUBSTANTIVE DUE PROCESS"

(See) BLACKS LAW Dictionary
"Generally"
cited all through my petitions
and "Memorandum" Attachments
Appendixes C and D

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APPENDIX (B) — The Statutory Provisions set out verbatim

APPENDIX (C) — The Anderson Co. TX DIST. CLERKS [RECORD] in State Hdb. Corp. # 23150-C

APPENDIX (D) — The District Clerks [RECORD] in State Hdb. Corp. # 23150-D

APPENDIX E

APPENDIX F



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 Dismissed w/o order EVERY Time; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished. There is no opinion. Dismissed w/o written order.

→ The opinion of the State Dist. Court: There has NEVER BEEN ANY such Action 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.

A horizontal line with a dot at each end. The left dot is labeled '1' and the right dot is labeled '3'.

[] No petition for rehearing was timely filed in my case.

[] 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 ____.

from state courts:

09/05/2018

decided my case
x A .

The High Court REFUSES To Address Claims

[] 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 ____.

U. S. C. § 1257(a).

Constitutional And Statutory Provisions

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- ① The Due process clause of the U.S. Constitution Fourteenth Amend.
- ② The "Substantive Due Process" Doctrine as defined By Blacks Law Dictionary.
- ③ ART. 42.08, Tex. Code Crim. Proc.
- ④ Sec. 508.145(f), Tx. Govnt Code
- ⑤ Sec. 508.150(a) and (b)(B), Tx. Govnt Code.
- ⑥ Sec. 508.150(c)(1), Tx. Govnt Code,
- ⑦ Sec. 508.150(d)(1), (2), Tx. Govnt Code.
- ⑧ Sec. 501.0081, Tx. Govnt Code
- ⑨ ART. 11.07, Tx. Code Crim. Proce,

For The Above
Please (See) Appendix (B)

Statement of the CASE

CONTENTS:

- A INTRODUCTION ... i, ii
- B PART I ONE pp. 1 through 8
- C PART II TWO pp. 9 through 13

Note:

Why TDCJ has me serving a "single sentence" of "70" yrs was a claim advanced by state HAB. Corp. Action Case NO. 23150-B, my second writ. This is violation of BYNUM, 772 SW2d 113, TEXAS Crim. App. 1989.

★ INTRODUCTION TO THE STATEMENT ★

* * * of the Case * * *

While I have tried my Best to be concise I needed to explain a lot. The Statute ART. 42.08, Code Crim. Proc., is a special Sentencing Scheme. It has been improperly depicted by EX PARTE "Kuester", 21 S.W.3d 264 (Tx. Crim. App. 2000) such that, if the Court is correct, the Statute is Unconstitutional. Despite the decision in "Kuester" being a year 2000 opinion, All the State District Courts had long been viewing the Statute the "SAME" as that depicted in Kuester. The STATEMENT don't seem to me to be as concise as a good writer could provide But you will notice (Hopefully) the Important matters I try to articulate. I know beyond a doubt that this is not how the Statute is MEANT TO WORK. Please read also pp. 9-13, INFRA. Part Two.

Introduction (pg 4 - one) Introduction

Conditions of Confinement AS Going to "Proposition" Counsel was Ineffective on Jan. 6, 1994

Conditions of Confinement

Ruiz vs. Johnson, SEE 37 F.Supp.2d 855 at 861
(S.D. Tex., March 1, 1999)

IN this case it was held that the extreme deprivations and repressive conditions of confinement in TDCJ-ID's ADMINISTRATIVE SEGREGATION UNITS (Hereafter: "AD-SEG") violated the prohibition against cruel and unusual punishment contained in the Eighth Amendment of the United States Constitution, as to the plaintiff class generally and to the subclass of mentally ill inmates housed in such confinement. Ruiz, id. at 861. The court found that: "Texas's AD-SEG units are virtual incubators of psychoses - seeding illness in otherwise healthy inmates and exacerbating illness in those already suffering from mental infirmities." id. at 908. Based on all the evidence it was found to violate the "evolving standards of decency that mark progress of a maturing society." id. at 914-15, quoting Rhodes vs. Chapman, 452 U.S. 337, 346 (1981). Similarly, the defendants' deliberate indifference to the risks posed by subjecting mentally ill inmates to EXTENDED periods of confinement in administrative segregation was held to be constitutionally infirm. 37 F.Supp.2d at 915.

While I was tried on Jan. 6, 1994, I had consistently been housed in the TDCJ-ID's since about December 1984 and have "continued" to remain housed in AD-SEG to this present date, Nov. 1, 2018, OVER (33) YEARS thirty-three total years - consistently. I have had diagnoses as Bi-polar, Impulsive Compulsive Disorders, Anti-psy social disorder, organic brain damage, and been on such psychiatric medications as Haloperidol, Thorazine, Mellaril, Navain, Senequan, Prozac, Klonopin, Zoloft, Artane, Cogentin, Amytryptaline (Elavil), Tegretal, and a host of other medications I can't remember all. I have engaged in suicidal attempt a number of times. And because I have consistently (all the while) tried to (keep) litigating (pro se) the psychiatric staff at the behest of State Attorney General office had me taken off psychiatric status so they could keep me in Ad.Seg. indefinitely and my attorney JOHN FISCHER knew all this yet told me (NOT) to "martin" it on 01/06/1994.

STATEMENT of the Case. PART I ONE

1 In The 3rd State District Court of Anderson County, Tx.
2 on the 6TH day of JANUARY, 1994, under the Advise and In-
3 struction of Appointed Counsel, John Fischer, I plead Guilty To
4 possession of A Weapon in a penal Institution in case Num-
5 ber 23150. Although I was ^{F.N. 1 one} psychiatrically ill and on a pre-
6 scribed Regemin of psychiatric Medications AS well AS Housed in
7 An ENVIRONMENT Constitutionally ^{F.N. 2} Condemned under the 8TH Amend-
8 ment ¶ Ruiz vs. Johnson, 37 F. Supp. 2d 855 (S.D. TX. MAR. 1999) ¶ I
9 intentionally Failed to mention any of this under Counsels in-
10 struction. The "punishment" Assessed under The Special Sentenc-
11 ing Law Article 42.08(b), Tx. Code Cr. Proc., is all I complain
12 of here - "NOT" the underlying Conviction. My understanding of
13 the Ten YEARS sentence Assessed is That I will NOT begin
14 Serving Time on it until I First become "eligible" For Parole
15 on the sentence I was Already serving at the Time of
16 the subsequent offense.

FN# (1) See "Introduction" at ¶ above

page # (2) Two

So, Because I had "already" ^{*}become eligible For "Parole" on the Sentence I was "already" Serving (at) the Time in Question, I thought That my Ten year Term would begin to operate immediately. Well, The Court did "Admonish" Me respecting my rights, but the Admonishment was "limited" To the primary "offense" charged by Indictment # 23150; yet I was assessed a Special Punitive Measure where sentences of Punishment ARE "STACKED", e.g. RUN Consecutive as opposed to Con-currently operating simultaneously At The Same Time as Another sentence being served. But I had been "Assured" By counsel That in the Scheme of Article 42.08(b), VACCP, the "Methodology" ^{*}determinative of when my subsequent Term of Punishment on the TEN YEARS Sentence must Begin to operate is Simply "when" I Am eligible For Release on Parole on my initial Term of punishment on the SIXTY ~~60~~ YEARS Sentence I'm already serving on a "Burglary" offense: Boone vs. State, 629 S.W.2d 786 ~~14TH~~ Dist. [Houston], Dec. 23, 1981 ~~From The 176TH~~ State Dist. Court of HARRIS County, Texas, at Houston, TX.

Page # 3 Three

As it Turns out, while my Counsel was "correct", these TEXAS Courts had Long Been interpreting the Statutory Terminology^{*} embraced by Article 42.08^(b), VACCP, the Special Sentencing Law, The^{*} Same as the Like-natured Terminology^{*} employed in Art. 42.08^(a) of the statutory law which employs Terminology CEASE TO OPERATE, while Art. 42.08^(b) of the Code of Criminal Procedure employs Terminology COMPLETED and COMPLETION. Well the "problem" is Not that Both Terminologies do NOT mean the Same Thing, Because they do mean the "Same" Thing! The Problem is that How Texas Courts had Long been Interpreting Terminology in Art. 42.08^(a), VACCP, e.g. CEASE TO OPERATE has Always been "wrong". As so Now Both LAWS ARE Being Construed to REQUIRE "More^{*} Than Mere^{*} parole eligibility" (see EX PARTE "Kuester", 21 S.W.3d 264, 270-271 [Tx. Cr. App. 2000]). Although "Kuester" had not been decided (yet) in JANUARY OF 1994 "When" I plead to the offense For TEN YEARS, the District Courts were All of the same mindset and [used^{*}] CEASE TO OPERATE Terminology

(from) Article 42.08^a, of the LAW (in) (my) "Judgment" and "Sentence", as opposed to "Correct" Terminology "COMPLETED" and "COMPLETION" as those Terms ARE employed in Article 42.08^b, of the LAW That I was convicted and sentenced under. I think that Counsel's Advice WAS still critically misleading because it "correctly" says [when] I am "eligible" FOR Release on PAROLE on my initial sentence, such eligibility "triggers" the Methodological Scheme which causes one sentence to "CEASE" and/or be "COMPLETED", and thus, allows the next subsequent sentence to commence to operate. Well, the STATE DISTRICT COURTS "already" were interpreting the triggering terminology to REQUIRE (MUCH) MORE than (MERE) Eligibility FOR Release on PAROLE, and so my Attorney should have KNOWN This and pointed this out. Moreover, he may have BEEN encouraged to FEARLESSLY PARTICIPATE in the status quo process/practiced, since these Courts FAILED to "FAIRLY" Admonish one That An initial sentence will "NOT" Truly "CEASE" to operate with "general" eligibility, But that where [such] Sentences

(e.g. Cumulated/Consecutive Sentences) ARE CONCERNED, THE
ONLY REASON - (VERSUS) - THE "ONLY WAY ONE WITH SUCH
SENTENCES CAN BE ELIGIBLE FOR RELEASE ON PAROLE IS
DUE TO SOME "HYPOTHETICAL" PAROLE RELEASE (VOTE) BY A PAROLE
PANEL. (SEE EX PARTE "KUESTER", id. at "270": AS FOLLOWS -

→ ["...AND THUS THE PRISONER WOULD ACTUALLY
BE RELEASED ON PAROLE, BUT FOR THE SECOND
CONSECUTIVE SENTENCE..." * * * *]

(IN THIS LIGHT, THEN, THESE TEXAS COURTS AS WELL AS THESE "APPOINTED"
ATTORNEYS, KNEW ALL ALONG THE COUNSEL'S "ADVICE" WAS MISLEADING
AND HE WAS BEING USED TO PERPETRATE A DELIBERATE WRONG ***

THE ABOVE EXCERPTED LANGUAGE FROM "KUESTER" IS THUS "SUPPOSED" TO
BE SOME "HYPOTHETICAL" PAROLE RELEASE DATE, WHICH IS THE PRODUCT OF A (REAL)
PAROLE APPROVAL "VOTE" BY A PANEL, GRANTING PAROLE, BUT IS ENTIRELY
DISTINGUISHABLE FROM (MERE) PAROLE ELIGIBILITY, GENERALLY. THIS SHOULD
MERIT AN INDEPENDANT ADMONISHMENT IN ADDITION TO THE GENERAL
ADMONISHMENTS BY THE COURT YET APART FROM THOSE ADMONISH-
MENTS, SO THAT THERE IS NOT DECEPTIVE MISINFORMATION!

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The Courts were "Already" (thus) interpreting Section 508.150^a and (b) (B)^{*} of Texas Government Code, AS PORTRAYING A SCENARIO in which ones "eligibility" FOR PAROLE Release, where "Stacked" Sentences are concerned, WAS ONLY POSSIBLE in a Hypothetical Context which (itself) REQUIRED MORE than GENERAL Eligibility FOR Release on PAROLE under Section 508.145^f of Texas Gov. Code; because if the Legislature intended General Eligibility to be the "Triggering" event, it would have simply said ones "Statutory" Eligibility period, AS it is set by LAW at one-fourth PART of "Sentence" Imposed; Such that the LAW'S Requirement (that) the DATE which (must) be designated indicative of [when] PRISONER would be eligible FOR Release on PAROLE, AS depicted at § 508.150, Gov't Code, need NOT have commanded such DATE be determined by a PAROLE (PANEL)^{*} (sic) and so Because the statute does use word "PANEL", and Because A "PANEL'S" traditional Function is to CAST A "VOTE" respecting ones current suitability FOR Release on PAROLE "WE ARE SWAYED" (sic) The statute REQUIRES "MORE" than mere GENERAL Eligibility ... See

EX PARTE Kuester, 21 S.W.3d 264 at "270". This
erroneous perspective Allows Court to propose statute at
§ 508.150 (a) and (b), Gov't Code, Seeks a "Hypothetical"
Parole Release Date, as opposed the mere statutory parole
eligibility period, Generally-Applicable to persons who ARE
sentenced to but a Single Term of INCARCERATION. The
Statutory Language of §508.150, Gov't Code, SUPRA, seeks
A "★" REAL DATE. Let us NOT think the Law here employs A
Supposition so AS TO ALLOW us to ACQUIRE A "Hypothetical" DATE.
No. Instead, it employs the Supposition [person is sentenced
to A "Single" Term of punishment — NOT TWO TERMS] TO enable
us to ACQUIRE The REAL DATE. Under § 508.145(f),
Gov't Code, the person is AFFORDED A "★" REAL DATE AS LONG AS
The supposition is maintained; The "Kuester" Court Assigns This
much Ado to the Statute's use of word parole "PANEL", and, thus,
Constructs AN Absurd perspective askew, out of proper Context.

If we lend "credence" to the validity of the "Kuester" Courts Interpretative Holdings, the statutory Measure embraced By Article 42.08(b), VACCP, would be unconstitutional as Failing to be FAIR and Reasonable [in Content] and Failing to Further A Legitimate GOVERNMENTAL Objective. SEE: BLACKS LAW Dictionary: "Due Process" — [Substantive Due Process]. A DOCTRINE OF LAW in Due Process Aimed at The FAIRNESS OF ACTS PASSED INTO LAW By Legislative Bodies, prohibiting the passing of Such ACTS INTO LAW AS ARE inherently UNFAIR and UNREASONABLE in Content and which do not Further A Legitimate GOVERNMENTAL Objective! The "Kuester" Courts Interpretative Conclusion will Abolish the "Incentive" Extended by Legislature to prisoners to "Control" "When" A Sentence Must Be Completed and Cease to Operate, Thereby Activating The Commencement of A Subsequent Sentence, By Placing such "Control" Squarely in the Hands of A PAROLE PANEL. To do this will Abolish the LAWS "UNIFORMITY" where The Triggering event is Strictly Controlled By A PAROLE PANEL who may Refuse to AFFORD A Vote of Approved PAROLE despite persons "eligibility" For it.

"Statement of Case" PART II TWO

While the TEXAS Court of Criminal Appeals has once Dismissed my writ application in case # 23150-B as premature, needing Administrative [★]Exhaustion under Sec. 501.0081, TEXAS Govnt Code; I submitted a voluminous Number of Letters AS WELL AS Requests For Reconsideration, ultimately Denied without any ANalytical Comment EXplanatory of Denials! I had pointed out that where my petitions Allegations implicitly make AN issue of miscalculations Regarding [Time-Served[★]] errors, that, any Such Implications Respecting Miscalculations of "Time-Served" on the TEN YEARS Sentence ARE entirely the Fault with the KUESTER Courts Misconstruction respecting the issues REGARDING the Triggering event of ART. 42.08(b), VACCP, AS TO [when] one sentence Completes and ANother Commences to operate, and that in this Light the Administrative [Time-Served[★]] Dispute Resolution process does NOT Allow the Institutional Division to AFFord me ANY Relief whether they Agree with my claim, OR NOT, AS They ARE Subject to

PRECEDENT
The Court of Criminal Appeals Case Precedent as
Constituting decided Common LAW on the issue. The
Administrative Exhaustion practice of the Institutional
Division as seen in Sec. 501.0081 (a) and (b), Gov't Code,
The Time-Served Dispute Resolution Procedure, Then, is an
unnecessary measure to which seeking any Relief is
Futile as they do not enjoy the type of Authority necessary
to AFFORD me Relief By Agreeing with me that the State
Court of Criminal Appeals Conclusions are ERRONEOUS and I
am CORRECT. * * * * *

Twice, THEREAFTER, I have submitted my "claim" such as to
Reconstruct my Allegations and withdraw ANY claims about
Time-Served miscalculations, and Focus instead entirely on A
claim that the "Kuester" Court conclusions respecting the
Triggering event determinative of "when" a sentence CEASE
to operate, and ANOTHER "Commences" to operate ARE CRITICAL
error, and that the Statute is (otherwise) Unconstitutional!
These Two latter date submissions are NOS. 23150-"C", and-"D".

Page # (11) Eleven

OK, in the Anderson County Criminal Justice System where I have initially Filed case NOS. 23150-A, B, C, and D, ★ Four State Habas Corpus Actions challenging the issues per Article 11.07, VACCP, on "None" of these have the Anderson County District Attorney ever Answered the claims, NOR has the District Court ever once in all Four instances, ever submitted any MANNER of ★ "Recommendation" or any ★ "Findings", ALTHOUGH the Anderson County District Clerk "Always" has indicated that the District Court Judge keeps Filing what's called the Judges ★ NOTE → "Do Nothing", and the "Do Nothing" (note) is always included as a "mere" NOTE! I CAN NOT comprehend the substance or correct applicability of such a NOTE, yet it is always part of the clerk's Record sent to the Texas Court of Criminal Appeals. I KNOW that on these last "Two" Actions, 23150-"C" and "D", the Court of Criminal Appeals have now Dismissed without written Orders, citing Article 11.07, § 4 (a) - (c), as a ★ "SUBSEQUENT" Application. NEVER, in any of the above Four Actions ★ 23150-A, B, C, and D has the Court Addressed any "Single" Claim denying it on the merits!

The "claims" deserve AN ANSWER which makes some MANNER of Defensive Analytical Demonstration on the "Facts" and LAW applicable. There has NEVER yet Been any such ANSWER and/or ADVERSARIAL process Contesting the Validity of my claims. The statutory provision, Article 11.07, VACCP, provides a statutory Forum permitting me some REAL Type of MEANINGFUL ADVERSARIAL process. I am consistently denied any MEASURE whatsoever of FAIR REVIEW of my claims. Had the State made AN ARGUMENT via presentations of ANALYTICAL Defense that were valid and Refute my claims I would just Accept this ADVERSARIAL Showing But there has Been Nothing of The Sort — Nothing AT ALL. A TOTAL BLANK. A BLATANT Refusal to Contend in ANY Manner whatsoever. Assuming I am CORRECT it would MEAN that FOR MORE than A QUARTER Century "Thousands" of TEXAS prisoners ARE Wrongfully sentenced and illegally held many years Beyond proper expiration dates on these Type of sentencing cases. I myself Believe it is all deliberate wrongs. I have too much Reason to Think so! I have Repeatedly and more than Fairly presented these claims For consideration. There has NEVER Truly Been any Initial Application Correctly and Fairly Addressed on the merits!

Even if there had been Argued unless they were Basically the "same" Nature of present claims they could NOT Be Rejected as Subsequent Claims Because these present claims do NOT Contest NOR Seek to OVERTURN A State Court Con-
viction, But Focus "entirely" on the "ongoing" unconstitution-
ality of the statutory Sentencing law in Article 42.08, VACCP,
which illegally is responsible for my Continuing Confinement
under the Ten Year Term imposed in the 3rd Dist. Court on
JANUARY 6, 1994 [A Quarter Century Ago] and the State law
AS erroneously decided By "Kuester" [Tx. CR. App. 2000] itself
continues to illegally — erroneously "validate" the Precedent AS
Credible and Reliable. Thus my claims Advance Contraverted
and previously Unresolved Facts MATERIAL to the Legality of
my Continuing Confinement in CASE NO. 23150 [see Article
11.07, VACCP] There has been NO Findings at all That
my "claims" Failed to present Previously Unresolved Facts
MATERIAL to the legality of my current and ongoing confine-
ment under the Judgment and Sentence in CASES NO. 23150.

Reasons For Granting The Writ

5

REASONS FOR GRANTING THE PETITION

I do not enjoy saying the Tx. Court of Criminal Appeals has Fostered Deceit and the case "Kuester" is so (clearly) Feigned and collusive that it has this peculiar way of Mocking itself. Its taken me A while to Become Accustomed to the REALITY of the Historical Deception involved, it Antidates "Kuester". You will need to Read these so-called Attachments, Supplements, etc. which I have DRAWN and INCORPORATED into my enclosed Petitions, Nos. 23150-"C" and 23150-"D", they consist of A (6) page Memo attachment to petition # 23150-"C", and a Ten (10) page "Supplemental" Statement in case 23150-"C", and then A Nineteen (19) Page Attachment to petition No. 23150-"D". of these (3) Attachments of 6 pages, 10 pages, and 19 pages AFOREMENTIONED, you can see (why) the District Attorney NOR District Court have ever "ANSWER" my claims OR made any Findings or Recommendations, as well as why the Tx. Court CR, Appeals REFUSES (also) to Confront my claims and has kept Rejecting opportunity to Address claims By Improperly Dismissing cases 23150-A, "B", "C", and "D" Four Times NOW. The WRONGS here Complained of AFFECT Literal THOUSANDS of Currently Confined TX. prisoners and will continue to AFFECT THOUSANDS in Future unless Resolved NOW! I have Been moving in Good Faith and Am NOT able to Force State to properly Address claims.

* * * Reason For Granting The Writ * * *

I think that upon Examining The Issues whether the statute is correctly construed to require a discretionary vote of approval GRANTING PAROLE you will agree that the statute don't require such a TRANSACTION. You will NOTE that I have submitted "Four" State Hab. Corp. Applications:

(1) CASE No. 23150-A

(2) CASE No. 23150-B

(3) CASE No. 23150-C, and

(4) CASE No. 23150-D... AND in this "Last"

Action I come to the Conclusion The Anderson County District Atty. NOR The 3rd Dist. Court (either one) will ever make (Any) (Kind) of "ANSWER" OR "Findings" OR "Recommendation". These ARE Always simply Rejected By Operation of LAW. (SEE) CASE No. 23150-C CLERKS Record, at p. 2, Bottom of page, NO HEARING, NO Findings and Conclusions Filed, NO Recommendation. Accord said "Record" at p. 3 "INDEX" at last two ITEMS, "Judges NOTE": "DO NOTHING", at p. 29, CLERKS "Certificate" at p. 30. (SEE) Ground "ONE" at pp. 9, 10. I took pages (11)-(19) out, continues at p. 20 through 30. (READ) "ATTACHMENT" (memo) at pp. 22-27.

PAGE (2) TWO

(See) Now, The Feb. 21, 2018 - 1ST [★]Supplemental (Vol. 1 of 1)

CLERKS Record, CASE NO. 23150-"C" of Fourteen pages. (See)
The Record Supplemental Statement at pp. (8-40) Eight - Ten
at p. 8 Line No. 13, through page 10 and Line No. 9.

(See) CLERKS Record, CASE NO. 23150-"D" of 50
PAGES, with pages (8) and (9) and (11) through (19) removed and
Taken out AS ALL BLANK PAGES. Accord pages NOS. 7 and 10. See
Finally the ATTACHED MEMORANDUM of NINETEEN 19 PAGES at
p.p. 22 through 40. This, in conjunction with the above
Referenced Records will convince you that I am "correct".
See at p. (42)... This "appears" [★]to have also been the Judges NOTE
like the one depicted at p. 29 of the CLERKS Record in #23150-"C",
Note the "Identical" Strategic Location AS CLERKS Record #23150-"C";
immediately preceding the (LAST) page - a CLERKS Certificate - in
Both Records, excepting these Count Records [★](inserted) at pp. (43)
through (49). IF you remove pp. 43-49, they will be "Identical"
in order to CASE NO. 23150-"C", with the WAIVER [★]"preceding" the
Judges Note, and Judges Note Followed by CLERKS Certificate [★].

CONCLUSION

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Sammy Earl Beore Jr

Date: Oct. 30, 2018

6.