

18-9113

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

MAR 21 2013

OFFICE OF THE CLERK

Glen Moore

— PETITIONER

(Your Name)

The State of ^{vs} Texas

Lorie Davis-Director RESPONDENT(S)

Texas Department of Criminal Justice
ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals
Fifth Circuit

New Orleans, LA,

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

PETITION FOR WRIT OF CERTIORARI

Glen Moore # 02117174

(Your Name)

1100 FM 655

(Address)

Rosharon Texas - 77583

(City, State, Zip Code)

(281)-595-3491

(Phone Number)

QUESTION(S) PRESENTED

- 1.) Do The Texas Board Of Parole have the Constitutional Authority to change laws OR to Inforce a law without due Process of the Law.
- 2.) Why can't a Inmate have a Lawyer to help him with his appeal If he don't have the money for one OR even If he don't know the Law OR how to do a appeal.
- 3.) Is It harmful for Texas to deprive a Prisoner of their Liberty Interests with out the due Process of the Law.
- 4.) Why Is It that the equal Protective Clause Is being misuse by the law.
- 5.) Why am I being Punish over and over again under the Double Jeopardy Clause from my Passed Conviction
- 6.) How Is a Retroactive Law Impunity, when It Is Punity In Punishment.

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:

- 1.) Lorie Davis - Director
Texas Department of Criminal Justice
- 2.) Ken Paxton
Attorney General of Texas
- 3.) Jeff Mateer
First Assistant Attorney General
- 4.) Adrienne McFarland
Deputy Attorney General for Criminal Justice
- 5.) Edward L. Marshall
Chief, Criminal Appeals Division
- 6.) Lead Counsel
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Attorneys For Respondent

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TABLE OF AUTHORITIES CITED

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STATUTES AND RULES

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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 C 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 12-27-2018.

☐ 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 6-28-2017.
A copy of that decision appears at Appendix C.

☐ 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

3) Constitutional Law ^{Key} 197	Page (5,
Statute: U.S.C.A. Const, Art 1 § 10	Page (6.
14) Constitutional Law Key 203	(6.
9) Constitutional Law Key 203	(6.
6) Constitutional Law Key 253(4)	(10.
9) Constitutional Law Key 188	(10.

STATEMENT OF THE CASE

Come now, Glen Moore^{*} 2117124 under the
14th Amendment Violation of the . . .
"Equal Protection Cause"

In the Statement of the case, Moore
has set his appeal up on three grounds,

- (1.) Illegal Conviction
- (2.) Ineffective Assistance of Counsel
- (3.) Excessive Punishment.

About The Case

In 1987-May 9, Moore was charge with
Indeceny with a child under 17. Moore was
convicted by a Plea of Guitty on May 15, 1987, at
that time and was giving 10 years to do in
TDC. As of his Finally Judgement at the time
of his Plea agreement there where no other
"Stipulation" to his Plea by the Court. Moore
Complain Is that the Conviction Is ellegal
and that he Is being ~~10~~ Punish with a 25-
years Sentence for failure to comply with Registration
Requirements. Goverment 22.225. Effect of Judgement
In civil Cases, Historical and Statutory Notes.

The 1987 amendment In subsec (b.) deleted
Former subd (3.) and Renumbered foemer Subds (4.)
to (7.) as (3.) to (6.), Respectively. Prior to
deletion, former Subd (3.) Read:

Section 3 of the 1987 amendatory act
Provides:

"This act applies only to judgement in cases that became final on or after the effective date of (June 20, 1987) of this act.

A judgement that became final before the effective date of this act is governed by Chapter 22, Government Code, as it existed at the time the judgement was rendered, at the time that law is continued in effect for that purpose.

The misunderstanding of the law is saying that the Article 62 is not Punitive when by all means it is as stated, "Code of Criminal Procedure" that means that it is a crime.

Section 2 of act 1987, 70th Leg. Ch 716

- Provides -

Article 12.01 Code of Criminal Procedure

"As amended by this act, does not apply to an offense if the prosecution of that offense became barred by limitation before the effective date of (Sept 1, 1987) of this act. The prosecution of that offense remain barred as though this act had not taken effect.

My judgement to my case was made in 1987-May 15, so the law states that the Retroactive law that was passed back in 1997 does not apply to me.

Section 62.10 - (act)

Acts of 10-1997, 75th Leg, Ch-668

This act takes effect Sept 1, 1997, the change in law made by this act to article 62.10, Code of Criminal Procedure, as Redesignated and amended by this act (formerly section 7, Article 6252-13C.1, Revised Statutes), apply only to an offense committed on or after Sept 1, 1997. An offense committed before Sept 1, 1997 is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

Attainder and Outlawry § 4 - What Constitutes

12.) The prohibitions on bills of attainder in art 1, § 9 and 10 of the federal constitution, prohibit legislatures from singling out disfavored person and meting out summary punishment for pasted conduct

Statutes § 208, 225 - Civil and Criminal Retroactivity (28.) The extent of a Party's Liability, in the civil context as well as the criminal, is an important legal consequence that cannot be ignored for purposes of ~~but~~ determining whether a statute is retroactively applicable.

Tex. Crim. App. 1971 - A judgement and a Sentence are distinct and independent: the Sentence must be based upon the judgement and without a judgement the Sentence is unauthorized. Vernon's Ann. C.C.P. Arts. 42.01 - 42.02 (Scott V. State 461 S.W. 2d 619).

As it is in Moore case there was no judgement for him to have to Register as a Sex offender. He was forced to sign papers under fear and stress by the Parole Board, it was sign or stay locked up, so with saying that, it means that the Sex offender Program was set up to punish any one that refuse to sign even if that law did not apply to that person. That why the Retroactive Law Punish and is putting out very harsh Punishment. It is said that this law was set up only to protect the life of the Public.

The why is there not a law set in this way for a crimes and not just for any one that has a Sex Crime.

Landgraf V. U.S.I Film Products
114 S.Ct. 1493 (1994)

Final Judgements - Pursuant to Paragraphs (1.) and (2.), any judgement entered prior to the date of the enactment of this act as to which the Rights to any of the Parties there to have become fixed and vested, where the time

time for seeking further judicial review of such judgment has otherwise expired Pursuant to title 28 of the United States Code, the Federal Rules of Civil Procedure, and the Federal Rules of Appellate Procedure, shall be vacated in whole or in part if justice requires Pursuant to Rule 60(b)-(6) of the Federal Rules of Civil Procedure or other appropriate authority Procedure and consistent with Constitutional Requirements of due Process of the law. Statutes; 209 Retroactivity-

Judicial Policy. (18.) When a statute is unambiguous there is no conflict between (1.) The principle that in many situations, a court should apply the law in effect at the time that the court renders its decision even though that law was enacted after the event that gave rise to the suit, and (2.) a judicial presumption against retroactivity.

Rodriguez v. State 93 S.W. 3d 60 (Tex. Crim App- 2002) - (4.) Constitutional Law ^{key 6TH} 197

Reviewing courts, in determining whether the retroactive application of a statute is precluded by the Ex Post facto Clause of the State and Federal Constitutions, must afford a high level of deference to the legislature's stated aims in passing

the Statute. U.S.C.A. Const, Art 1 § 10;
Vernon's Ann. Tex. Const, Art 1 § 16.

Here we can say that all Constitutional Rights are being violated by the Retroactive Art. 62 of The Criminal Code of Procedure.

So by the law there is a Ex Post facto Cause In this act being abuse, the (3.) Constitutional law ^{Key OTT} 203 (From) Doe IV. OTT 259 F.3d 979 (9th Cir, 2001) Provide →

3). Ex Post Facto Clause Prohibits States from enacting any law that changes the Punishment, and inflicts a greater Punishment than the law annexed to a Crime when Committed. U.S.C.A. Const, Art 1 § 10, Cl. 1.

16.) Constitutional law ^{Key OTT} 203

When a statute Promotes the traditional aims of Punishment, which are Retribution and deterrence, Its effect is more Likely to be considered Punitive, as will make Statute Subject to Requirements of Ex Post facto Clause. U.S.C.A. Const. Art. 1, § 10, Cl. 1.

Weave V. Graham 101 S.Ct. 960 (1981)

9.) Constitutional law ^{Key OTT} 203

Even if a statute merely alters Penal Provision accorded by the grace of the legislature, It violates the Ex Post facto Cause If It is both Retrospective and the onerous than the law in effect on the date of the offense. U.S.C.A. Const. Art. 1, § 10, Cl. 1.

17.) Federal Courts ^{Key} 513

Proper Relief upon a Conclusion that a state prisoner is being treated under an Ex Post facto law is to Remand to Permit the State Court to apply, If Possible, the law in place when his crime occurred.

U.S.C.A. Const. Art I. § 10, Cl. 1.

Due to the fact that I am "Moore" is in Prison again doing 25 years for a crime that does not apply to me and it is illegal, but the punishment is way over excessive and is a violation of my Fifth and Fourteenth amendments.

The Fifth amendment Provides in Part: "No... Person Shall... be Subject for same offense to be twice Put in Jeopardy of Life or Limbs; nor shall be Compelled in criminal case to be a witness against himself, nor be deprived of life, or Property without Due Process of the law.

By being ~~for~~ force to comply with the sex offender Program that does not apply to me is a violation of my Right, because I am being force to sign a Plea deal on three counts in fear of the outcome if I would have went to court or trial to show that I was and still Innocent. Here the question of Double Jeopardy is ask.

The fifth Amendment of the United
(Page 7)

State Constitution Prohibits a Person from being subject to two trials for the same offense. When the question of Double Jeopardy Is Raised, the Court Initially must answer the question of whether the defendant has Previously been subject to the Risk of Conviction

Due to the Due Process Writs. The Fourteenth Amendment to the Constitution Requires that no defendant in a criminal trial shall be convicted without due Process of the Law. The fifth and fourteenth Amendment both contain due Process clauses; the - fourteenth Amendment is more important for our purposes. This protection is a "Catch All" Phrase which prevents the State from doing a variety of things which would prejudice your right to a fair and impartial trial. I "Moore" was forced to sign as a duty to Register as a Sex offender by the Board of Parole upon my release from TDCJ or go to Jail, so I sign under duress and fear of the outcome if I didn't sign. This has been the same as signing Pleas from the County of Wichita County. When you only have a lawyer that only talks to you about what the D.A. is going to do to you if you take your case to trial, a person as myself fears the outcome of that.

(Page 8.)

Moore IS asking the Court Review his case
In light of the law as it speaks.

- Presumption Against Retroactivity -

The doctrine that a Statute Presumptively
has no Retroactive Application also termed,
"Landgraf Doctrine (Landgraf V. USI Film
Prods 511 U.S. 244, 114 S.Ct. 1483 (1994)).

" See Retroactive Law. Cf. Pending Action
Canon. Art. 62.101, Historical and Statutory
Notes Section 4.01 of act 2005, 79th Leg. Ch. 1008
Provides - "(a) Except as Provided by Subsection (b)
of this Section, the changes in law made by this
act In amending Chapter 62, Code of Criminal
Procedure, apply to a Person Subject to Chapter
62, Code of Criminal Procedure, for and
offense or Conduct committed or engaged In
before, on, or after the effective date of
(Sept 1, 2005 of this act. "(b.) To the extent
that the changes in law made by this act
to Chapter 62, Code of Criminal Procedure,
change the element of or Punishment for
Conduct constituting a Violation of Chapter
62, those changes apply only to conduct
engaged In on or after the effective date
of this act IS governed by the law In
effect at the time the conduct was engaged
In, and that law IS continued In effect
for that Purpose."

But the the change In the Law as far as the change and Statute Is sent alway back to "1970". What Constitution In the Rights of any Person with a Sex offense In a way that has done what the Law and the Courts back then has been finish and over with, that the Change In the Law can Step In on convicted a Person with a Prior and has a finally Judgement by Law at that time.

How can It be that a Life Sentence be Place on that Person or Persons with out Due Process of the Law that we are to live by (6.) and (9.) In Handgraf V. USI film Products 114 S.Ct. 1483 (1994) - States -

6.) Constitutional Law ^{Key 0-111} 253(4)

Due Process clause Protects the Interests In fair notice and Repose that may be Compromised by Retroactive legislation; Justification Safficient to Validate Statute's Prospective application under ~~due~~ due Process Clause may not Suffice to warrant Its Retroactive application. U.S.C.A. Const. Amend 14.

9.) Constitutional law ^{Key 0-111} 188

Statute does not "Retrospectively from "Merely" because It Is applied In cases arising from conduct antedating Statute's enactment, or upset expectation base In Prior law but, Rather, Court must

with him self with the state Bar, I would be doing 25 years and trying to get my freedom back with no schooling of the law

Ex-Parte Lilly 656 S.W. 2d 499 (Tex. Crim. App. 1983)

Counsel was ineffective when he did not consult with defendant, did not Review Prosecutors files, had not Interviewed the State's witnesses, and had not Properly Review enhancement allegations. All the Motion I ask Mr. Sanders to file he never did, like to have the charge dismissed because from my conviction back In 1987, I am not under this law that I am convicted of and doing 25 years for at this time.

There Is the Double Jeopardy Clause, Due Process Clause, Illegal Conviction, Excessive Punishment and Constitutional Right, that I am asking This Court to Review and over turn this conviction.

REASONS FOR GRANTING THE PETITION

Petitioner Entitled to Review - Article III of the U.S. Constitution clearly manifests the understanding that certain types of Suits at Law are entitled to Review. Petitioner's habeas Proceedings clearly meet the criteria in Article III of the U.S. Constitution, indicating that he is entitled to Review the merits of his case.

So far all courts that Petitioner's habeas Proceeding has been submitted to, have been denied the Petitioner's sole and only Recourse for a Ruling and because this case questions the authority of the U.S. Constitution and laws of the land and this case brought by the Petitioner is a case between a citizen, the Petitioner, and a state, Texas, all of which meet the requirements of Article III of the U.S. Constitution.

"The judicial Power of the United States, shall be vested in one Supreme Court, and in the inferior Court as the Congress may from time to time ordain and establish."

U.S. Constitution Article III

"The judicial Power shall extend to all cases, in Law and equity, arising under this Constitution, the Law of the United States and Treaties made, or which shall be made, under their authority; between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and Foreign States, Citizen or Subjects."

"U.S. Constitution Article III § 2.

- Conclusion -

The U.S. Const. Art III

Clearly manifests the understanding that the Petitioner is entitled to a Ruling by this Supreme Court due to the fact of the merits of this Case, and Art III and the Judiciary Act of 1789: 25, both, manifest the understanding that this U.S. Supreme Court has the Power and authority to Rule on all of Petitioner Claims.

The Petitioner is clearly entitled to the Relief that he seek, the Petition for writ of Certiorari should be granted, along with the order to the TDCJ to Release the Petitioner from their ~~in~~ Custody immediately.

On This Date 3/14/19

Respectfully Submitted
Glen Moore #2117174
Glen Moore

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Glen Moore

Date: 3-14-2019