

No.

19-5664

IN THE

SUPREME COURT OF THE UNITED STATES

CURTIS LEE SHEPPARD, JR. PETITIONER
(Your Name)

HONORABLE JUDGE FUDGE, 78TH DISTRICT COURT
COURT OF CRIMINAL APPEALS — RESPONDENT(S)
JUSTICE 2, PER CUREAM

FILED

JUN 19 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

ON PETITION FOR A WRIT OF CERTIORARI TO
COURT OF CRIMINAL APPEALS OF TEXAS NO SUBJ.
ECT-MATTER JURISDICTION TO RULE, HEAR, OR DENY
RELIEF AFTER THE STATE OF TEXAS WAIVED ITS CHALLENGES
UNDER 28 U.S.C. § 556(d) CCA NO. 14,359-24
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

CURTIS LEE SHEPPARD, JR.
(Your Name)

2664 FM 2054
(Address)

TENNESSEE COLONY, TX 75886
(City, State, Zip Code)

INCARCERATED
(Phone Number)

QUESTION(S) PRESENTED

1. IF THE TRIAL COURT LACKED JURISDICTION THEN AN APPELLATE COURT ONLY HAS JURISDICTION TO SET THE CONVICTION - JUDGMENT ASIDE AND DISMISS THE CASE.
2. THE TRIAL COURT / THE COURT OF CRIMINAL APPEALS OF TEXAS ENACTED AN STORER WRIT NO. 19,359-01 IN CAUSE NO. 24,780-B-1 SINCE "JANUARY 4, 1989" INTO TR. CT. NO. 48,439-B-2-9, WR-19,359-2-25 COLLUSION OF TREASON.
3. SUBJECT-MATTER JURISDICTION MAY BE CHALLENGED AT ANYTIME, BEFORE, DURING, OR AFTER TRIAL AND A JURISDICTIONAL CHALLENGE OF THIS TYPE NEVER IS LIMITED, SINCE IT GOES TO THE FOUNDATION OF WHETHER PETITIONER'S CASE COULD BE TRIED IN THE FIRST PLACE.
4. THE COLLOQUY OF THE TRIAL COURT / THE COURT OF CRIMINAL APPEALS OF TEXAS "NO SUBJECT-MATTER JURISDICTION RULES" IS DOCUMENTED IN ITS OWN COURT RECORDS AND IS AN ACT OF TREASON.
5. "ONCE YOU CHALLENGE JURISDICTION IN A CRIMINAL CASE THE 78TH DISTRICT COURT HAS THE BURDEN OF PROOF UNDER 28 U.S.C. § 556 (d) "

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:

UNITED STATES MAGISTRATE JUDGE
HAL R. RAY, JR

UNITED STATES MAGISTRATE JUDGE
E. SCOTT FROST

REED O'CONNOR DISTRICT COURT
JUDGE (WICHITA FALLS DIVISION)
NORTHERN DISTRICT OF TEXAS

WICHITA COUNTY DISTRICT ATTORNEY'S
OFFICE, MAUREEN SHELTON

SOLICITOR GENERAL OF THE UNITED
STATES, DEPARTMENT OF JUSTICE

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<u>DALLAS COUNTY APPRAISAL VS. RECOVERY</u> , 887 S.W.2d - 4, 5, 463 (TX. APP. DALLAS 1994)	
<u>GARCIA V. DEAL</u> , 596 S.W.2d 524, 528 (TEX. CRIM. APP. 1980) - - 4	
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<u>AMERICAN PLANT FOOD CORPORATION V. STATE</u> , 508 S.W.2d (TEX. CRIM. APP. 1974) - - - - - 5	
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<u>TREST V. CAEN</u> , 522 U.S. 81, 1397 L.Ed.2d 444, 118 S.Ct. 478 (1997) - - - - 5	

STATUTES AND RULES

NO SUBJECT-MATTER JURISDICTION, THE TRIAL COURT IS WITHOUT THE POWER TO ACT

28 U.S.C. § 556 (d)

112 T. 239, 242, S.W. 1019 (1922)

21 C.J.S. "COURTS" 318 P.25

ARTICLE I § 1, TEXAS CONSTITUTION, AS AMENDED FEBRUARY 15, 1876 AND AMENDED THROUGH NOVEMBER 8, 1985

ARTICLE 11.07 OF THE TEXAS CODE OF CRIMINAL PROCEDURE

"THE WRIT OF HABEAS CORPUS IS A WRIT OF RIGHT AND SHALL NEVER BE SUSPENDED" ACTS 1965, 59TH LEG, VOL. 12, P. 317, CH. 722, EFF DATE JAN 1, 1966"

OTHER

JURISDICTION CAN BE CHALLENGED AT ANYTIME AND ONCE CHALLENGED IT CAN NOT BE "ASSUMED" FILED WHEN CHALLENGED THE LAW PROVIDES THAT THE "BURDEN" SHIFTS TO THE STATE TO PROVE IT HAS JURISDICTION IN PETITIONER'S "JUNE 15, 2009 INDICTMENT IN CASE NO. 48, 429-B "CONVICTION"

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 _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the ^{78TH DISTRICT COURT} ~~COURT OF CRIMINAL APPEALS OF TEXAS~~ court appears at Appendix AB&C 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 _____.

☐ 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 JUNE 05, 2019.
A copy of that decision appears at Appendix A.

☐ 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 TRIAL COURT LACKED SUBJECT-MATTER JURISDICTION TO HEAR, CONVICT, AND TRY UNDER 28 U.S.C. § 556(d), NO APPELLATE COURT AUTHORITY OF 28 U.S.C. § 1257(a) ("THE ENACTING CLAUSE OF ALL LAWS SHALL BE, BE IT ENACTED, BY THE LEGISLATURE OF THE STATE OF TEXAS" VERNON'S TEXAS CONSTITUTION, ART 3, § 29, THIS CONSTITUTIONAL MANDATE IS ONE OF THE FORMS THAT ALL LAWS AND THE LEGISLATURE IS REQUIRED TO FOLLOW AS DIRECTED BY THE TEXAS CONSTITUTION AND THAT IS THAT ALL LAWS MAINTAIN AN ENACTING CLAUSE AS STATED AS FOLLOWS:

THE NO SUBJECT-MATTER JURISDICTION, PRESCRIBES AN ENACTING CLAUSE OF 28 U.S.C. § 556(d), 28 U.S.C. § 1257(a) AND IS NOT DISCRETORY BUT IS MANDATORY

TO FULFILL THE PURPOSE OF IDENTIFYING THE LAW, MAKING AUTHORITY OF A LAW, IT HAS BEEN REPEATEDLY DECLARED BY THE COURTS OF THIS LAND THAT AN ENACTING CLAUSE IS TO APPEAR ON THE FACE OF EVERY LAW WHICH THE PEOPLE ARE EXPECTED TO FOLLOW AND OBEY, SEE (ATTACHED APPENDIX A-F) ENGAGED TREASON OF NO SUBJECT-MATTER JURISDICTION RULINGS OF THE 7TH DISTRICT COURT AND THE COURT OF CRIMINAL APPEALS OF TEXAS, SEE, (ATTACHED APPENDIX B)

STATEMENT OF THE CASE

DALLAS COUNTY APPRAISAL VS. RECOVERY, 887 E.W.2d 465 (TX. APP. DALLAS 1994), THE COURTS HAVE HELD, THAT IF THE TRIAL COURT LACKED JURISDICTION THEN AN APPELLATE COURT ONLY HAS JURISDICTION TO SET THE CONVICTION - JUDGMENT ASIDE AND DEEMEE THE CAUSE AND FOR "10 YEARS" THE TRIAL COURT AND THE COURT OF CRIMINAL APPEALS OF TEXAS CHANGED "CAUSE NO. 48,429-B TO TR. CT. CASE 2-9, CCA NO. WR-19,359-2-25" WITHOUT EVER GOING TO THE GRAND JURY AND THE FAILURE OF THE TRIAL COURT AND THE COURT OF CRIMINAL APPEALS OF TEXAS TO SUBMIT THE ISSUE TO A GRAND JURY WAS ERROR AND A VALID INDICTMENT IS ESSENTIAL TO THE TRIAL COURT'S JURISDICTION IN A CRIMINAL CASE, SEE, GARCIA V. DEAL, 596 E.W.2d 524 (TEX. CRIM. APP. 1980), SEE ALSO, APPENDIX B, DEMONSTRATING NO SUBJECT-MATTER JURISDICTION RULING OF, IT'S OWN ENACTED COLLUSION OF TREASON OF "WRIT NO. 19,359-01 STORED IN CAUSE NO. 24,780-B-1", SEE, APPENDIX A (OCT. 14, 1988) ORDER, ASSEMBLED INTO "TR. CT. CASE NO. 48,429-B-9, CCA NO. WR-19,359-24" THAT'S CONTRARY TO "TEXAS IS A FREE AND INDEPENDENT STATE SUBJECT ONLY TO THE CONSTITUTION OF THE UNITED STATES... ARTICLE I §1, TEXAS CONSTITUTION, AS ADOPTED FEBRUARY 15, 1876 AND AMENDED THROUGH NOVEMBER 8, 1985" "THE WRIT OF HABEAS CORPUS IS A WRIT OF RIGHT, AND SHALL NEVER BE SUSPENDED, CLEARLY MISREPRESENTED IN (ATTACHED APPENDIX A-F) NO SUBJECT-MATTER JURISDICTION COURT RECORDS COLLUSION OF TREASON ORDERS AND MANDATES "24 YEARS LATER" AND THEN TURNED AROUND AND FILED AN "PERJURIOUS ORDER" "JUNE 5, 2019" AFTER THE TRIAL COURT WAIVED IT'S PROOF OF JURISDICTION CHALLENGE UNDER 28 U.S.C. § 556(d) THAT MY APPENDIX C ARTICLE 11.07 WRIT OF HABEAS CORPUS "NO SUBJECT-MATTER JURIS-

DICTION TO HEAR, CONNECT, OR TRY TR. CT. CASE NO. 48,429-B-2-9, CCA NO. WR-19,359-2-25 "THE APPLICATION" WR-19,359-24 "HOWEVER PRESENTS A MORE SERIOUS QUESTION OF JURISDICTION YOU CANNOT ACT WITHOUT JURISDICTION AND WHEN A INDICTMENT IS USED THERE IS NO JURISDICTION TO ACT, SEE, AMERICAN PLANT FOOD CORPORATION V. STATE, 508 S.W.2d (TEX. CRIM. APP. 1974) YET, AS NOTED INFRA; THE SUPREME COURT OF THE UNITED STATES JURISDICTION IS ~~RE~~VOKE UNDER 28 U.S.C. § 1257 (a) WHICH IS BARRIED FROM RULING IN A CASE THAT THEY DONOT HAVE JURISDICTION UNDER BONDING PRECEDENT OF DALLAS COUNTY APP. AXAL VS. RECOVERY, 887 S.W.2d 465 (TX. APP. DALLAS 1994); TREST V. CAIN, 522 U.S. 87, 139 L. Ed. 2d 444, 118 S. Ct. 478 (1997), THE COLLOQUI OF THE TREAL COURT AND THE COURT OF CRIMINAL APPEALS OF TEXAS (APPENDIX B) NUMEROUS COLLISION OF TREASON OF "NO SUBJECT MATTER JURISDICTION USED RULINGS "NEVER ADJUDICATED ON THE MERITS, SEE, LANDRY V. CAIN, 445 F.2d 817, 822 (5th Cir. 2012) (EN BANC) AND, AS SOON AS, THE PETITIONER RAISED "NO SUBJECT-MATTER JURISDICTION" IN STATE'S HIGHER COURT (APPENDIX C & APPENDIX F) BOTH COURT'S TREASON UNDER 28 U.S.C. § 556(d) WAS "JUDICIAL DEFECT OF NOT" UPHOLDING THE LAW OF CHALLENGING JURISDICTION BY "THE STATE" AND THE VINDICTIVENESS OF COVERING-UP ANY CLAIM OF APPELLATE COURT'S LACK OF JURISDICTION TO RULE, IN ORDER TO KEEP PETITIONER INCARCERATED SEE, (APPENDIX B) 'SHOWN CONCLUSIVELY AS A MATTER OF LAW" THAT PETITIONER IS A VICTIM OF A GROTESQUE APPEAL COURT'S INJUSTICE AND CAN'T CONTINUE TO BE BRUSHED ASIDE WITH "DENIED WITHOUT WRITING ORDERS" AND "THE LAWS" THAT PETITIONER WAS CHARGED WITH IN TR. CT. CASE NO. 48,429-B-2-9, CCA NO. WR-19,359-2-25 "CARRY" NO EVIDENCE, NOR AUTHORITY "

REASONS FOR GRANTING THE PETITION

NO SUBJECT-MATTER JURISDICTION

"IF A JUDGE OR PROSECUTOR DOES NOT FULLY COMPLY WITH THE CONSTITUTION THEN HIS OR HER ORDERS ARE VOID, IN RE SAWYER, 24 U.S. 200 (1888); HE / SHE IS WITHOUT JURISDICTION AND HE / SHE HAS ENGAGED IN AN ACT OF TREASON "CLEARLY ESTABLISHED IN PETITIONER'S (ATTACHED APPENDIX A - F) THAT THE TRIAL COURT WAIVED ITS BURDEN OF PROOF UNDER 28 U.S.C. § 556(d) "DELIBERATELY" COVERED-UP THE TRIAL COURT AND THE COURT OF CRIMINAL APPEALS OF TEXAS COLLUSION OF CRIMINAL CONSPIRACY LACK OF JURISDICTION TO RULE, SEE, COOPER V. AARON, 358 U.S. 78 2 Ct. 1398; MAINE V. THIBORDET, 448 U.S. 1, 100 2 Ct. 5202; HAFFER V. MELO, 502 U.S. 21, OFFICERS OF THE COURT HAVE NO IMMUNITY WHEN VIOLATING A CONSTITUTIONAL RIGHT FROM LIABILITY FOR THEY ARE DEEMED TO KNOW THE LAW "THE JURISDICTION OF A COURT OVER THE SUBJECT-MATTER JURISDICTION HAS BEEN SAID TO BE ESSENTIAL NECESSARY, INDISPENSABLE, AND AN ELEMENTARY PREREQUISITE TO THE EXERCISE OF JUDICIAL POWER, 21 C.J.S. "COURTS" 318 P.2S., A COURT CANNOT PROCEED WITH A TRIAL OR MAKE JUDGMENT WITHOUT SUCH JURISDICTION EXISTING, SEE, (ATTACHED APPENDIX A - F) "ONCE YOU CHALLENGE JURISDICTION IN A CRIMINAL CASE THE COURT HAS THE BURDEN OF PROOF UNDER 28 U.S.C. § 556(d) "NEITHER EXECUTIVE OFFICERS NOR JUDICIARY CAN LAWFULLY ACT BEYOND LIMITATIONS OF THE CONSTITUTION OF THE UNITED STATES "SEE, TRAVELER'S INS CO V. MARSHALL, 104 TEX. 45, 76 S.W., 11

SUBJECT-MATTER JURISDICTION GOES DIRECTLY TO THE QUESTION OF WHETHER A GIVEN COURT HAS THE AUTHORITY TO HEAR THE MATTER PRESENTED, UNLIKE IN PERSONA JURISDICTION, SUBJECT-MATTER JURISDICTION CAN NOT BE WAIVED BY ANY PARTY INVOLVED IN THE MATTER, IF A COURT LACKS SUBJECT-MATTER JURISDICTION, SEE, APPENDIX A (OCT 14, 1988 ORDER) AND (JUNE 5, 2019 ORDER), IT HAS NO AUTHORITY TO ~~PROCEED~~ WITH THE MATTER, A COURT DOES NOT HAVE JURISDICTION OR VENUE AUTHORITY OVER A PARTY WHOM HAS NOT BEEN PROPERLY JOINED AND WHOM HAS NO MORE CONCERN FOR WHAT HAPPENS IN THE COURT THAN WHAT HAPPENS AT THE GRAND ORDER OF THE MOOSE / SUPREME COURT OF THE UNITED STATES, UNLESS HE HAPPENS TO BE A MOOSE MEMBER, IN OTHER WORDS, IT MAKES NO DIFFERENCE IF A CITIZEN IS PRESENT OR NOT, A COURT CAN NOT UNILATERALLY ACT WITHOUT PROOF OF AUTHORITY IN THE RECORDS, IF AND WHEN IT DOES, THE HONORABLE JUDGE FUDGE OF THE 78TH DISTRICT COURT / THE COURT OF CRIMINAL APPEALS OF TEXAS JUDGES PER CUISAM EHEN SHE / HER CLOAK OF JUDICIAL IMMUNITY UNLESS OR UNTIL HE / SHE CAN PROVE AUTHORITY, HE / SHE ACTS AT HIS / HER OWN PERIL ORDER OF MOOSE.

SUBJECT-MATTER JURISDICTION MAY BE CHALLENGED AT ANY TIME, BEFORE, DURING, OR AFTER TRIAL, IT MAY BE CHALLENGED EVEN IF THE ACCUSED PARTY HAS PLEADED GUILTY, BEEN FULLY CONVICTED AND SENTENCED TO JAIL OR A CORRECTIONAL INSTITUTION, AND IS CURRENTLY SERVING THE SENTENCE., A JURISDICTIONAL CHALLENGE OF THIS TYPE NEVER IS LIMITED, SINCE IT GOES TO THE FOUNDATION OF WHETHER PETITIONER'S CASE, COULD BE TRIED IN THE FIRST PLACE, MUCH LESS SENTENCE AND INCARCERATE THEM,

PETITION FURTHER ARGUES THAT HIS "NO SUBJECT-MATTER JURISDICTION 11.07 HABEAS CORPUS" WAS BEDEVILED BY COLLUSION OF "NO SUBJECT-MATTER JURISDICTION TREASON" AND MUST BE RELEASED IMMEDIATELY, 7.

CONCLUSION

The petition for a writ of certiorari should be granted.

"NO SUBJECT-MATTER JURISDICTION"
TO ACT

Respectfully submitted,

Curtis Lee McEppan, Jr.

Date: 6/19/2019