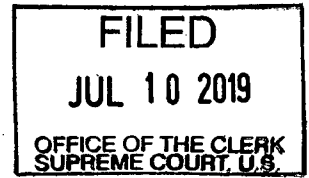


19-5836
No. 18-11079

ORIGINAL



IN THE
SUPREME COURT OF THE UNITED STATES

DENNIS JOHNSON — PETITIONER
(Your Name)

vs.

LORIE DAVIS — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

DENNIS JOHNSON
(Your Name)

ROBERTSON UNIT 12071 F.M. 3522
(Address)

Abilene, Texas 79601
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

I'm not looking for new Trial, but relief, because of default, and conflicts with Lawyer
Case Laws

Herrera v. Collins (1993) 506 U.S. 390, 113 S. Ct. 853, 122 L. Ed. 2d 203.

Suhler v. DeLo (1995) 513 U.S. 298, 115 S. Ct. 851, 130 L. Ed. 2d 808.

Sawyer v. Whitley, 505 U.S. 333, 112 S. Ct. 2514, 120 L. Ed. 2d 269.

The Sixth Circuit ultimately affirmed.

Murray v. Carrier, 477 U.S. 478, 495, 106 S. Ct. 2635, 1. Ed. 2d 397 new

reliable evidence... not presented a Trial. id, at 324, 115 S. Ct. 851, 130 L. Ed. 2d. 808.

The Habeas court must assess the likely impact of all the evidence⁷⁷ on reasonable jurors. id, at 327 - 329, 115 S. Ct. 851, 130 L. Ed. 2d 808.

And Jackson v. Virginia, 443 U.S. 307 99 S. Ct. 2781, 61 L. Ed. 2d 560 which governs insufficient evidence claims. 808.

And see House v. State, 911 S.W. 2d 705 (1995) House v. Tennessee, 517 U.S. 1193, 116 S. Ct. 1685, 134 L. Ed. 2d 787 (1996).

See Herrera v. Collins 506 U.S. 390, 113 S. Ct. 853, 122 L. Ed. 2d 203 (1993)

Herrera 386 F. 3d, at 708 (opinion of Merritt, J.)

Guilty Plea - effective assistance - waiver of error claim on a error claim for 10 years my lawyer didn't get me with no signature Yes or No by lawyer. And is the second part of the Strickland test Sixth Amendment right, and Fourteenth Amendment plea bargains of Federal Constitution B11. The lawyer misinformed the court that Dennis Johnson the defendant that I took 10 years Plea offer, my counsel allowed a plea of 10 years offer to expire without been lapsed or been rejected because of counsel's deficient performance

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:

LORIE DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL

JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

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9 0023(c)(2)

TABLE OF AUTHORITIES CITED

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STATUTES AND RULES

Slack v. McDaniel, 529 U.S. 473, 484 (2000)

OTHER

dep1

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 P.D.R grant; 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 2254 denied; 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 Time barred dismissal; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States Court of Appeals court appears at Appendix b to the petition and is

reported at Fifth Circuit; 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 9-11-2019.

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: NIA, and a copy of the order denying rehearing appears at Appendix NIA.

An extension of time to file the petition for a writ of certiorari was granted to and including NIA (date) on NIA (date) in Application No. NIA NIA.

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 6-1-16.
A copy of that decision appears at Appendix NIA.

A timely petition for rehearing was thereafter denied on the following date: NIA, and a copy of the order denying rehearing appears at Appendix NIA.

An extension of time to file the petition for a writ of certiorari was granted to and including NIA (date) on NIA (date) in Application No. NIA NIA.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- (1) Trevino v. Thaler, 133 S.Ct. 1911, 1921 (2013)
- (2) Coleman v. Thompson, 501 U.S. 722, 729-730, 111 S.Ct. 2546, 115 L.Ed.2d 640
- (3) Trevino's Trial Id. at 321-349; see Wiggins v. Smith, 539 U.S. 510, 523, 123 S.Ct. 2521, 156 L.Ed.2d 471 (2003).
- (4) House v. Bell, 126 S.Ct. 2064 (2006)
- (5) Garza v. Idaho, No. 17-1026, 2019 U.S. LEXIS 1596 (U.S. Feb. 27, 2019) under Ineffective assistance of counsel plea waiver.
- (6) Strickland v. Washington, 466 U.S. 668, 686, (1984) and Wiggins v. United States, 539 U.S. 510 (2003)
- (7) Roe v. Flores-Ortega, 528 U.S. 478 (2000)
- (8) waiver App. to Pet for cert 44a 49a, App. to Pet for cert, 3a 29a
- (9) Mc Mann v. Richardson, 397 U.S. 259, 771, n. 14, 90 S.Ct. 1441, 25 L. Ed. 2d 263 (1970)
- (10) United States v. Cronk, 466 U.S. 648, 659, 104 S.Ct. 2039, 80 L. Ed. 2d 657 (1984),
- (11) U.S.C.S. Constitutional Amendment to 28 Moore's Federal Practice § 671.07 (Matthew Bender) 3d ed.
- ~~(12) Hamilton v. Hamlin, 407 U.S. 25 (1972) Guilty Plea~~
- (12) Hamilton v. United States, 377 U.S. 201 (1964)
- (13) Argersinger v. Hamlin, 407 U.S. 25 (1972) Guilty Plea
- (14) Passmore v. Eselle, 607 F.2d 662 (5th Cir. (1979)
- (15) Ex parte Goodall, 632 S.W.2d 751, 750 (Tex Crim. App 1982)

STATEMENT OF THE CASE

Time barred on April 14, 2015, And Dismissed with prejudice because they Time barred on January 5, 2017 because of a 1 year limitation (d)

Denied lack of jurisdiction to review a petitioner's condition. And Denied 11.07 of ineffective assistance of counsel November 7, 2014

my mental health condition was Denied also on incompetency to stand.

ON COA 4/11/19 Denial by court of appeal dismissal due to Time barred and Denial of a Constitutional Right. And District Courts' Denial of federal habeas relief is and was based on procedural grounds. But look for COA to be grant of COA under Constitutional. But at this time I fail to make showing so COA has been Denied 4/11/19,

REASONS FOR GRANTING THE PETITION

I was denied by the Trial court, Denied my rights to due process by not allowing original plea for 10 years to be accepted.

my constitutional Right under 14th Amendment was violated when Trial court Denied to entertain the original plea of 10 years. and See Eagle v. Linahan, 229 F. 3d. 926, 943-44 11th cir. exercising) see, e.g. Owens v. us, 483 F.3d 48, 69 (1st cir, 2007) also see, U.S.C.A Const, Amend. 6 LATLer, supra. Also I asked the court for opportunity for review for my case to be REVIEWED and opportunity for postconviction relief and a chance to take the 10 years that was offer in 9 month of 2013 by JAY Gilbert Cabellero and 371 court.

United states v. Cronin. 466 U.S. 648, 104 S.Ct. 2039, 2050 N. 38, 801 Ed. 2d. 657 (1984) And see Neely v. Cabana. 764 F. 2d 1173 (CA5 1985)

And on at least five occasions (October 14, 2013, October 28, 2013 October 30, 2013, November 14, 2013 and January 23, 2014, The second court of appeals sent JAY Gilbert Cabellero letters regarding his representation of Applicant on appeal. see Attachment A: October 14, 2013 letter, Attachment B: October 28, 2013 letter, Attachment C: October 30, 2013 letter, Attachment D: November 14, 2013 letter, Attachment E, January 23, 2014 letter to 902 S. Jennings Ave, Fort Worth Texas 76104-3223 were his nobng at, at this time.

And more on why my 1107 was Denied and 2254 was Denied was also because could near get my Transcripts from my lawyer or for him to send me my Transcript to work on case through Indigent. State Bar order Mr. JAY Gilbert Cabellero he Denied me my transcript I had to write state bar completing and letter of conflict between me and JAY Gilbert, mostly v. Cozby, 813 F.2d 659, 660 (5th, 1987) and case cited.

Callihan v. Schneider 128 F.3d 800, 804 (6th Cir, 1999) Baugh v. Taylor, 117 F.3d. 202 (5th Cir. 1997)

Rules 10 (b), 11 (a), 30(a) Fed. R. App. P Rules 24 (c), Fed. R. App. P.

I could not do a ffd from prison with out my lawyers help. But it's generally Filed with the brief Rule 30(a) (3). Fed. R. App. P. Rule (30) (a) (1), Fed. R. App. P. with out transcripts at that time of 1107, and 2254. my grounds got dismissed because I failure to obtain things in the transcript. wrighten v. Golowski, 232 F. 3d 119, 120 (2d cir, 2000) these things happen because of no help from my lawyer my counsel have failed to investigate more of my back ground mental health issues that I have no control of at times.

REASONS FOR GRANTING THE PETITION

On mental health (M.H.M.R.)

Back on 3/2/2013, provider Wu, Xiaoyan, MD and Department JPS Tarrant Correctional Facility, and also provider Mian, Mansoor Muhammad, MD 2/12/2013 (349A MRN: 0376269, M.H.M.R. 000987467 Loc: 008 or from Mian Mansoor Muhammad, MD that show history Records mental Health from John Peter Smith Hospital. Records show I was mentally unhealthy.

Incompetent to stand in court I have a M.H.M.R. History before the county jail, and I can show that my abilities was impaired also before the county jail 2012 in Peter Smith Hospital see Dr Miss War from Tarrant County Jail M.H.M.R. DR 5097 worth Texas 76102 100 N. Lamar St for M.H.M.R. medical record

I also was denied my right to incompetent to stand when in fact that my abilities was not right and on Jay Gilbert my lawyer I complaint again was

February 24, 2014, October 23, 2013, September 24, 2013, February 4, 2013, August 13, 2015, August 26, 2015, May 6, 2015 to state by (CAPP) client - attorney assistance program.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Dennis Johnson

Date: MTB 8-15 2015