

19-7808

No. _____

ORIGINAL

Supreme Court, U.S.
FILED

FEB 14 2020

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

RICHARD WAYNE TAYLOR — PETITIONER'
(Your Name)

vs.

THE HONORABLE SHARON KELLER — RESPONDENT(S)' *et al*

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

RICHARD WAYNE TAYLOR, PRO-SE
(Your Name)

CONNALLY UNIT, 899 FM 632
(Address)

KENEDY, TEXAS 78119
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

WHETHER THE TRIAL JUDGE'S FAILURE TO RETAKE AND REFILE A VAID OATH OF OFFICE
BEFORE PRONOUNCING SENTENCE,RENDS A JUDGEMENT,CONVICTION AND SENTENCE
VOID AND UNCONSTITUTIONAL UNDER THE DUE PROCESS CLAUSE OF THE 14th AMEND
OF THE UNITED STATES CONSTITUTION ?

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:

THE HONORABLE MIKE KEASLER

THE HONORABLE MICHELLE SLAUGHTER

THE HONORABLE BARBARA P. HERVEY

THE HONORABLE BERT RICHARDSON

THE HONORABLE KEV IV P. YEARY

THE HONORABLE DAVID NEWELL

THE HONORABLE MARY LOU KEEL

THE HONORABLE SCOTT WALKER

RELATED CASES

NONE ONE OF FIRST IMPRESSION.

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
CARPENTER V. STATE, 218 S.W. 2d 207	[SHCR. VOL.1 at 114]
FRENCH V. STATE, 572 S.W. 2d 934	[SHCR VOL.1 at 114]
GONZALEZ V. GRIMM, 353 S.W. 3d 270	[SHCR VOL.1 at 114]
JOHNSON V. STATE, 869 S.W. 2d 347	[SHCR VOL. 1 at 113]
WILSON V. STATE, 977 S.W. 2d 379	[SHCR. VOL.1 at 113]
STOUDENMEIR V. FIRST NAT'L BANK, 246 S.W. 761,	[SHCR VOL.1 at 114]

STATUTES AND RULES

OTHER

FOOTNOTE: SCHR refers to clerk's record VOL, volume followed by page number.

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[] is unpublished.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 _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
X is unpublished. NO WRITTEN OPINION WAS ISSUED.

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 _____.

[] 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).

[X] For cases from state courts:

The date on which the highest state court decided my case was 11/20/19.
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

AMENDMENT 14 UNITED STATES CONSTITUTION

ARTICLE 16 SECTION ONE TEXAS CONSTITUTION

STATEMENT OF THE CASE

ON **February 4th, 2014**, petitioner was indicted by an angelina county, Texas, grand jury for a first degree felony offense murder in cause #2014-0049-A, from the 159th judicial district court of ANGELINA COUNTY, TEXAS, [SHCR VOL. at pg. 74 **indictment**].

ON **January 1st, 2011**, after having being duly elected to serve a four year term as a state district court judge, THE HONORABLE Paul E. White, presiding judge of the 159th, judicial district court of angelina county, Texas, sworn his official oath of office before [**Wes Switzer**] who failed to authenticate his signature by failing to incorporate his official seal of office upon the face of the trial judge's oath of office [SHCR VOL.1 pg. 43 **oath of office dated Jan. 1st, 2011**]

ON **NOVEMBER 1st, 2013**, THE HONORABLE PAUL E. WHITE, found probable cause based upon a felony murder complaint prepared, sworn and filed before him by Sgt. Steven Abbott of the lufkin police department issued a felony murder warrant and shortly thereafter, Sgt. Steven Abbott executed the felony murder warrant and arrested petitioner at the angelina county sheriff detention center [SHCR. VOL.1 pgs. 44-47 **felony murder complaint**], [SHCR. VOL.1 pg. 48 **felony murder warrant dated November 1st, 2013**]

ON **January 1st, 2015**, after having being again elected to serve another four year term as a state court district judge, THE HONORABLE PAUL E. WHITE, presiding judge of the 159th judicial district court of angelina county, Texas, sworn his official oath of office before [**BILLY BALL**] who failed to authenticate his signature by failing to incorporate his official seal of office upon the face of the trial judge's oath of office [SHCR. VOL.1 pg. 75 **oath of office dated January 1st, 2015**].

ON **NOVEMBER 9th, 2015**, THE HONORABLE PAUL E. WHITE, presiding judge of the 159th judicial district court of angelina county, Texas, conducted voir dire examination of seventy potential jurors and thereafter impaneled and

in twelve plus an alternate jurors to hear and decide petitioner's guilt/innocence [REPORTERS RECORD VOLUME 15] ON NOVEMBER 16th, 2015, petitioner's trial on it's merit's began in cause # 2014-0049 for the first degree felony murder pre-sided over by THE HONORABLE PAUL E. WHITE, of the 159th judicial district court of angelina county, Texas, who then sworn in all witnessess ruled upon both defense and state's objections and admitted all evidence for the defense and state [REPORTERS RECORD VOLUMES 16-19] ON nov. 19th, 2015, an angelina county, Texas jury found petitioner guilty of first degree murder as charged in the indictment and thereafter assessed punishment at life in prison [REPORTERS RECORD VOLUME 19 pg. 221] [SHCR. VOL. 1 pg. 76] THERE AFTER, THE HONORABLE PAUL E. WHITE pronounce petitioner's sentenceat life in prison [REPORTERS RECORD VOLUME 19 pg. 225 lines 23-25] [SHCR VOL 1 pg. 127 lines 23-25]

ON SEPTEMBER 20th, 2019 in trial court writ # 2014-0049-AA, and TEXAS COURT OF CRIMINAL APPEALS WRIT # 61,434-17, petitioner filed a state 11.07 post-conviction application for a writ of habeas corpus with the angelina county, Texas district clerk's office, the state prosecuting attorney didnot file any answers motions nor issued any findings of fact and conclusions of law nor made any recommendations nor did THE HABEAS COURT JUDGE, THE HONORABLE PAUL E. WHITE ISSUE ANY ORDERS DESIGNATING ISSUES TO BE RESOLVED AS TO petitio sole ground for relief raised namely that; applicant's judgement, conviction and sentence is void and unconstitutional and violates the due process clause of the 4th and 14th amendments of the united states constitution due to the trial judge had no authority to act as a defacto judge and his acts are void on the basis that his official sworn oath of offices are fatally defective and void due to his failure to execute and file a valid oath of office before pronouncing sentence. [SHCR. VOL.1 pg. 1-131] ON OCTOBER 15th, 2019, the angelina county, Texas district clerk prepared her habeas clerk's record ad.

one pgs. 1-131 and thereafter transmitted the state habeas record to the clerk of the TEXAS COURT OF CRIMINAL APPEALS [SHCR. VOL.1 pgs. 1-131]
ON NOVEMBER 20th, 2019, THE TEXAS COURT OF CRIMINAL APPEALS COURT THE
HONORABLE SHARON KELLER? et-al without issusing a written opinion issued
a white card denial without a written order [SEE APPENDIX A DECISION OF
THE STATE COURT ATTACHED TO WRIT OF CERT.]

REASONS FOR GRANTING THE PETITION

THE TEXAS COURT OF CRIMINAL APPEALS COURT HAS DECIDED AN IMPORTANT QUESTION OF FEDERAL LAW THAT CONFLICTS WITH THE LAWS OF THE UNITED STATES CONSTITUTION THAT HAS NOT BEEN, BUT SHOULD BE SETTLED BY THIS COURT.

THE TEXAS COURT OF CRIMINAL APPEALS COURT HAS DECIDED AN IMPORTANT ISSUE OF STATE LAW THAT CONFLICTS WITH IT'S OWN STATE CASELAW AND CONFLICTS WITH THE TEXAS CONSTITUTION THAT HAS NOT BEEN BUT SHOULD BE SETTLED BY THIS COURT.

THIS INSTANT CLAIM will be barred under TEAGUE V. LANE which will require the state and federal court's to create a new rule or constitutional law in order for relief to be granted in state or federal court.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Richard Wayne Taylor

Date: February 12th, 2020