

No. 19-8386

IN THE

SUPREME COURT OF THE UNITED STATESDAVID L CULVERHOUSE — PETITIONER

VS.

THE STATE OF TEXAS - RESPONDENT(S)PETITION FOR REHEARING (Petitioner's Actual Innocence)

Regarding the noncapital murder jury trial, April 25-29, 1983, Life sentence, plea: not guilty - jury found guilt and assessed punishment, Texas 202nd Judicial District Court, no. 83-F-89, Bowie County, Texas, the prosecutor William L. Ferguson prior to trial destroyed ballistics report, fingerprints report that showed only Layton Cummings in possession of the murder weapon. Prosecutor also destroyed the under oath written confession of Layton Cummings admitting to the murder of Donna Ray and exculpated petitioner of said murder. Prosecutor further destroyed the under oath written confession of Layton Cummings' accomplice Tony Montgomery that exonerated petitioner of said murder. Prosecutor also suborned the perjured testimony of Tony Montgomery that caused the jury to convict and assess maximum punishment. Trial judge Donald R. Ross unconstitutionally moved the trial from 4th District to 202nd District ("right to... trial... district wherein the crime shall have been committed..." 6th Amend.) and also forced petitioner to wear restraints (straitjacket & shackles) visible to jury-guilt/innocence and penalty stages of trial and refused to allow petitioner to take the stand to testify actual innocence to the jury in the guilt/innocence stage of trial, all of which was unconstitutional 5th, 6th, 14th Amendments and contributed to jury's verdict and maximum punishment. Counsel Joe Edward Shumate stabbed petitioner with a knife causing serious injury, failed to object to any of the above manifest errors and during entire trial performed dual role of court appointed defense counsel and assistant prosecutor by telling the jury "find him guilty and assess maximum punishment" contributing to verdict and life sentence - deprived petitioner of reasonably effective assistance of defense counsel, 6th and 14th Amendments, U.S. CONST. Jury had the option to assess 10 years probation or 5 years to 99 years or life in prison. All of the above is miscarriage of justice and manifest injustice.

Miscarriage of Justice Manifest Injustice :

Regarding the attempted murder jury trial, July 18-19, 1983, 20 year sentence, plea: not guilty - jury found guilt and assessed punishment, Texas 12th Judicial District Court, no. 13,039, Walker County, Texas. Trial judge Donald R. Ross unconstitutionally moved the trial from 4th District to 12th District, refused to grant petitioner's timely motion to remove knife wielding counsel Joe Edward Shumate and appoint another defense counsel and unconstitutionally forced indigent in forma pauperis petitioner to accept Joe Edward Shumate or proceed pro se with Joe Edward Shumate as Standby Counsel over petitioner's objection, forced petitioner to wear restraints - hand-cuffs, belly band, leg irons visible to jury - guilt/innocence and penalty stages of trial, refused to allow petitioner to testify facts of actual innocence to the jury. Layton Cummings' accomplice Tony Montgomery told the jury that he committed perjury at the previous non capital murder trial in order to persuade the jury to wrongfully convict/punish the innocent petitioner (in Tex. 202nd Jud. District Court no. 83-F-89). But, then, here at the attempted murder trial Prosecutor William L. Ferguson suborned the perjured testimony of Layton Cummings to persuade the jury to wrongfully convict/punish petitioner for the attempted murder of said Layton Cummings. The under oath written confession of said Layton Cummings where he admitted to the murder of Donna Ray and he wrote that when petitioner disarmed him - during the struggle the firearm discharged wounding the said Layton Cummings showing petitioner's actual innocence of said attempted murder due to self-defense or accidental firearm discharge. Said confession was destroyed by corrupt Prosecutor William L. Ferguson, who also destroyed the ballistics report and fingerprints report showing the murder weapon/attempted murder weapon belonged to Layton Cummings.

State and federal courts are conflicted on these issues so
Petitioner prays the Court will solve the problems.

Miscarriage of Justice Manifest Injustice:

Regarding the robbery jury trial, November 29-30, 1983, 16 year sentence, plea: not guilty - jury found guilt and assessed punishment, Texas 71st Judicial District Court, no. 3211, Harrison County, Texas.

Petitioner forced to wear restraints hand cuffs, belly band, leg irons visible to jury in guilt/innocence and penalty stages of trial. As in the other two trials there was no valid reason for shackles and the court took no reasonable steps to make the shackles invisible to the jury. Prosecutor destroyed the Security Cameras Video Tapes that showed Layton Cummings committing the robbery and Tony Montgomery driving the getaway car. Prosecutor also destroyed the under oath written confessions to the robbery by Layton Cummings and Tony Montgomery. Ineffective court appointed defense counsel failed to object to all of the above. Prosecutor suborned perjured testimony and petitioner was not allowed to testify his actual innocence to the jury. All of the above caused unconstitutional conviction and punishment.

Contents of the three trials transcripts prove by clear and convincing evidence that petitioner is actually innocent but Texas has concealed the transcripts.

The Texas court appointed counsel/public defender system is systemically ineffective under both United States v. Chronic, 466 U.S. 648 (1984) and Strickland v. Washington, 466 U.S. 668 (1984) causing thousands of indigent, actually innocent defendants to be incarcerated.

This is petitioner's first time in prison having been incarcerated since January 10, 1983 - more than 38 years of wrongful imprisonment.

Petitioner prays the Court to grant relief in accordance with Equal Laws for Equal Rights for Equal Justice with Due Process.

As always, I am your humble, obedient servant, sincerely,

Current date: January 22, 2021

David L Culverhouse

David L. Culverhouse
00355569
Stiles Unit 3060 F.M. 3514
Beaumont, Texas 77705

No. 19-8386

IN THE
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DAVID L CULVERHOUSE — PETITIONER

VS.

THE STATE OF TEXAS — RESPONDENT(S)

CERTIFICATE IN GOOD FAITH NOT FOR DELAY

I, DAVID L CULVERHOUSE, certify that the petition for rehearing is presented in good faith and not for delay.

I, DAVID L CULVERHOUSE, declare under penalty of perjury that the foregoing is true and correct

Executed on January 22, 2021

David L Culverhouse
(Signature)

DAVID L CULVERHOUSE
00355 569
Stiles Unit
3060 F.M. 3514
Beaumont, Texas 77705

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PROOF OF SERVICE

I, DAVID L CULVERHOUSE, do swear or declare that on this date January 22, 2021, as required by Supreme Court Rule 29 I have served the enclosed Petition For Rehearing on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the Prison Mail Box United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

State of Texas Attorney General Kenneth Paxton, Jr., P.O. Box 12548,
Austin, Texas 78711-2548. State of Texas Governor

Gregory W. Abbott, P.O. Box 12428, Austin, Texas 78711-2428.

Solicitor General of the United States, Room 5616, Department of Justice,
950 Pennsylvania Ave. N.W., Washington DC 20530-0001.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 22, 2021

David L Culverhouse
(Signature)

David L Culverhouse
00355 569
Stiles Unit
3060 F.M. 3514
Beaumont, Texas 77705

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK (202) 479-3011
WASHINGTON, DC 20543-0001

HONORABLE SCOTT S. HARRIS, CLERK
HONORABLE CLARA HOUGHTELING
(202) 479-5955

January 22, 2021

Re: Culverhouse v. Texas
No. 19-8386

Dear HONORABLE CLARA HOUGHTELING,

I thank you for your letter dated January 8, 2021 - you told me to correct and resubmit petition for rehearing within 15 days - certify petition presented in good faith and not for delay that is enclosed herewith and the petition does not exceed 15 page limit.

As always, I am your humble, obedient servant, sincerely,

David L Culverhouse

David L Culverhouse #00355 569
Stiles Unit 3060 F.M. 3514
Beaumont, Texas 77705