

No. _____

20-5605

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

"IN RE ERIC WALLACE KOEHL " PETITIONER

FILED
AUG 03 2020
OFFICE OF THE CLERK
SUPREME COURT, U.S.

VS.

LORIE DAVIS, DIRECTOR - T.D.C.J-ID, Respondent

ON PETITION FOR EXTRAORDINARY WRIT
FOR HABEAS CORPUS RELIEF

UNITED STATES COURT OF APPEALS - FIFTH CIRCUIT
(NAME OF COURT LAST RULED ON MERITS OF CASE)

PETITION FOR EXTRAORDINARY WRIT
FOR HABEAS CORPUS RELIEF

ERIC WALLACE KOEHL # 661873

GOODMAN UNIT - T.D.C.J - ID
349 PRIVATE ROAD 8430
JASPER, TEXAS. 75951

Phone # 409-383-0012

QUESTION(S) PRESENTED

- # 1.) Does NOT A CRIMINAL defendant HAVE A CONSTITUTIONAL RIGHT TO A PUBLIC ~~TRIAL~~ TRIAL UNDER 6TH AMENDMENT TO THE UNITED STATES CONSTITUTION?
- # 2.) IS A CRIMINAL defendant AFFORDED THE RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL UNDER 6TH AMENDMENT TO THE UNITED STATES CONSTITUTION?
- # 3.) CAN A CRIMINAL defendant HAVE THE RIGHT TO COMPULSORY PROCESS FOR OBTAINING WITNESSES IN HIS FAVOR UNDER THE 6TH AMENDMENT TO THE UNITED STATES CONSTITUTION?
- # 4.) IS IT A 4TH AMENDMENT RIGHT UNDER THE UNITED STATES CONSTITUTION FOR A ALL BLACK RACE COURT TRIBUNAL TO hold A TRIAL ON A white defendant USING RACIAL EPITHETS INSIDING?
- # 5.) ISNT THE 6TH AMENDMENT RIGHT TO THE UNITED STATES CONSTITUTION VIOLATED WHEN COUNSEL ON APPEAL FOUND GUILTY FOR FALSIFYING DIRECT APPEAL IN PROFESSIONAL MISCONDUCT?
- # 6.) ARE STATE AND FEDERAL COURTS PROTECTED BY THE UNITED STATES CONSTITUTION TO DENY A CRIMINAL defendant A APPEAL OR JUST INVESTIGATION ON MERITS, WHEN EXTRAORDINARY CONSTITUTIONAL RIGHTS VIOLATIONS APPEAR IN THE RECORDS OUTSTANDINGLY AND defendant THREATENED BY COURTS FOR SEEKING JUSTICE?
- # 7.) IS IT A VIOLATION OF DUE PROCESS UNDER THE 14TH AMENDMENT TO THE UNITED STATES CONSTITUTION FOR A defendant IN A CRIMINAL CASE PRESENTS NEWLY DISCOVERED EVIDENCE WITHHELD BY THE STATE THAT PROVES ACTUAL INNOCENCE TO BE DENIED INVESTIGATORY REVIEW?

GOD BLESS,

Respectfully Submitted,

E. Wallace Kachl #661873

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 JUDGEMENT
IS The SUBJECT OF This PETITION IS AS FOLLOWS:

RELATED CASES

NONE

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• Petition does MAKE STATEMENT OF REASON'S About Making,
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AND ISSUANCE - - - - - (15)

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR EXTRAORDINARY WRIT

PETITIONER RESPECTFULLY PRAYS THAT A PETITION FOR EXTRAORDINARY WRIT ISSUE,
TO REVIEW THE JUDGEMENT BELOW.

OPINIONS BELOW

[V] FOR CASES FROM FEDERAL COURTS:

The OPINION OF THE UNITED STATES COURT OF APPEALS APPEARS AT
APPENDIX B TO THE PETITION AND IS

[V] REPORTED AT KOEHL VS. DAVIS, U.S.D.C. NO. 4:19-CV-4285,
5TH CIR. APP. NO. 19-20839 CHANGED TO NO. 20-20029 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
C TO THE PETITION AND IS

[V] REPORTED AT KOEHL VS. DAVIS U.S.D.C. NO. 4:19-CV-4285; OR,

[] HAS BEEN DESIGNATED FOR PUBLICATION BUT IS NOT YET REPORTED; OR,

[] IS UNPUBLISHED.

[V] 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

[V] REPORTED AT THE COURT OF CRIMINAL APPEALS OF TEXAS NO. WR-49-339-09

OR;
[] HAS BEEN DESIGNATED FOR PUBLICATION BUT IS NOT YET REPORTED; OR,

[] IS UNPUBLISHED.

The OPINION OF THE NONE COURT APPEARS AT APPENDIX N/A TO THE
PETITION AND IS

[] REPORTED AT NONE; 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 MARCH 5, 2020.

[] 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: MARCH 19, 2020, AND A COPY OF The ORDER denying Rehearing appears AT Appendix E.

[] AN extension of Time To File The Petition For A Writ of Certiorari was GRANTED TO AND INCLUDING NONE (date) ON NONE (date) IN Application NO. N/A A N/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, September 25, 2019 A COPY OF That decision appears AT Appendix D.

[] A Timely Petition For Rehearing was Thereafter denied on The following date: NONE, AND A COPY OF The ORDER denying Rehearing appears AT Appendix N/A.

[] AN extension of Time To File The Petition For A Writ of Certiorari was GRANTED TO AND INCLUDING NONE (date) ON NONE (date) IN Application NO. N/A A N/A.

The JURISDICTION OF This COURT is INVOKED UNDER 28 U.S.C. § 1257(A).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- #1.) THE UNITED STATES CONSTITUTIONAL RIGHT TO A PUBLIC TRIAL UNDER THE 6TH Amendment.
- #2.) THE UNITED STATES CONSTITUTIONAL RIGHT TO A NON-RACIAL COURT AND TRIAL UNDER THE 4TH Amendment.
- #3.) THE UNITED STATES CONSTITUTIONAL RIGHT TO CALL WITNESSES TO TRIAL IN COMPULSORY PROCESS IN A DEFENDANTS FAVOR UNDER THE 6TH Amendment.
- #4.) THE UNITED STATES CONSTITUTIONAL RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL IN TRIAL AND ON APPEAL UNDER THE 6TH Amendment.
- #5.) THE UNITED STATES CONSTITUTIONAL RIGHT TO DUE PROCESS AND ACCESS TO COURTS AND CONVICTION TRANSCRIPT RECORDS OF TRIAL UNDER THE 14TH Amendment.

STATUTORY PROVISIONS INVOLVED

- #1.) AGAINST RACISM - PROFESSIONAL MISCONDUCT AT TRIAL - STRICKLAND, 466 U.S., AT 688. 104 S.C.T. AT 2365; BRYANT VS. SCOTT, 28 F.3d. 1411 (5TH CIR. 1994) EX-PARTE FLORES, 387 S.W. 3d. 626 (TX. CR. APP. 2012) EX-PARTE BRIGGS, 187 S.W. 3d. 458 (TX. CR. APP. 2005) KIMMELMAN VS. MORRISON, EX-PARTE DENTON, 399 S.W. 3d. 540 (TX. CR. APP. 2013).
- #2.) TO BE ALLOWED COMPULSORY PROCESS TO OBTAIN WITNESSES IN A DEFENDANTS FAVOR, WILKERSON VS. STATE, 726 S.W. 2d. 542 (TX. CR. APP. 1986), PEREZ VS. STATE, 310, S.W. 3d. 890, 894 (TX. CR. APP. 2010).
- #3.) ADEQUATE DEFENSE COUNSEL, STOKES VS. STATE, 289 S.W. 3d. 428 (TX. CR. APP. 2009).
- #4.) PROFESSIONAL MISCONDUCT ON APPEAL. DOUGLAS VS. CALIFORNIA - STRICKLAND SEE; EX-PARTE LOZADA-MENDOZA 45 S.W. 3d. 107 (TX. CR. APP. 2001) EX-PARTE WILSON, 956 S.W. 2d. 25, 26 (TX. CR. APP. 1997).
- #5.) ACTUAL INNOCENCE BY NEWLY DISCOVERED EVIDENCE - RICHARD RAY MILES JR., APPLICANT (TX. CR. APP. 2012) 359 S.W. 3d. 647; 2012 TX. CR. APP. LEXIS 355 NJS-AP-76, 488 & AP-76 489 (2-15-12) DELIVERED. SCHLUP-TYPE CLAIM, BRADY VS. MARYLAND, HERRERA-ACTUAL INNOCENCE CLAIM SOLY ON NEWLY DISCOVERED EVIDENCE, EX-PARTE FRANKLIN, 72 S.W. 3d. 671, 675 (TX. CR. APP. 2002) - HERRERA-TYPE CLAIM, THE HERCULEAN TASK, BROWN, 205 S.W. 3d. AT 545, ELIZONDO, 1947 S.W. 2d. AT 209, ID. AT. 206; SEE; THOMPSON, 153 S.W. 3d. AT. 417, BRADY, 359 S.W., 673 - 674.

God Bless,

Respectfully Submitted,

Wallace Kael #661873

STATEMENT OF THE CASE

Koehl WAS DENIED his CONSTITUTIONAL RIGHT TO A PUBLIC TRIAL UNDER THE 6TH AMENDMENT TO THE UNITED STATES CONSTITUTION (1791) INSTEAD ON (MAY 26, 1992) IN THE 185TH DISTRICT COURT OF HARRIS COUNTY TEXAS. Koehl WAS TAKEN TO A PRIVATE COURT - NO PUBLIC ATTENDANCE ALLOWED TO WITNESS THE TRIAL ~~BEHIND CLOSED~~ behind closed doors. A ALL BLACK RACE TRIBUNAL held A TRIAL BY JUDGE, Koehl - BEING WHITE RACE AND A BLACK APPOINTED DEFENSE ATTORNEY GIVEN Koehl WAS VERY RACIAL AND INEFFECTIVE ASSISTANCE OF COUNSEL THAT PARTICIPATED AND CONDONED RACIAL EPITHETS BY BLACK DISTRICT ATTORNEY, BLACK COURT INVESTIGATOR, AND BLACK JUDGE. SEE; Koehl vs. STATE, 857 S.W. 2d. Id. AT (63-89). "Koehl ON TRIAL STAND", VIOLATED THE 4TH AMENDMENT TO THE UNITED STATES CONSTITUTION, THIS PROFESSIONAL MISCONDUCT AT TRIAL, STRICKLAND, 466 U.S. AT 688. 104 S.C.T. AT 2065. Koehl's TRIAL ATTORNEY ALSO ALLOWED THE JUDGE TO NOT LET Koehl HAVE (23) MOTIONS FOR his defense FILED, SEE; Koehl vs. STATE 857 S.W. 2d. Id. AT (63-89). BRYANT vs. SCOTT, 28 F. 3d. 1411 (5TH CIR. 1994) EX-PARTE FLORES, 1387 S.W. 3d. 626 (TX. CR. APP. 2012) EX-PARTE BRIGGS 187 S.W. 3d. 458 (TX. CR. APP. 2005) KIMMELMAN vs. MORRISON, THE VERDICT WOULD HAVE BEEN DIFFERENT HAD THE MOTIONS BEEN FILED, A DEEPER INVESTIGATORY PROCESS WOULD HAVE PROVEN THE 1982 BUICK HAD NO DOLLAR AMOUNT VALUE AS CLAIMED ON THE INDICTMENT BY THE STATE TO HAVE HAD, AND NO SALE PRICE DOLLAR AMOUNT VALUE AS CLAIMED BY CARLOS GARNICA WHO SAID HE PURCHASED THE BUICK FROM BENARDO VILLANUEVA ~~BAIT~~ BAIT FOR (\$800.00 DOLLARS) AT TRIAL.

THE NEWLY DISCOVERED EVIDENCE, Koehl PRESENTS IS CERTIFIED TEXAS RECORD AND THE STATES EXHIBIT "A" UNDER Koehl vs. STATE CAUSE NO. 621969 FROM THE TEXAS DEPARTMENT OF MOTOR VEHICLE REGISTRATION AND TITLES DIVISION - AUSTIN TEXAS SIGNED BY FRANCES ARITA OF SAID DEPARTMENT ON (JULY 17, 2019) OF THE (DEC. 1991) RECORD TO THE 1982 BUICK TITLE NO. 00000 000031801513 PROVES Koehl's ACTUAL INNOCENCE, CARLOS GARNICA DID NOT PURCHASE THE 1982 BUICK FROM BENARDO VILLANUEVA BAIT FOR (\$800.00 DOLLARS) ON (JULY 24, 1991) ACCORDING TO "CERTIFIED TEXAS RECORD" AND THE BUICK HAD NO DOLLAR AMOUNT VALUE ACCORDING TO THAT SAME "CERTIFIED TEXAS RECORD" DATED (DEC. 1991) IN THE STATE OF TEXAS MAKING THE INDICTMENT FALSE THAT SAYS; THE 1982 BUICK WAS VALUED (\$750.00 - \$20,000.00 DOLLARS - VALUE) SEE; APPENDIX A, EXHIBIT "A" PAGE 9.

FAILURE BY DEFENSE ATTORNEY TO ALLOW Koehl's (23) MOTIONS TO BE FILED AND TO RAISE CONSTITUTIONAL DEFENSE AGAINST RACIAL EPITHETS BY DISTRICT ATTORNEY, INSTEAD LAUGHED ALONG WITH THE BLACK JUDGE, BLACK DISTRICT ATTORNEY AND BLACK COURT INVESTIGATOR LEFT Koehl's 4TH AMENDMENT RIGHTS VIOLATED AND HIS CASE ABUSED AND VIOLATED. SEE; Koehl vs. STATE, 857 S.W. 2d. Id. AT (63-89) EX-PARTE DENTON, 399 S.W. 3d. 540 (TX. CR. APP. 2013).

Koehl's ALL BLACK PRIVATE TRIAL ALSO DENIED Koehl THE 6TH AMENDMENT CONSTITUTIONAL RIGHT TO HAVE COMPULSORY PROCESS FOR OBTAINING WITNESSES IN HIS FAVOR - THE JUDGE DENIED Koehl (5) WITNESSES TO BE ALLOWED TO ATTEND AND TESTIFY IN Koehl's BEHALF, SEE; Koehl vs. STATE 857 S.W. 2d. Id. AT (63-89), WILKERSON vs. STATE, 726 S.W. 2d. 542 (TX. CR. APP. 1986), PEREZ vs. STATE, 310 S.W. 3d. 890, 894 (TX. CR. APP. 2010).

HAD Koehl BEEN ADEQUATELY DEFENDED BY TRIAL COUNSEL IT WOULD HAVE CHANGED THE RESULTS OF Koehl's CASE, STOKES vs. STATE, 298 S.W. 3d. 428 (TX. CR. APP. 2009).

Koehl WAS GIVEN (30) YEARS NON-AGGRAVATED FOR FELONY - "UNAUTHORIZED-USE OF A MOTOR VEHICLE" UNDER Koehl vs. STATE CAUSE NO. 621969.

STATEMENT OF CASE CONTINUED

Koehl APPEALED, GIVEN STATE APPOINTED APPEAL ATTORNEY JOHN F. CARRIGAN WITH LINDA A. WEST DISTRICT ATTORNEY ON APPEAL, GOT "CAUGHT" IN PROFESSIONAL MISCONDUCT BY THE-
STATE BAR OF TEXAS AND THE SUPREME COURT OF TEXAS FOR FALSIFYING Koehl's DIRECT APPEAL
Koehl GIVEN ANOTHER STATE APPOINTED BLACK APPEAL ATTORNEY KRISTINE C. WOLDY THAT
REFUSED TO CHANGE OR CORRECT THE FALSIFIED APPEAL RATHER PUSHED IT INTO P.D.R. -MODE TO
SEE IT AFFIRMED (1993) UNDER Koehl VS. STATE APP. NO. A-14-92-00643-CR SEE; THE STATE
-BAR OF TEXAS AND THE SUPREME COURT OF TEXAS RECORDS UNDER Koehl VS. PEMBERTON, Koehl
VS. CARRIGAN, Koehl VS. WOLDY (1992-93) PROFESSIONAL MISCONDUCT AFTER TRIAL ON
APPEAL, DOUGLAS VS. CALIFORNIA - STRICKLAND SEE; EX PARTE LOZADA-MENDOZA,
45 S.W. 3d. 107 (TX. CR. APP. 2001) 6TH AMEND. SEE; EX PARTE WILSON 956 S.W. 2d,
25, 26 (TX. CR. APP. 1997).

Koehl FILED HIS STATE CVRT WRIT WITH THE 185TH TRIAL COURT (NOVEMBER 22, 1995) AFTER
BEING KEPT FROM A LAW LIBRARY FOR OVER (2) YEARS. Koehl VS. STATE CAUSE NO. 621969-A UNDER
ARTICLE 11.07 CRIMINAL CODE OF PROCEDURE FOR TEXAS, THE (RESPONDENT) REFUSED TO ADDRESS
Koehl's STATE HABEAS CORPUS. Koehl FILED HIS U.S. FEDERAL 2254 WRIT OF HABEAS CORPUS, Koehl,
VS. SCOTT U.S.D.C. HOUSTON-DIVISION NO. H-00-CV-3704, IT WAS FOUND BY U.S. DISTRICT JUDGE
MELINDA HARMON THAT (RESPONDENT) WAS "GUILTY" OF VIOLATING Koehl's 14TH AMENDMENT
RIGHTS OF DUE PROCESS FOR A "INORDINATE AND UNJUSTIFIABLE (5 1/2) YEAR DELAY TO -
INITIATE REVIEW OF A STATE HABEAS WRIT" AGAINST Koehl. THE U.S.D.C. CHANGED THE TITLE TO
Koehl VS. JOHNSON NO. H-00-CV-3704 AS THE (RESPONDENT) COMMITTED FRAUD ON THE COURT
BY CLAIMING TO HAVE "REVIVED" Koehl's STATE WRIT AFTER (5 1/2) YEARS, MISREPRESENTING THE
TEXAS EXHAUSTION LAWS AND RULES TO THE FEDERAL COURT - "WHICH IS ILLEGAL" (RESPONDENT)
THEN COMMITTING INTRINSIC FRAUD, FRAUD IN THE FACTUM BY CREATING STATE HABEAS
WRIT RULINGS ON Koehl's CASE WHEN FAILURE BY THE DISTRICT ATTORNEY IN THE ALLOTTED (15)
DAY TIME PERIOD DID JOIN THE ISSUES IN GENERAL OPINION AND THE DECISION BY
THE TRIAL COURT TO TAKE "NO-ACTION" WAS THE (1995) COURT RULING VERIFIED BY
DONNA MCDANIEL IN SWORN DECLARATION OF THE 185TH POST CONVICTION SUPERVISOR,
(RESPONDENT) CREATED THESE NEW FALSIFICATIONS OUTSIDE OF THE TEXAS EXHAUSTION LAWS
UNDER ARTICLE 11.07 IN THE YEAR (2001) WHILE Koehl's CASE WAS IN THE 5TH CIRCUIT
U.S. COURT OF APPEALS UNDER Koehl VS. JOHNSON APP. NO. 06-20023, WHERE U.S.
5TH CIR. JUDGE EDITH JONES CLAIMED Koehl BROUGHT UP A NEW ISSUE ABOUT BEING
DENIED HIS (S) WITNESSES TO BE ALLOWED TO ATTEND OR TESTIFY IN Koehl's BEHALF AND
THEN DISMISSED Koehl's CASE NEVER INVESTIGATING THE MERITS OF THE CASE IN PROPER
REVIEW.

Koehl FILED UNDER A NEW ISSUE IN Koehl VS. STATE CAUSE NO. 621969-B THEN
BACK TO FEDERAL COURT IN HOUSTON ON 2254 WRIT OVER BEING DENIED HIS (S) WITNESSES
BY THE JUDGE AT TRIAL SEE: Koehl VS. STATE, 857 S.W. 2d. 1d. AT (63-89).

THE FEDERAL JUDGE TOLD Koehl HE HAD ALREADY BROUGHT UP THE ISSUE OF
BEING DENIED HIS (S) WITNESSES IN Koehl VS. STATE CAUSE NO. 621969-A AND IN
Koehl VS. SCOTT U.S.D.C. NO. H-00-CV-3704 APP. NO. 06-20023 AND WITH
5TH CIR. JUDGE EDITH JONES, THEREFORE Koehl WAS DISMISSED AGAIN WITHOUT
MERITS EVER BEING INVESTIGATED OR REVIEWED PROPERLY ON ANY ISSUE'S
PRESENTED. (2006).

STATEMENT OF CASE CONTINUED

U.S. FIFTH CIRCUIT JUDGE EDITH JONES MADE A "INCORRECT RULING" ACTING WITH (RESPONDENT) TO SUPPRESS THIS ILLEGAL CONVICTION IN PUBLIC CORRUPTION AS EDITH JONES HAS A PERSONAL INTEREST IN THIS RACIAL MISCARRIAGE OF JUSTICE BEING BASED FOR THE 5TH CIRCUIT IN HOUSTON, TEXAS AS KOEHL WAS RACIALLY ILLEGALLY CONVICTED IN - HOUSTON, TEXAS.

ON (NOVEMBER 5TH 2019) KOEHL WAS TOLD BY U.S.D.C. JUDGE ALFRED H. BENNETT THAT KOEHL NEEDED PERMISSION FROM THE 5TH CIRCUIT U.S. COURT OF APPEALS TO HAVE HIS ISSUES ADDRESSED ABOUT THE ILLEGAL CONVICTION CLAIM UNDER KOEHL VS. DAVIS U.S., D.C. NO. 4:19-CV-4285 HOUSTON - DIVISION, 5TH CIR. APP. NO. 19-20839 CHANGED TO APP. NO. 20-20029.

KOEHL DEMONSTRATES ALSO ACTUAL INNOCENCE BY NEWLY DISCOVERED EVIDENCE SEE; APPENDIX A - EXHIBIT "A" PAGE 9. UNDER RICHARD RAY MILES JR. APPLICANT, COURT OF CRIMINAL APPEALS OF TEXAS, 359 S.W. 3D. 647; 2012 TX. CR. APP. LEXIS 355 NOS. AP-76, 488 & AP-76, 489 FEBRUARY 15, 2012 DELIVERED. KOEHL DEMONSTRATES AS FOLLOWS; (1) THE CURRENT CLAIMS AND ISSUES HAVE NOT AND COULD NOT HAVE BEEN PRESENTED PREVIOUSLY IN AN ORIGINAL APPLICATION OR IN A PREVIOUSLY CONSIDERED APPLICATION FILED UNDER THIS ARTICLE BECAUSE THE FACTUAL BASIS FOR THE CLAIM WAS "UNAVAILABLE" ON THE DATE THE APPLICANT FILED UNDER THE PREVIOUS APPLICATION OR (2) BY A PREPONDERANCE OF THE EVIDENCE, BUT FOR A VIOLATION OF THE UNITED STATES CONSTITUTION NO RATIONAL JUROR COULD HAVE FOUND THE APPLICANT KOEHL GUILTY BEYOND A REASONABLE DOUBT. TEX. CODE. CRIM. PRO. ART. 11.07 § 4(A). A FACTUAL BASIS OF A CLAIM IS "UNAVAILABLE" UNDER SUBSECTION (A) (1) IF THE FACTUAL BASIS WAS NOT ASCERTAINABLE THROUGH THE EXERCISE OR REASONABLE DILIGENCE ON OR BEFORE THAT DATE §(4) (C) AND REASONABLE DILIGENCE SUGGESTS AT LEAST SOME KIND OF INQUIRY HAS BEEN MADE INTO THE MATTER OF THE ISSUE. KOEHL HAS CONTINUOUSLY FILED IN EVERY STATE COURT WRIT UNDER KOEHL VS. STATE CAUSE NO. 621969-A, B, C, D AND IN EVERY FEDERAL 2254 WRIT ABOUT BEING DENIED HIS (S) WITNESSES TO ATTEND HIS TRIAL TO TESTIFY AND CHALLENGING THE VALUE OF THE 1982 BUICK AND THAT THE BUICK WAS NOT A REPORTED STOLEN VEHICLE ON THE DAY OF KOEHL'S ARREST AS THE INDICTMENT CLAIMS. KOEHL WASN'T ARRESTED FOR "UNAUTHORIZED USE OF A MOTOR VEHICLE" ON (JANUARY 21, 1992) BY BAYTOWN, TX. POLICE OR EVER PLACED IN THE BAYTOWN TX. JAIL - KOEHL WAS ARRESTED BY LAPORTE, TX. OFFICER EDWARD SWENSON FOR "DRIVING WHILE LICENSE SUSPENDED" ON (JANUARY 21, 1992) ONLY AND PLACED IN THE LAPORTE, TX. JAIL - (8) DAYS LATER THE FALSE - INDICTMENT WAS CREATED... THE 1982 BUICK WAS COMPLETELY A DAMAGED VEHICLE, ALL RECORDS BY LAPORTE, TX. POLICE SAY SO AND THE BUICK WAS NOT EVEN STREET LEGAL, NO TAGS, NO INSPECTION.

NEW EVIDENCE APPENDIX A - EXHIBIT "A" PAGE 9. WITHHELD BY THE STATE FOR (29) YEARS FROM CERTIFIED TEXAS RECORD BY THE TEXAS DEPARTMENT OF MOTOR VEHICLE REGISTRATION AND TITLES DIVISION - AUSTIN TEXAS FROM FRANCES ARITA SIGNED DATED (JULY 17 2019) TO THE (DEC. 1991) RECORD TO THE 1982 BUICK VERIFY'S (\$0.00 DOLLAR VALUE) IN THE STATE OF TEXAS AND ALSO SHOWS THE (JULY 1991) TRANSACTION BETWEEN THE SALE OF THE BUICK BETWEEN CARLOS GARNICA AND BENARDO VILLANUEVA BAYT FOR (\$0.00 - DOLLAR SALE PRICE VALUE).

IN (JANUARY 21, 1992) UNDER TEXAS LAW PRETAINING TO A "UNAUTHORIZED - USE OF A MOTOR VEHICLE - CHARGE", THE VALUE OF THE VEHICLE WAS THE DETERMINING FACTOR AS TO THE CHARGE BEING A CLASS A - MISDEMEANOR (OR) 3RD DEGREE FELONY ANY-THING UNDER (\$750.00 DOLLARS) IN VALUE WAS A CLASS A - MISDEMEANOR (2) YEARS - COUNTY JAIL TIME AND FINE NOT (30) YEARS IN TEXAS PRISON !!!

STATEMENT OF CASE CONTINUED

CARLOS GARNICA CLAIMED HE PURCHASED THE BUICK FROM BENARDO VILLANUEVA-BAYT FOR (\$800.00 DOLLARS) AND THE CERTIFIED TEXAS RECORD APPENDIX A-EXHIBIT-"A" PAGE 9. PROVES THIS IS "A LIE" AND THE STATE ON THE INDICTMENT CLAIMED THE BUICK WAS VALUED BETWEEN (\$750.00 - \$20,000.00 DOLLARS) AND THIS IS ALSO "A LIE" PROVEN BY CERTIFIED TEXAS RECORD DATED FOR (DEC. 1991) NOT EVEN (30) DAYS BEFORE KOEHL'S ARREST OF (JANUARY 21, 1992) SEE: APPENDIX A-EXHIBIT, "A" PAGE 9. ALSO STATES EXHIBIT "A" UNDER CAUSE NO. 621969, THE STATE-INTENTIONALLY AND KNOWINGLY ILLEGALLY WITHHELD THIS EVIDENCE FOR (29) YEARS - THE BUICK HAD NO VALUE IN TEXAS !!!

IN LIGHT OF THE SCHUP-TYPE CLAIM, KOEHL HAS BY FAR REACHED ITS SUCCESSFUL POINT. KOEHL COULD NOT HAVE PRESENTED IN A ORIGINAL APPLICATION BECAUSE KOEHL WAS AND STILL IS DENIED THE RECORDS TO HIS CONVICTION FOR (29) YEARS BY THE STATE AND FEDERAL COURTS AND NO COURT WILL INVESTIGATE THE MERITS OF THIS CASE EVEN WHEN KOEHL HAS DEMONSTRATED BY AND THROUGH THE RECORD AND CITED IT FOR VERIFICATION [REDACTED] THIS INFORMATION TO THE BUICK STATE'S EXHIBIT "A" UNDER CAUSE NO. 621969 JUST BECAME AVAILABLE TO KOEHL (JULY 17, 2019) HAD KOEHL NOT BEEN DENIED HIS (5) WITNESSES WHO WERE GOING TO TESTIFY FOR KOEHL TO THESE FACTS BUT WERE DENIED BY THE ALL BLACK RACIAL COURT SEE: KOEHL VS. STATE 857 S.W. 2D. 1D. AT (63-89). THE STATE IS NOT RELIEVED OF ITS DUTY TO DISCLOSE BECAUSE "THE STATE" INCLUDES IN ADDITION TO THE PROSECUTOR, OTHER LAWYERS AND EMPLOYEES IN OFFICE AND MEMBERS OF LAW ENFORCEMENT CONNECTED TO THE INVESTIGATION AND PROSECUTION OF THE CASE.

FURTHER KOEHL WILL DEMONSTRATE THAT BRADY VS. MARYLAND, KOEHL HAS PROVEN THAT THE EVIDENCE FROM THE TEXAS DEPARTMENT OF MOTOR VEHICLE REGISTRATION AND TITLES - DIVISION - AUSTIN TEXAS TO THE 1982 BUICK HAD (\$0.00 VALUE IN DOLLAR AMOUNT) IN THE STATE OF TEXAS (DEC. 1991) AND SOLD TO CARLOS GARNICA FOR (\$0.00 VALUE - SALE PRICE DOLLAR AMOUNT) BY BENARDO VILLANUEVA BAYT (JULY 1991) AND THIS INFORMATION WAS WITHHELD BY THE STATE OF TEXAS AND IS "FAVORABLE" TO KOEHL'S CASE BECAUSE THE VALUE OF THE BUICK DETERMINED THAT THE CHARGE WAS TO BE EITHER A CLASS A-MISDEMEANOR OR 3RD DEGREE FELONY, IN KOEHL'S CASE ITS PROVEN BY TEXAS CERTIFIED RECORD KOEHL HAS BEEN ILLEGALLY CONVICTED AND SENTENCED TO (30) YEARS FOR WHAT PROVES TO HAVE BEEN A CLASS A-MISDEMEANOR, FAVORABLE EVIDENCE IS THAT WHICH IF DISCLOSED AND USED EFFECTIVELY MAY MAKE THE DIFFERENCE BETWEEN CONVICTION AND ACQUITTAL, FAVORABLE EVIDENCE IS THAT WHICH MAY JUSTIFY, EXCUSE OR CLEAR THE DEFENDANT FROM FAULT AND IMPEACHMENT EVIDENCE IS THAT WHICH DISPUTES, DISPARAGES, DENIES OR CONTRADICTS OTHER EVIDENCE, IN KOEHL'S CASE HE HAS OVERCOME THESE OBSTACLES BY PROVING THROUGH CLEAR CERTIFIED - TEXAS RECORD BY THE TEXAS DEPARTMENT OF MOTOR VEHICLE REGISTRATION AND TITLES DIVISION - AUSTIN TEXAS IS CONTRADICTING THE STATE'S FALSE ALLEGATIONS SUPPORTED BY NO - FACTUAL RECORD.

KOEHL ALSO MEETS THE CRITERIA OF HERRERA-ACTUAL INNOCENCE CLAIM SOLY ON NEWLY DISCOVERED EVIDENCE, KOEHL IS PRESENTING BY SHOWING THROUGH CLEAR AND CONVINCING EVIDENCE IN APPENDIX A - EXHIBIT "A" PAGE 9. AND NO REASONABLE JUROR WOULD HAVE CONVICTED KOEHL FOR A FELONY IN LIGHT OF THE NEWLY DISCOVERED EVIDENCE EX PARTE FRANKLIN, 72 S.W. 3D. 671, 675 CTX. CR. APP. 2002).

KOEHL HAS ALSO ESTABLISHED A HERRERA-TYPE CLAIM, THE HERCULEAN TASK, BROWN, 205 S.W. 3D. AT 545, ELIZONDO, 947 S.W. 2D. AT 209, 1D. AT 206; SEE; THOMPSON, 153 S.W. 3D. AT 417, BRADY, 359 S.W. 3D. 673-674.

STATEMENT OF CASE CONTINUED

Koehl BY SHOWING THE STATE PRESENTED FALSE INFORMATION CONCERNING THE VALUE OF THE BUICK, SUPPORTED BY NO FACTUAL RECORD ON INDICTMENT AND THE FALSE TESTIMONY BY CARLOS GARNICA, had Koehl's (5) witnesses been allowed to testify, [REDACTED] AND THAT THE BUICK WAS NOT STOLEN OR REPORTED STOLEN ON (JANUARY 21, 1992) THE DAY OF Koehl's ARREST [REDACTED] AND THAT THE BUICK WAS ALL-TORN UP CONDITION AND Koehl WAS NOT ARRESTED BY BAYTOWN TX POLICE FOR "UNAUTHORIZED USE OF A MOTOR VEHICLE" OR PLACED IN THEIR JAIL ON (JANUARY 21, 1992) AS INDICTMENT CLAIMS, Koehl WAS ARRESTED BY LAPORTE TX. POLICE FOR "DRIVING-While License Suspended" PLACED IN LAPORTE TX. JAIL ON (JANUARY 21, 1992) ... (8) DAYS LATER THE FALSE INDICTMENT WAS CREATED. Koehl WOULD NOT HAVE BEEN FOUND GUILTY FOR A FELONY BASED ON THESE FACTS SUPPORTED, DEMONSTRATED BY Koehl IN AND THROUGH THE RECORDS.

Koehl HAS CITED THE TRIAL TRANSCRIPT RECORD; Koehl VS. STATE, 857, S.W. 2d. ID. AT (63-89) OF Koehl ON THE STAND TESTIFYING AT TRIAL, THE-STATE OF TEXAS IS NOT ALLOWING ANYONE TO SEE THIS PORTION OF THE RECORD FOR (29) YEARS NOW. Koehl's, ACTUAL INNOCENCE IS BASED AND SUPPORTED BY AND THROUGH THE RECORD UNDER 28 U.S.C. § 2244(B)(2):(B). Koehl HAS DEMONSTRATED THE FACTUAL PREDICATE FOR HIS CLAIM COULD NOT HAVE BEEN DISCOVERED PREVIOUSLY THROUGH THE EXERCISE OF DUE DILIGENCE AS, NO COURT STATE OR FEDERAL WOULD REVIEW AND INVESTIGATE THE MERITS OF THE CASE FOR (29) YEARS NOR ALLOW Koehl THE RECORDS TO CRIPPLE AND SILENCE HIM.

FURTHER Koehl BY THE UNDERLYING FACTS TO HIS CLAIM IS PROVEN BY-TEXAS CERTIFIED RECORD" IN MULTIPLE POINTS CLEAR AND CONVINCING EVIDENCE IS SUFFICIENT TO ESTABLISH THAT A REASONABLE TRIER OF FACT, Koehl WOULD NOT HAVE BEEN FOUND GUILTY OF A FELONY "UNAUTHORIZED USE OF A-MOTOR VEHICLE" APOON THIS INFORMATION PRESENTED, PRIMA FACIE, SHOWING.

ON (MARCH 5, 2020) THE U.S. FIFTH CIR. JUDGES SMITH, DENNIS, AND DUNCAN TOLD Koehl THAT IF HE CONTINUED SEEKING JUSTICE THAT HE WOULD BE PUNISHED, SANCTIONED, INCLUDING DISMISSAL, MONETARY SANCTIONS, AND/OR RESTRICTIONS ON HIS ABILITY TO FILE PLEADINGS ... Koehl IS THREATENED NOW FOR PRESENTING A (29) YEARS OLD CASE THATS NEVER BEEN INVESTIGATED AND PROPERLY ADDRESSED IN THE MERITS OF ISSUES IN REVIEW OF THE CLAIM BECAUSE THE CASE KEEPS BEING ILLEGALLY DISMISSED Koehl's NOW BEEN TOLD NOT TO PRESENT THIS CASE AGAIN OR HE WILL BE PUNISHED. SEE; APPENDIX B-EXHIBIT-"B" PAGE 10.

Koehl SEEKS THE SUPERVISORY POWER OF THE UNITED STATES SUPREME COURT (RULE 19(A) AND DESERVES ADEQUATE RELIEF IN HIGHLY EXCEPTIONAL CIRCUMSTANCES (RULE 20.1) DISCLOSED HEREIN.

GOD Bless,

Respectfully submitted,

En Wallace Koehl #661873

REASON FOR GRANTING THE PETITION

Koehl is being DENIED 14TH AMENDMENT RIGHT TO DUE PROCESS ACCESS TO TO COURTS TO HAVE THE MERITS OF HIS CLAIMS INVESTIGATED AND PROPERLY REVIEWED FOR (29) YEARS NOW - THE STATE AND LOWER FEDERAL COURTS KEEP ON DISMISSING THIS CASE WITHOUT INVESTIGATING AND REVIEWING THE CLAIM.

THE STATE RECORDS TO Koehl's CONVICTION HAVE BEEN HIDDEN FROM Koehl FOR (29) YEARS AND THE PORTION OF THE TRIAL RECORD OF Koehl ON THE TRIAL STAND HAVE NEVER BEEN ALLOWED FOR ANYONE TO SEE FOR (29) YEARS SEE; Koehl VS. STATE, 857 S.W. 2d. ID. AT [63-89] TEXAS WILL NOT LET YOU SEE IT !!!

Koehl IS BEING DENIED COUNSEL AND THE RECORDS OF HIS CONVICTION BY THE STATE AND FEDERAL COURTS FOR TEXAS, FOR (29) YEARS AND ADEQUATE RELIEF CANNOT BE OBTAINED IN ANY OTHER FORM (OR) FROM ANY OTHER COURT . . . , THEY WILL NOT LOOK AT THE CITING; Koehl VS. STATE, 857 S.W. 2d. ID. AT (63-89) TO SEE IF WHAT Koehl SAYS IS TRUE - TEXAS WILL NOT ALLOW IT AND NOW THE CARTITLE IN THEIR FACE, STATES EXHIBIT "A" UNDER CAUSE NO. 621969, APPENDIX A - EXHIBIT "A" PAGE 9. (RULE 20.1)

EXTRAORDINARY CIRCUMSTANCES EXIST DUE TO THE DISTURBING CONTENT DEMONSTRATED BY AND THROUGH THE RECORDS IN JUST THE HISTORY OF THE PROCEEDINGS BY THE STATE AND LOWER FEDERAL COURTS IN THE STATEMENT OF THE CASE [PAGES 4-8] AND Koehl HAS DEMONSTRATED BY AND THROUGH THE RECORD IN MULTIPLE POINTS OF UNITED STATES CONSTITUTIONAL RIGHTS VIOLATIONS COMMITTED AGAINST Koehl BY THE STATE, Koehl MEETS THE CRITERIA FOR (RULE 20.1, RULE 10.(A))

Koehl's ACTUAL INNOCENCE IS BASED AND SUPPORTED BY AND THROUGH THE "CERTIFIED TEXAS RECORD" APPENDIX A - EXHIBIT "A" PAGE 9., 28 U.S.C. 2244(B)(2); (B), Koehl HAS DEMONSTRATED THE FACTUAL PREDICATE FOR HIS CLAIM COULD NOT HAVE BEEN DISCOVERED PREVIOUSLY THROUGH THE EXERCISE OF DUE DILIGENCE AS, NO COURT, STATE OR FEDERAL FOR TEXAS WILL INVESTIGATE AND REVIEW THE MERITS OF THIS CASE FOR (29) YEARS NOR ALLOW Koehl THE RECORDS OF THE CONVICTION.

FURTHER BY THE UNDERLYING FACTS TO Koehl's CLAIM IS PROVEN BY THE "TEXAS CERTIFIED RECORD" ESPECIALLY BY THE (1982 BUICK - CARTITLE) APPENDIX A, EXHIBIT "A" PAGE 9., SHOWING (\$0.00 DOLLAR VALUE) DATE (DEC. 1991) NOT EVEN (30) DAYS BEFORE Koehl's ARREST (JAN. 1992) IN MULTIPLE POINTS THROUGHOUT WITH CLEAR AND CONVINCING EVIDENCE, SEE; Koehl VS. STATE, 857 S.W. 2d. ID. AT (63-89), (Koehl ON THE TRIAL STAND) AND IS SUFFICIENT TO ESTABLISH THAT A REASONABLE TRIER OF FACT Koehl WOULD NOT HAVE BEEN FOUND GUILTY FOR A FELONY OF "UNAUTHORIZED USE OF A MOTOR VEHICLE" FOR (A VEHICLE UNDER THE VALUE OF \$750.00 DOLLARS) WAS A CLASS A - MISDEMEANOR CHARGE, UNDER TEXAS LAW (JANUARY 21, 1992) SEE; APPENDIX A - EXHIBIT "A" PAGE 9., UPON THIS INFORMATION PRESENTED, PRIMA FACIE IS SHOWING FOR THIS COURTS DISCRETIONARY POWERS (RULE 10.(A)) SHOULD HEREBY GIVEN FURTHER INQUIRY TO THIS CASE, (29) YEARS, NEVER GIVEN ADEQUATE INVESTIGATION TO MERITS OF THE CLAIM, COUNSEL OR A FAIR TRIAL, APPEAL, OR MERITS REVIEWED AND (RULE 20.1) DOES APPLY EXCEPTIONALLY TO THIS CASE.

GOD BLESS,
Respectfully Submitted,
E. Wallace Koehl # 661873

ISSUANCE

(RULE 20.1) Koehl has NOT had the Merits of his Claim ever Investigated BY STATE OR Federal Courts For (29) YEARS OR JUSTLY REVIEWED AND Koehl has been Threatened if Koehl CONTINUES Seeking Justice The Federal Courts For TEXAS SAY Koehl will be PUNISHED For TRYING To CONTINUE To have The Merits of his Claim Investigated Properly AND Records Reviewed JUSTLY. SEE; Appendix B-EXHIBIT "B" PAGE 10. AND This IS EXCEPTIONAL CIRCUMSTANCES THAT WARRANT The EXERCISE OF The SUPREME COURT OF The UNITED STATES discretionary Powers (RULE 10. (A))

(RULE 20.4 (A)) Koehl has Fulfilled Requirements of This Rule, Koehl has Filed his STATE Habeas WRITs EFFECTIVELY SEE; Koehl VS. STATE CAUSE No., 621969-A, B, C, D AND his Federal Habeas CORPUS WRITs To The DISTRICT COURT OF The DISTRICT IN Which he IS held CORRECTLY SEE; Koehl VS. SCOTT U.S.D.C., NO. H-00-CV-3704 CHANGED To Koehl VS. JOHNSON U.S.D.C. NO. H-00-CV-3704, 5TH CIR. APP. NO. 06-20023, Koehl VS. DAVIS U.S.D.C. NO., 4:19-CV-4285, 5TH CIR. APP. NO. 19-20839 CHANGED To NO. 20-20029, Koehl Filed A 2254 Federal WRIT IN Houston TX After The Koehl VS. JOHNSON but The Federal COURT will NOT Allow Koehl The CIVIL ACTION Number. Koehl has EXHAUSTED All STATE AND Federal Remedies SEE; STATEMENT OF CASE PAGES (5) AND (6).

(RULE 21.1) "How Koehl's CASE CAN Aid The SUPREME COURT's APPELLATE Jurisdiction", BY The VISSUAL AND EXPOSER IN This CASE OF how FAR The STATE AND Lower Federal Courts have DEPARTED From The Accepted AND USUAL COURSE OF Judicial Proceedings will Aid This Courts AND All other Courts STATE AND Federal JURISDICTION by being USED To SET A PRECEDENCE AND GUIDELINED IN SETTING A MANDATORY STANDARD PROCEDURE "KOELH-STANDARD" OF A MANDATORY PROCEDURE OF INVESTIGATORY PROCESS To Be FULFILLED BY EACH COURT ON The Merits OF The CLAIMS before The CASE CAN be PASSED off To THE NEXT COURT. This would INSURE A TIGHTER JUSTICE SYSTEM AND Relieve The STRESS OF All Courts INCLUDING The SUPREME COURT OF The UNITED STATES. ... All STATE AND Federal Judicial Personnel would have To do Their Jobs AND TURNING A BLIND EYE To INJUSTICES AS DISPLAYED IN Koehl's CASE would be Less Likely To SLIP THROUGH For (29) YEARS without ever being INVESTIGATED.

The STATE AND Federal Courts For TEXAS has so FAR departed From The Accepted AND USUAL COURSE OF Judicial Proceedings IN Koehl's CASE, Koehl, IS left With NO OTHER RECOURSE THAN This Courts SUPERVISORY POWER (RULE 10(A)) This CASE has been DENIED ANY INVESTIGATION IN AND OF The Merits AND PROPER REVIEW OF The CLAIMS PRESENTED For (29) YEARS AS Koehl has FOLLOWED All The Rules, This CASE IS OF SUCH IMPARTITIVE PUBLIC IMPORTANCE AS To JUSTIFY deviation From NORMAL APPELLATE PRACTICE AND To REQUIRE immediate determination IN This COURT. SEE; 28 U.S.C. § 2101(E) (RULE 20.1)

God Bless,

Respectfully Submitted,

E. Wallace Koehl #661873

CONCLUSION

Koehl believe's The Petition FOR EXTRAORDINARY WRIT should be GRANTED,
IN HABEAS CORPUS Relief.

God Bless,

8-3-2020

Respectfully Submitted,
E. Wallace Koehl #661873

(RULE 20) HABEAS CORPUS Relief SOUGHT

Koehl seek's MANDATORY FULL STATE COMPENSATION FOR EVERY DAY SENCE
(JANUARY 21, 1992) AND INCLUDING THE TIME SPENT OUT ON PAROLE THAT WAS A PART
OF THE WRONGFUL PUNISHMENT INCLUDED IN THIS ILLEGAL CONVICTION AND SENTENCE
AND THE STATUS OF Koehl VS. DAVIS U.S.D.C. NO. 4:19-CV-01823, 5TH CIR. APP.,
NO. 19-20712 RULING TO READD YEARS TO Koehl's SENTENCE (7 1/2) YRS TO
ORDERED AS NULL AND VOID AND Koehl COMPENSATED FOR HIS TIME SPENT
ON PAROLE UNDER TEXAS CUSTODY ON THE ILLEGAL CONVICTION AND SENTENCE
WHICH Koehl HAS SERVED (29) YEARS ON NOW UNDER T.D.C.J-IA NO., #
661873. Koehl WANTS ALL THE FULL COMPENSATION IN ONE COMPLETE
PAYMENT, NO LINGERING FUTURE TIES OR BUSINESS WITH TEXAS - JUST LIKE
THEY GAVE Koehl (30) YEARS IN ONE DAY - Koehl WANTS HIS MONEY IN ONE
DAY AND CONVICTION REVERSED. ... AND THIS CASE PUBLISHED IN UN-
LIMITED CIRCUMSTANCES.

God Bless,

8-3-2020

Respectfully Submitted,
E. Wallace Koehl #661873