

No. 20-5631

ORIGINAL

Supreme Court, U.S.
FILED

AUG 20 2020

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Riggin, Gideon, Valley — PETITIONER
(Your Name)

VS.

The State of Texas — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Court of Criminal Appeals of Texas
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Riggin, Gideon, Valley #2105544
(Your Name)

Nest Unit, 9055 Spur 581
(Address)

Amarillo, Texas 79107
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

In this case Petitioner Rogan Gideon Valle raises Structural Defect Claim where he was denied complete assistance of counsel.

This case arose from Parker County, Texas where Petitioner was arrested on a Parole Blue Warrant, and Drugs were subsequently found in his vehicle. However, the Parole Blue Warrant stemmed from a prior arrest in Coleman County, Texas and the charging officer there committed perjury in order to influence the Grand Jury. But, since the Parker County, Texas, case was tried prior to the Coleman County, Texas, case, the trial lawyer there could not have known of the perjured statement in the Coleman County, Texas, case that triggered the (defective) Parole Blue Warrant which resulted in Structural Defect, a complete denial of Counsel.

Petitioner raised the issue with trial Counsel in Coleman County, Texas, and counsel there was also ineffective which led the petitioner to raise issue with the trial judge, and trial judge basically vouched for trial counsel which led petitioner to enter into involuntary plea to avoid mistaken verdict.

After entry of "involuntary plea" petitioner acquired evidence of the perjured statement from the charging officer in Coleman County, Texas and promptly filed for "State" writs of Habeas Corpus in Both Countys since the perjured statement would vitiate both convictions and the defective Parole Blue Warrant which was relied on by Parker County, Texas and would show Structural Defect there. However Coleman County, Texas delayed the filing with "CCA" and as a result "CCA" denied the Parker County, Texas, Application which this instant petition concerns.

The Question Presented is whether CCA of Texas erroneously denied Application No. WR-91,216-01 by not addressing the Coleman County, Texas Application before said Application (No. WR-91,216-01, Parker County, Texas, Case No. CR17-0124-01) since the Structural Error stems from the Coleman County, Texas, Case, and would determine whether Structural Error occurred in the first place that would affect the instant case in this petition? (Coleman County Case [No 2913] is "WR-91,216-03" in CCA at this moment)

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:

RELATED CASES

- *The State of Texas v. Riggm Gideon Valle y*, Court no 415th in Parker County, Texas, Case No - CR17-0124-01, Judgement entered 09/21/17.
- *Ex parte Riggm Gideon Valle y*, Court no 415th in Parker County, Texas, Case No - CR17-0124-01 Order entered 04/21/20.
- *Ex parte Riggm Gideon Valle y*, CCA of Texas, WR-91,216-01, Denied without Written Order 7/15/2020

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OTHER

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,
~~XX~~ is unpublished.

The opinion of the Court No 415th, Parker County, Texas, District court appears at Appendix B to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
~~XX~~ 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 7/15/2020.
A copy of that decision appears at Appendix 4.

☒ A timely petition for rehearing was thereafter denied on the following date: 7/31/2020, and a copy of the order denying rehearing appears at Appendix C.

☐ 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

This case involves the Texas Constitution Article 7 § 10 which provides that no person shall be convicted in Texas without competent counsel or/and Due Course of law.

Also, Texas Constitution Article IV § 8 which provides proper remedy through writ of Habeas Corpus.

In this case Structural Defect caused Petitioner to lose right to Competent Counsel and Due Course of law and since the Structural Defect Stemmed from a prior case in a different County, the writ Application for Habeas Corpus was sabotaged when that different County delayed in filing its application with CCA of Texas.

STATEMENT OF THE CASE

In the instant case, the CCA of Texas denied relief for a claim of Structural Defect, Complete Denial of Counsel.

Counsel was unable to argue the instant case because this case was tried first and a case in another County was still pending, and new evidence shows that the charging officer committed perjury in his Complaint to the Grand Jury in order to influence a conviction. See Attachment. (Complaint and incident report differ, Complaint states drugs were found in vehicle, but incident report states drugs were outside).

As a result petitioner was denied his rights under Texas Constitution Article I §10 which guarantees Competent Counsel pursuant to Strickland v. Washington, 448 U.S. 668 (1984) and his Due Course of law rights as well.

After the new Evidence was acquired and Applications for Writs of Habeas Corpus filed, the County where the Structural Defects originated delayed its filing with CCA of Texas, and CCA denied relief in this instant case because no evidence of proof was presented yet.

The perjured statement triggered a Purple Blue Warrant which Parker County, Texas, relied on to justify the subsequent findings of drugs but, the Warrant was defective, and Counsel could not have known until the case in Coleman County was tried, but Counsel there did not investigate either.

And now that Coleman County, Texas, finally filed the Application with CCA of Texas this case needs to be reviewed after the findings in that case otherwise the purpose of the Writ of Habeas Corpus would be defeated and the case undermined by not seeing the case where the Structural Defect originated from first.

REASONS FOR GRANTING THE PETITION

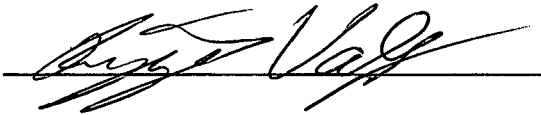
This case falls under Rule 10(b) of the Supreme Court Rules and the CCA of Texas Erred in Denying Relief due to the fact that the claim in this case stems from a case in a different County but, this claim was reviewed before the other claim. That caused an error in itself.

CONCLUSION

For the reasons stated above,

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: aug, 20, 2020