

20-5642

No. \_\_\_\_\_

ORIGINAL

Supreme Court, U.S.  
FILED

JUL 23 2020

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

*In re* CHRIS WOOTEN — PETITIONER  
(Your Name)

vs.

Horie Davis - Doct-AD — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S.D.C. ABILENE DIV. NO. 7 DIST.

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

CHRIS WOOTEN #2089854  
(Your Name)

810 FM 2821  
(Address)

Huntington, TX. 77349  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

RECEIVED  
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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1. Review Improper use of PRIOR MISDEMEANOR OFFENSES WHERE THE COURT FAILED TO APPOINT COUNSEL AND DEFENDANT WAS SENTENCED TO BAIL. 49.09 SWIGENMENT.
2. THE STATE of TEXAS "UN-CONSTITUTIONAL STATUTE", Penal Code 49.-49.09. as "VAGUE AND IMBIEGOUS" ALLOWING UN-CONSTITUTIONAL PRIOR MISDEMEANOR D.W.I.'S AS ENHANCEMENT TO A FELONY.
3. TEXAS UN-CONSTITUTIONAL PROCEDURE IN APPOINTING INDIGENT PRISONERS COUNSEL AT BAIL HEARING, DENYING THE APPOINTMENT, THEREOF.
4. FEDERAL CTS. FAILURE TO FORGIVE (AEDPA) EVEN AFTER PROOF OF AN INVOLUNTARY, UN-KNOWING, UN-INTELLIGENT PLEA AND JURISDICTIONAL CLAIM MISDEMEANOR v FELONY.

7/20/20

AM

## 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:

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TABLE OF AUTHORITIES CITED

CASES

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 CUVLER v. SULLIVAN 448 U.S. 355, 100 F.3d 1708 (1980)  
 WILSON (STATE VS.) 324 F.3d 595 (2010)  
 DRETKO v. HALEY 541 U.S. 386, 394 (2004)  
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 EVITS v. LUCY 105 F.3d 835 (1985)  
 ROE v. BLORES-BARTEGA 528 U.S. 470-478 (2000)

STATUTES AND RULES

Tx. R. CIVIL PRO. 18b)(2) RECUSAL-JUDGE  
 Tx. C.C.P. 30.01 CAUSE OF DISQUALIFICATION.  
 Tx. C.C.P. 1.051 RIGHT TO COUNSEL.  
 Tx. C.C.P. 26.04 PROCEDURE FOR APPOINTING  
 COUNSEL.  
 PENAL § 49.04. D.W. I.  
 § 49.09 ENHANCED OFFENSES & PENALTIES.

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 A to the petition and is

[ ] reported at 5 Cir 1979-11059; 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 AB, 1ere DIV. NortH Dkt.; 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,  
[ ] is unpublished.

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 7/7-9/2020.

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: 7/9/20, and a copy of the order denying rehearing appears at Appendix A.

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).

*yes KHR*

For cases from **state courts**:

The date on which the highest state court decided my case was \_\_\_\_\_. A copy of that decision appears at Appendix \_\_\_\_\_.  
*—PDR—*

A timely petition for rehearing was thereafter denied on the following date: 7/26/20, and a copy of the order denying rehearing appears at Appendix A.

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).

*yes KHR*

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

6<sup>TH</sup> AM. DUE PROCESS - FAILURE TO  
APPOINT COUNSEL. 14<sup>TH</sup> AM U.S.C.

8<sup>TH</sup> AM - UNUSUAL PUNISHMENT

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STATEMENT OF THE CASE

(P) WOOTEN HAS REQUESTED APPOINTMENT OF COUNSEL SINCE AUGUST 29<sup>TH</sup>, 2016 AT TRIAL CT., 111<sup>TH</sup> DIST. CO.A., TX EASTLAND, TX., TX. CT. O.C. M. APPEALS, USDC, ABILENE, AND 5<sup>TH</sup> CIR COA., N.O., LA., TO NO AVAIL.

TITLE 18§3606 GUARANTEES THIS  
W/ 41<sup>ST</sup> N-16<sup>TH</sup> AM. U.S.C.

(P) HAS DAMAGE TO HANDS FROM  
EXCESSIVE HAND RESTRAINTS (CUFFS)  
FROM HOWARD COUNTY, TX., TO TOCUS-  
CID, BEING TRANSPORTED FROM  
BIG SPRING, TX. TO ABILENE TO  
HUTTSVILLE BACK TO ABILENE THEN  
AMARILLO, PAMP, LUBBOCK TX. TECH-  
MEDICAL, AMARILLO, PAMP, BACK TO  
AMARILLO, SAYLER, BACK TO NOW  
HUTTSVILLE TRUSTY CAMP.

Please Forgive Shortness of Writ  
FOR CORRIDI TUNNEL - DISTRESSED HANDS,  
WRIST - N - FINGER DAMAGE.

The 5<sup>TH</sup> CIR. SHOULD HAVE ALL  
RELATIVE PAPER WORK UPON REVIEW.

FILED 7/20/20

Respectfully  
KM

REASONS FOR GRANTING THE PETITION

TRIAL JUDGE YEATS 118<sup>TH</sup> DIST.  
HOWARD COUNTY (NOW SELF-REMOVED),  
SUPPOSEDLY, HAS A "CONFLICT-OF-  
INTEREST WITH (P) Wooten's Defense ATTORNEY,  
RICK HAMBY. BOTH WERE PROSECUTORS FOR  
HO/CO. FROM 1978-1998. JUDGE YEATS  
WAS PROSECUTING ATT. ON P'S) 1983 DWI  
NOW INVALIDATED BY TX. A/GENERAL  
MURRAY CORRA HANNA PER USDC # 1019-CV-  
80157-H.

USDC JUDGE COMMINGS IS NOW  
REPLACED W/JUDGE HENDRICK IN ABILENE.  
# 1317-CV-00418-C WAS SEVERED TO 1-19-CV-157.

P) Wooten REQUEST THE SUPREME CT. U.S.  
TO VACATE & REMAND, INFORM TEXAS  
CTS TO STOP USING UNCONSTITUTIONAL  
PRIOR MSDMN DWI'S TO ENHANCE  
AND TO APPOINT COUNSEL AT EVERY  
STAGE OF PROCEEDINGS IF INIDGONY IS  
PROVED. RESPECTFULLY, CHRIS Wooten  
"CHASE"

7/10/20

7/20/20

CHRIS Wooten

FEDERAL HABEAS RELIEF IS MERITED  
WHERE STATE CT. DECISION IS BOTH  
"INCORRECT" AND "OBJECTIVELY  
UNREASONABLE". DRAUGAON V DRETKE,  
427 F3D 286 (8TH CIR. 2009), CANTU V  
THALER 632 F3D 157 (2011).  
BUCK V DAVIS 137 S CT. 799 (2017)  
(I.A.C.) CLAIM, MADE CLEAR, "TO UNDERMINE  
CONFIDENCE IN THE OUTCOME, EQUAL  
TO "DEFICIENT PERFORMANCE". PRESUMED PREJUDICE.

CONCLUSION A/H

ALL PAPERWORK SENT TO 5TH CIR.  
NO COPY MACHINE IN TRIPER INMATES. AND  
The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: JULY 20, 2020