

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 CHARLY WOOTEN — PETITIONER  
(Your Name)

vs.

LOUISIANA-TOGETHER — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S.D.C. ABILENE DIV. NORTHERN DIST.  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

CHARLY WOOTEN #2089854  
(Your Name)

810 FM 2821  
(Address)

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

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

RECEIVED

AUG - 4 2020

OFFICE OF THE CLERK  
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 JAIL. 49.09 DWI ENHANCEMENT.
2. THE STATE OF TEXAS "UN-CONSTITUTIONAL STATUTE," PENAL CODE 49.-49.09. AS "VAZUE AND AMBIGUOUS" ALLOWING UN-CONSTITUTIONAL PRIOR MISDEMEANOR D.W.I.'S AS AN 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

### PAGE NUMBER

ROTHGERRY v GILLESPIE CO., TX., 554 U.S. 191 (2008)  
CUTLER v SULLIVAN 446 U.S. 355, 100 F.2d 1708 (1980)  
WILSON (478 Te vs.) 324 F.W. 3d 594 (2010)  
DROTKO v HALEY 541 U.S. 386, 394 (2004)  
EX PARTE SPARKS 706 F.W. 3d 680 (2006)  
EX PARTE RICH 194 F.W. 7d 508  
EVITS v LUCY 105 F. CT. 835 1985  
ROE v FLORES-ORTEGA 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 5TH CIR #19-11059; 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 ABILENE DIV. NORT. DIST.; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

☐ For cases from **state courts**:

ALL in ABILENE USDC or 5TH CIR RECORDS.  
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 [Signature]

☐ 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 \_\_\_\_\_.

☒ — P D R —  
A timely petition for rehearing was thereafter denied on the following date: 2/26/20, 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 \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

yes [Signature]

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

STATEMENT OF THE CASE

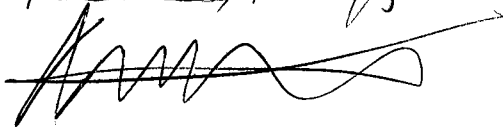
(P) WOOTEN HAS REQUESTED APPOINT-  
ment of Counsel since AUGUST 29<sup>TH</sup>,  
2016 at TRIAL CT., 11<sup>TH</sup> DIST. COA., TX  
EASTLAND, TX., TX. CT. O. CRIM. APPEALS, USDC,  
ABILENE, AND 5<sup>TH</sup> CIR COA., N.O., LA.,  
TO NO AVAIL.

TITLE 18 § 3006 GUARANTEES THIS  
W/ 4<sup>TH</sup> N-16<sup>TH</sup> AMS. U.S.C.

(P) HAS DAMAGE TO HANDS FROM  
EXCESSIVE HAND RESTRAINTS (CUFFS)  
FROM HOWARD COUNTY, TX., TO TDCU-  
CID, BEING TRANSPORTED FROM  
BIG SPRING, TX. TO ABILENE TO  
HUNTSVILLE BACK TO ABILENE then  
AMARILLO, PAMPA, LUBBOCK TX. Tech-  
medical, AMARILLO, PAMPA, BACK TO  
AMARILLO, SNYDER, BACK TO NOW  
HUNTSVILLE TRUSTY CAMP.

PLEASE FORGIVE SKETCHES OF WRIT  
FOR CARPAL TUNNEL - DISTRESS HANDS,  
WRIST - w- FINGER DAMAGE.

THE 5<sup>TH</sup> CIR. SHOULD HAVE ALL  
RELEVANT PAPER WORK UPON REVIEW.

Filed 7/20/16 ~~Respectfully~~  


REASONS FOR GRANTING THE PETITION

TRIAL JUDGE YELTS 118<sup>TH</sup> DIST.  
HOWARD COUNTY (NOW SELF-RECUSED),  
SUPPOSEDLY, HAS A "CONFLICT-OF-  
INTEREST WITH (P) WOOLLEN'S DEFENSE ATTORNEY,  
RICK HAMBY. BOTH WERE PROSECUTORS FOR  
HO/CO. FROM 1978-1998. JUDGE YELTS  
WAS PROSECUTING ATT. ON P'S) 1983 DWI  
NOW INVALIDATED BY TX. A/GEN. C. L.  
MAY. ZAPPA HANA PER USDC # 1:19-CV-  
00157-H.

USDC JUDGE COMMINGS IS NOW  
REPLACED W/ JUDGE HENDRIX IN ABILENE.  
# 1:17-CV-00418-C WAS SEVERED TO 1-19-CV-157.

P) WOOLLEN REQUEST THE SUPREME CT. U.S.  
TO VACATE N- REMAND, INFORM TEXAS  
CTS TO STOP USING UNCONSTITUTIONAL  
PRIOR MSDMNR DWI'S TO ENHANCE  
AND TO APPOINT COUNSEL AT EVERY  
STAGE OF PROCEEDINGS IF INDIGENCY IS  
PROVED. Respectfully,

FILED:

7/20/20

CHRIS WOOLLEN  
"PROSE"

FEDERAL HABEAS RELIEF IS MERITED  
WHERE STATE CT. DECISION IS BOTH  
"INCORRECT" AND "OBJECTIVELY  
UNREASONABLE" DRAUGHON V DRETKE,  
427 F3D 286 (5TH CIR. 2009), CARTU V  
THALER 632 F3D 157 (2011).  
BUCK V DAVIS 137 S. CT. 759 (2017)  
(I.A.C.) CLAIM, MADE CLEAR, "TO UNDERMINE  
CONFIDENCE IN THE OUTCOME, EQUAL  
TO "DEFICIENT PERFORMANCE". PRESUMED PREJUDICE.

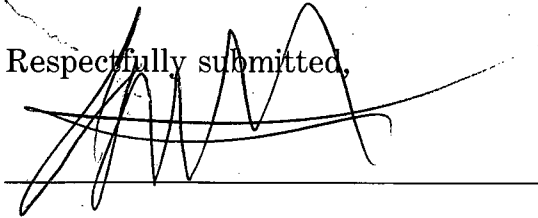
CONCLUSION ~~AM~~

ALL PAPERWORK SENT TO 5TH CIR.

NO COPY MACHINE IN TRIPER INMATES. ~~AM~~

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: JULY 20, 2020