

No. 21-6168 ORIGINAL

Supreme Court, U.S.
FILED

SEP 20 2021

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

VANCE L. WHITE ^{PRO-SE} PETITIONER
(Your Name)

vs.

BOBBY LUMPKIN — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS 5TH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

VANCE L. WHITE

(Your Name)

JESTER-3 UNIT 3 JESTER Rd.
(Address)

RICHMOND, TEXAS - 77406
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

DID JUDGE KRISTIN M. GUINEY VIOLATE APPRENDI STRICTURES WHEN SHE ADDED TWO AGGRAVATORS THAT WAS NOT PART OF THE INDICTMENT?

DID JUDGE KRISTEN M. GUINEY VIOLATE THE STRICTURES OF BLAKELY VS. WASHINGTON, 542 U.S. 296 [2004] SELF INCRIMINATION?

DID TRIAL ATTORNEY TED R. DOEBBLER VIOLATE THE STRICTURES OF JAE LEE VS. UNITED STATES JUNE 23, 2017 CASE NUMBER 16-327] PREJUDICE PRONG IS AGGRAVATED ASSAULT WITH A DEADLY WEAPON AN ELEMENT OR A SENTENCING CONSIDERATION

DID JUDGE KRISTIN M. GUINEY DIRECT A VERDICT?

DID TRIAL ATTORNEY TED R. DOEBBLER VIOLATE THE STRICKLAND RULE? WHEN HE FAILED TO OBJECT TO THE SENTENCE IMPOSED UPON VANCE L. WHITE?

DID JUDGE GUINEY VIOLATE THE STRICTURES OF TUMNEY VS. OHIO, 273 U.S. 510 [1927] AS BEING A BIASED JUDGE

DID JUDGE GUINEY VIOLATE THE STRICTURES OF TAYLOR VS. HAYES, 418 U.S. 488 [1974] JUDICIAL BIAS BY THE JUDGE?

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

VANCE L. WHITE VS. BOBBY LUMPKIN,
CIVIL ACTION NUMBER 4:20 CV-3883
UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS,
JUDGEMENT ENTERED JULY 09, 2021

VANCE L. WHITE VS. BOBBY LUMPKIN NO. 21-20382
UNITED STATES COURT OF APPEALS FOR THE
FIFTH CIRCUIT, JUDGEMENT ENTERED AUGUST,
24, 2021.

UNITED STATES SUPREME COURT
VANCE L. WHITE VS. BOBBY LUMPKIN
DATE OF JUDGMENT?

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OTHER	
SECTION 12.42 (E) TEXAS PENAL CODE C, SUPP. (2012) ONLY REGULAR FELONIES CAN BE USED TO ENHANCE OFFENSES DESIGNATED BY SECTION 12.42 (B) (C) OR (D).	

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 CASE DISMISSED; 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 CASE DISMISSED W/ PREJUDICE; 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 C to the petition and is

reported at DENIED WITHOUT ORDER; 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 AUGUST 24, 2021.

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: NA, and a copy of the order denying rehearing appears at Appendix NA.

An extension of time to file the petition for a writ of certiorari was granted to and including NA (date) on NA (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 _____. A copy of that decision appears at Appendix _____.

A timely petition for rehearing was thereafter denied 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. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

AMENDMENT-V [INDICTMENT]

PROVISIONS CONCERNING PROSECUTION
AND DUE PROCESS OF LAW.

AMENDMENT-V

NO PERSON SHALL BE COMPELLED IN ANY
CRIMINAL CASE TO BE A WITNESS AGAINST
HIMSELF.

AMENDMENT-VI

TO BE INFORMED OF THE NATURE AND CAUSE OF
THE ACCUSATION.

AMENDMENT-VI

ASSISTANCE OF COUNSEL FOR HIS DEFENCE
EFFECTIVE ASSISTANCE OF COUNSEL.

AMENDMENT-XIV

NOR SHALL ANY STATE DEPRIVE ANY PERSON OF
LIFE, LIBERTY OR PROPERTY, WITHOUT DUE-PROCESS
OF LAW.

AMENDMENT-XIV

NOR DENY TO ANY PERSON WITHIN ITS
JURISDICTION THE EQUAL PROTECTION
OF THE LAWS.

TEXAS CODE OF CRIMINAL PROCEDURE
SECTION 12.42 (E)

STATEMENT OF THE CASE

ON NOVEMBER 05, 2015 ATTORNEY TED R. DOEBBLER
LET ME PEA BARGIN TO A SECOND DEGREE
FELONY FOR AGGRAVATED ASSAULT WITH A
DEADLY WEAPON. AFTER I DISCOVERED
THE "TEXAS" TEXAS LEGIS. AMENDED THE
ON NOVEMBER 27, 1990" IN CASE NO. 0581235,
IN THE 209TH DISTRICT COURT OF HARRIS COUNTY,
TEXAS THE PETITIONER WAS CONVICTED OF THE
OFFENSE OF POSSESSION OF A CONTROLLED
SUBSTANCE UNDER 1 GRAM. PETITIONER NOW
SHOWS THE COURT THAT - IN 1997, THE TEXAS
LEGISLATURE AMENDED TEXAS PENAL CODE
ANN. 12.42 AFTER THE PETITIONER'S CON-
VICTION. THE SENTENCE IMPOSED UPON
PETITIONER EXCEEDED STATUTORY AUTHO-
RITY IN EFFECT AT THE TIME.
THIS THE PREDICATE OFFENSE FOR AN
ENHANCED SENTENCE AS AN ARMED CAREER
CRIMINAL.

STATEMENT OF THE CASE

ATTORNEY TED R. DOEBBLER DID NOT INVESTIGATE MY CASE IF HE WOULD HAVE HE WOULD HAVE DISCOVERED THAT THIS CONVICTION IS TWO YEARS OVER THE STATUTORY MAXIMUM AND THE JUDGE VIOLATED APPRENDI. THE PETITIONER UANCE L. WHITE DID NOT STIPULATE THAT HE WOULD LET THE JUDGE FIND THE ENHANCEMENT PARAGRAPHS TRUE IN THE PLEA AGREEMENT. TED R. DOEBBLER FAILED TO OBJECT TO JUDGE KRISTIN M. GUINEY. JUDGE GUINEY DENIED THE PETITIONER EFFECTIVE ASSISTANCE OF COUNSEL AND A FAIR TRIAL" WHERE IT WAS CLEAR JUDGE KRISTIN M. GUINEY MADE UP HER MIND AT THE START THAT UANCE L. WHITE WAS GUILTY. PETITIONER UANCE L. WHITE NEVER ONCE ADMITTED TO A SINGLE ELEMENT OF THE CRIME CHARGED IN THE INDICTMENT.

STATEMENT OF THE CASE

THE INDICTMENT STATED THAT VANCE L. WHITE SHOT ALLEGED VICTIM MAURICE FITZGERALD. THE STATE OF TEXAS NEVER PRODUCED THE ALLEGED VICTIM OR ANY OTHER COMPETENT CREDIBLE EVIDENCE" THAT PETITIONER VANCE L. WHITE EVEN COMMITTED THIS CRIME. PETITIONER WAS TOLD BY HIS TRIAL ATTORNEY, THAT IF HE WENT TO A JURY TRIAL THAT HE WOULD GET A LIFE SENTENCE HE LET HIS CLIENT, PLEA BARGAIN TO A SECOND DEGREE FELONY" WHEN THE CHARGE WAS A THIRD DEGREE FELONY POSSESSION OF A CONTROLLED SUBSTANCE LESS THAN ONE GRAM IS-A STAT JAIL FELONY" NOT ENHANCE-ABLE.

ATTORNEY TED R. DOEBBLER FAILED TO ADVOCATE FOR HIS CLIENT, VANCE L. WHITE. HE LET HIS CLIENT, VANCE L. WHITE PLEA BARGAIN TO-A TWELVE YEAR PRISON SENTENCE? THE STATUTORY MAXIMUM IS STILL NOW TEN YEARS IF PROVEN FOR AGGRAVATED ASSAULT WITH A DEADLY WEAPON.

STATEMENT OF THE CASE

RELATED TEXAS COURT OF CRIMINAL APPEALS RELATED CASES, ON ENHANCEMENTS SECTION 12.42.

IN BECK VS. STATE, NO.-09-95-378 CR. [1997] TEXAS APPEALS LEXIS 1752 [TEXAS APPEALS BEAUMONT APRIL 02, 1997] DEFENDANT WAS CONVICTED OF DELIVERY OF A CONTROLLED SUBSTANCE" DANGEROUS DRUG PURSUANT TO TEXAS HEALTH AND SAFETY CODE ANN. 483.042 AND AS BEING A HABITUAL FELONY OFFENDER PURSUANT TO - TEXAS PENAL CODE ANN. 12.42], BECAUSE THE LEGISLATURE AMENDED TEXAS PENAL CODE ANN 12.42 AFTER THE DEFENDANT'S CONVICTION." THE SENTENCE IMPOSED UPON DEFENDANT EXCEEDED STATUTORY AUTHORITY IN EFFECT AT-THE TIME, DEFENDANT'S SENTENCE" COULD NOT HAVE BEEN ENHANCED BECAUSE HE DID NOT COMMIT A STATE JAIL FELONY UNDER THE CIRCUMSTANCES DESCRIBED IN TEXAS PENAL CODE ANN. 12.35 AS REQUIRED.

STATEMENT OF THE CASE

STATE JAIL FELONY ENHANCEMENTS
IN EX-PARTE MILLER, 921 S.W.2d 239
[1996] TEXAS CRIMINAL APPEALS LEXIS-57
[57], TEXAS CRIMINAL APPEALS,] MAY 08, 1996
APPLICATION FOR WRIT OF HABEAS CORPUS
WAS [GRANTED] WHERE APPLICANTS SEN-
TENCE" OF 25 YEARS EXCEEDED THE
STATUTORY MAXIMUM" FOR POSSESSION
OF COCAINE OF LESS THAN ONE GRAM
AND WAS UNLAWFUL AT-THE TIME THAT
APPLICANT COMMITTED THE OFFENSE A
STATE JAIL FELONY COULD NOT BE
ENHANCED UNDER TEXAS PENAL CODE
ANN. 12.42

[KNIGHT VS. STATE - 91 S.W.3d - 418 [2002]
TEXAS APPEALS, LEXIS-7947 [TEXAS APPEALS
WACO, TEXAS NOVEMBER 06, 2002] NO-PETITION
THE DEFENDANT'S PUNISHMENT FOR HIS
CONVICTION" OF CONVICTION OF DELIVERY
OF LESS THAN 1 GRAM OF COCAINE BY
OFFER TO SELL [WAS IMPROPER WHERE
TEXAS PENAL CODE ANN. 12.42 (A)(1) DID
NOT PROVIDE FOR ENHANCE MENT FOR A
NON AGGRAVATED STATE JAIL FELONY ONLY
ONE PRIOR NON AGGRAVATED STATE JAIL
FELONY CONVICTION.

REASONS FOR GRANTING THE PETITION

PETITIONER UANCE L. WHITE IS ANOTHER VICTIM OF TEXAS JUSTICE SYSTEM THAT TAKE PEOPLE WITH PRIOR CONVICTIONS AND THEN-THEY OVER CHARGE A PERSON TO-OBTAI^N AN ADVANTAGE. BLACKSTONE PARALEGAL STUDIES HAS A DEFINITION FOR THAT IT'S CALLED FRAUD BAD FAITH, DIS-HONESTY, UNFAIRNESS, ANY FORM OF MIS-REPRESENTATION, TRICKERY, CONCEALMENT, OR CUNNING. JUDGE KRISTIN M. GUINEY CHANGED THE INDICTMENT THEREBY VIOLATING 6" PLEA BARGAIN RULES. THE ONLY PERSON THAT CAN AMEND AN INDICTMENT IS THE GRAND JURY. UANCE L. WHITE IS FACTUALLY INNOCENT" OF THE CHARGES. ESTABLISHED FEDERAL LAW SAYS SO. IN- GODFREY VS. GEORGIA, 496 U.S. 420 [UNCONSTITUTIONALLY VAGUE [1980]

[IN-RICHMOND VS. LEWIS, 506 U.S. 40 [1992]. IN-A STATE WHERE THE JURY MUST "WEIGH" OR BALANCE AGGRAVATING AND MITIGATING FACTORS TO DETERMINE WHICH [PREVAIL] IT-IS CONSTITUTIONAL ERROR TO GIVE WEIGHT TO UNCONSTITUTIONALLY" VAGUE AGGRAVATING FACTOR, EVEN- IF OTHER VALID FACTORS ARE PRESENT.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Vance L. White

Date: SEPTEMBER 10, 2021