

No. 21-6168 **ORIGINAL**

Supreme Court, U.S.
FILED

SEP 20 2021

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

UANCE 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

UANCE 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 APPENDIX STRICTURES WHEN SHE ADDED TWO AGGRAVATORS THAT WAS NOT PART OF THE INDICTMENT?

DID JUDGE KRISTIN 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 16-3277 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 TUMEY 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

UANCE 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

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

UNITED STATES SUPREME COURT
UANCE L, WHITE VS, BOBBY LUMPKIN
DATE OF JUDGMENT?

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APPENDIX B	UNITED STATES DISTRICT COURT PETITION DISMISSED WITH PREJUDICE, JULY 09, 2021
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TABLE OF AUTHORITIES CITED

CASES

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JAE LEE VS. UNITED STATES, [JUNE 23, 2017]	2
NO. 26-327] PREJUDICE PRONG.	
JONES VS. STATE, 526 U.S. 227 [1999]	2
MASSARO VS. UNITED STATES, 538 U.S. 500 [2003]	2
MITCHELL VS. UNITED STATES, 526 U.S. 314 [1999]	2
NEDER VS. UNITED STATES, 527 U.S. 1 [1999]	2
STRICKLAND VS. WASHINGTON, 466 U.S. 668, 695 [1984]	2

STATUTES AND RULES

28 U.S.C. 2241 POWER TO GRANT WRIT	
28 U.S.C. 2247 DOCUMENTARY EVIDENCE	
28 U.S.C. 2249 CERTIFIED COPIES OF INDICTMENT	
PLEA AND JUDGMENT, DUTY OF RESPONDENT.	
TEXAS HEALTH AND SAFETY CODE SECTION 12.42	
UNDER SECTION 12.42 STATE JAIL FELONY CAN-	
NOT BE FURTHER ENHANCED AS A REGULAR	
FELONY AND MOTION TO QUASH SHOULD BE	
GRANTED, THESE ARE THE RULES UNDER SECTION 12.42	

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 DISMISSE 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 PLEA BARGAIN 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. 22.42 AFTER THE PETITIONER'S CONVICTION. THE SENTENCE IMPOSED UPON PETITIONER EXCEEDED STATUTORY AUTHORITY 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 APPENDI. 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 ENHANCE-
MENTS 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 LEGIS-
LATURE AMENDED TEXAS PENAL CODE
ANN 12.42 AFTER THE DEFENDANTS CON-
VICTION." THE SENTENCE IMPOSED UPON
DEFENDANT EXCEEDED STATUTORY AUTHORITY
IN EFFECT AT-THE TIME. DEFENDANTS SEN-
TENCE" 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, 927 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 DEFENDANTS 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 ENHANCEMENT FOR A
NON AGGRAVATED STATE JAIL FELONY ONLY
ONE PRIOR NON AGGRAVATED STATE JAIL
FELONY CONVICTION.

REASONS FOR GRANTING THE PETITION

PETITIONER VANCE L. WHITE IS ANOTHER VICTIM OF TEXAS JUSTICE SYSTEM THAT TAKE PEOPLE WITH PRIOR CONVICTIONS AND THEN THEY OVER CHARGE A PERSON TO OBTAIN AN ADVANTAGE. BLACKSTONE PARALEGAL STUDIES HAS A DEFINITION FOR THAT IT'S CALLED FRAUD BAD FAITH, DISHONESTY, UNFAIRNESS, ANY FORM OF MISREPRESENTATION, TRICKERY, CONCEALMENT, OR CUNNING. JUDGE KRISTIN M. GULNEY CHANGED THE INDICTMENT THEREBY VIOLATING "PLEA BARGAIN RULES. THE ONLY PERSON THAT CAN AMEND AN INDICTMENT IS THE GRAND JURY VANCE L. WHITE IS FACTUALLY INNOCENT" OF THE CHARGES. ESTABLISHED FEDERAL LAW SAYS SO. IN - GODFREY VS. GEORGIA, 446 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.]

⑤

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Vance L. White

Date: SEPTEMBER 10, 2021