

21-6877

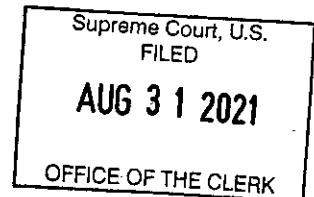
No.

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

W06-68452W(A)



Alisha Dawn Aldridge — PETITIONER  
(Your Name)

vs.

State of Texas — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Alisha Dawn Aldridge #1445668  
(Your Name)

William P. Hobby Unit 742 FM 712  
(Address)

Marlin, Tx 76661  
(City, State, Zip Code)

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

QUESTION(S) PRESENTED

Ineffective Counsel:

Did Counsel fully Advocate for his Client?

Ineffective Counsel / Due Process:

Why did Counsel not Challenge State witnesses testimony?

Ineffective Counsel / Due Process:

Why did Counsel not independently investigate for his client?



## 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:

Appellant: Alisha Dawn Aldridge #1445668

Appellee: Craig Watkins, Dallas County Criminal District Attorney

Presiding Trial Judge: Tracy F. Holmes

Defense Trial Counsel: Roger Haynes

Trial Prosecutor: Kevin Harris (case-in-chief)  
Andy Beach (voir dire)

Appellate Counsel: April E. Smith

Assistant District Attorney: Russell J. Anderson Jr., 24094349

Finder of Facts: Bruce Anton

## RELATED CASES

State v. Aldridge - (Tex. R. App. P. 47 WL 3272146 2008)

Daubert v. Merrell Dow Pharmaceuticals Inc., 509 U.S. 579, 113 S. Ct. 2786, 125 L. Ed. 2d 469 (1993). Id. at 597, 593-494.

Eze v. Sankowski, 321 F.3d 110, 137-38 (2d Cir. 2003).

Martinez v. Kirkpatrick, 486 Fed Appx. 158, 161 (2d Cir. 2012)

Colo. v. Spring, 479 U.S. 564 (1987)

Siehl v. Grace, 561 F.3d 189, 197-98 (3d Cir. 2009).

DeLuca v. Lord, 77 F.3d 578

Schroeder v. State (App. C.C. 2003) 133 S.W.3d 654

Womble v. State (Cr. App. 1981) 618 S.W.2d 59 Homicide 504

Molitor v. State (App. 3 Dist. 1992) 827 S.W.2d 512 reversed

Dix and Dawson, 43 Tex. Prac. Series § 31.95

McCormick, Blackwell & Blackwell, 8 Tex. Prac. Series § 101.8

Patterson v. New York, U.S. N.Y. 1997, 97 S.Ct. 2319, 432 U.S. 197, 53 L. Ed. 2d 281.

(111)

## TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	II
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	III
STATEMENT OF THE CASE .....	IV
REASONS FOR GRANTING THE WRIT .....	V-VII
CONCLUSION.....	XI

## INDEX TO APPENDICES

APPENDIX A Summary of Correspondance and Supplements  
filed with Court of Criminal Appeals (Texas).  
7 pg

APPENDIX B Texas Public Information Act Response to Defendant's letter. Letter from Cindy Ballard, Paralegal. (a)(b)

APPENDIX C Letters, From Arlene Porter, victim's mother.  
Original Letters entered into Exhibits.  
Letter 1 (a)(b)(c) Letter 2 (a)(b)(c)

APPENDIX D Opinion from Texas Court of Criminal Appeals  
7 pg

APPENDIX E Letter from Susan Hawk regarding "professional negligence" on States Expert Witness.

APPENDIX F 1. Cf. ABA Standards for Criminal Justice  
2 pg.

(1)  
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 B to the petition and is

reported at Court of Crim App. of Texas ; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the Trial Court - WL3272146 (Tex.R.App.P.47) 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 \_\_\_\_\_.

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 \_\_\_\_\_.  
*(Handwritten note: 10/12/2021)*

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 August 4, 2021.  
A copy of that decision appears at Appendix D.

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 \_\_\_\_\_.  
*(Handwritten note: 10/12/2021)*

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

i  
i  
E

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S.C.A. 6,8,14

Tex. CCP 42.12

U.S.C.A. Const. Amend. 6; N.Y. McKinney's Penal Law § 125.25, subd. 1(a).

Vernon Ann. Texas CCP Art. 37.09  
Crim. Law 795 (2.1) (2.10)

Vernon Ann. C.C.P. art. 42.013

V.T.C.A., Penal Code § 6.03, "Criminal Negligence"  
"Recklessly" defined, See V.T.C.A., Penal Code § 6.03  
"Intentionally" defined, See V.T.C.A., Penal Code § 6.03

Chapter 19. Criminal Homicide Volume 2 p. 609  
Sec. 19.01 and 19.02

Manslaughter 19.04

Criminally Negligent Homicide 19.05

Tx. Jur. 3d Criminal Law § 304

Tx. Jur. 3d Criminal Law § 305

Tx. Jur. 3d Criminal Law § 306

Tx. Jur. 3d Criminal Law § 307

Tex. Code Crim. Proc. Art. 38.01 § 4(a)(3), 4-d(b).

37 Tex. Admin. Code § 651.5 - 651.7; and Tex.  
Code Crim. Proc. Art. 38.01 § 4-d(c)

Tex. Code Crim. Proc. Art. 38.35 § (d)(1).

( ~~1~~ )

**TABLE OF AUTHORITIES CITED**

CASES	PAGE NUMBER
Bonham v. State	P.4
Cain v. State	P.5
Clewis v. State	P.4
Jackson v. Virginia	P.4
Johnson v. State	P.5
Tibbs v. Florida	P.7
Turner v. State	P.4
Watson v. State	P.4,5

**STATUTES AND RULES**

Rule 702. Testimony by Expert Witnesses  
 Rule 703. Bases of an Expert Witness opinion Testimony  
 Rule 609. Impeachment by evidence of a Criminal Conviction  
 Art. VII Opinions and Expert Witnesses Rule 701. Lay Witnesses  
 545.05 Forfeiture Doctrine, Deceased victim's stmts used at trial  
 544.25 Expert opinion and Service not Sought by Counsel  
 425.20 Advice to withdrawl Plea agreement was bad.  
 Crim Law 641.13 (2d)  
 Matterson v. State (Cr. App. 1941) 142 Tex Crim. 250, 152 S.W. 2d 352, Homicide - 762  
 Burt v. State (Cr. App. 1940) 140 Tex. Crim. 410, 145 S.W. 2d 886  
 Criminal Law 304, 305, 306, 307, 4009  
 748.55 Pro Se Briefs to be interpreted less Stringently

**OTHER**

1. Cf. ABA Standards for Criminal Justice, Standard 4-4.1, at 4-53 (2d ed. Supp. 1986), entitled Duty to investigate.

## STATEMENT OF THE CASE

Aldridge was indicted for the first degree felony offense of murder, a violation of Tex. Pen. Code Ann. § 19.02 (b) (vernon 1994). (CR:2). Despite Aldridge's plea of not guilty, a jury found her guilty as charged. (CR:36; RR-3:23; RR-4:3). The jury assessed punishment at 65 years confinement in Texas Department of Criminal Justice - Institutional Division. (CR:43; RR-5:50). The Judge sentenced Aldridge accordingly. (CR:84-85; RR-5:51). Notice of Appeal was timely filed. (CR:89).

## REASONS FOR GRANTING THE PETITION

Issue No. 1: Trial Counsel Should have represented Client better by challenging State's witnesses. Defendant's trial transcript only consisted of 65 pages. Therefore, defendant feels as if no independent investigation was done on her behalf. Defendant feels outcome would have been different with proper investigations.

Issue No 2: Defendant received excessive sentence due to misadvice by trial counsel. Trial Counsel stated to defendant that She did what she did but didn't mean to do it, and She rejected 20 year plea bargain and took it to trial, and received 65 years.

Issue No.3: State's Expert witness from Southwestern Institute of Forensic Sciences in Dallas, Texas, Heather Thomas was found to be uncredible and She testified against me at my trial. I feel that her testimony contributed to my conviction of murder. There was no proof that weapon in question was even properly tested.

Issue No.4: Victim's Family does not believe that defendant meant to Shoot and Kill Brian Porter. Letters entered into evidence with 11-07.

I pray that my petition be granted.  
I also pray that my case be reversed  
and I'm granted a new trial.

#### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Alisha Dawn Aldridge

Date: November 19, 2021