

21-6877

No.

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

W06-68452W(A)

Supreme Court, U.S.
FILED

AUG 31 2021

OFFICE OF THE CLERK

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?

☒ 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)

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. Kinkpatrick, 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.

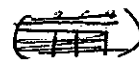


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APPENDIX B	Texas Public Information Act Response to Defend- ant's letter. Letter from Cindy Ballard, Paralegal. (a)(b) 7 pg
APPENDIX C	Letters. From Arlene Porter, victim's mother. Original Letters entered into Exhibits. Letter 1 (a)(b)(c) Letter 2 (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.
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(~~VI~~)

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 A 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.

~~(VII)~~

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 _____.

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 _____.

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

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11 11

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).



TABLE OF AUTHORITIES CITED

CASES

Bonham v. State
Cain v. State
Clewis v. State
Jackson v. Virginia
Johnson v. State
Tibbs v. Florida
Turner v. State
Watson v. State

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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 withdraw 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

4. 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 uncredit-able 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