

No: 01-7049.

IN THE
UNITED STATES SUPREME COURT
2021-2022
TERM

ARTHUR R. HOLLOWAY, JR.
Petitioner

v.

BOBBY LUMPKIN,
Respondent.

Petition for a Rehearing from a
decision of the United States
Supreme Court in Washington, D.C.
No: 01-7049.

PETITIONER'S PETITION FOR A REHEARING OF AN ORDER
DENYING PETITIONER'S PETITION FOR WRIT OF CERTIORARI

Arthur R. Holloway, Jr.
TLC #0303786
1660d Unit
3899 Hwy. 98
New Boston, Texas 75570
Pm 5e / Petitioner

JULY 16, 2022.

(I) QUESTION PRESENTED

Whether the United States Supreme Court has jurisdiction in accordance with *Coleman v. Thompson*, 511 U.S. 751 (1991), "No procedural principle is more familiar to the Federal courts than that a constitutional right may be forfeited in criminal cases by the failure to make a timely assertion of that right before a tribunal having jurisdiction to determine it." To address the "forgery" of Petitioner's State Habeas Corpus Brady claim, if the courts below, including the United States Supreme Court on Certiorari failed to address the issue of "forgery", if the forgery resulted in the Petitioner being "illegally restrained against his liberty for the remainder of his life," on Petition For Rehearing.

(i) CERTIFICATE OF INTERVENING CIRCUMSTANCES OF A SUBSTANTIAL OR CONTROLLING EFFECT OR TO OTHER SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED

In the case of Holloway v. Humphreys, Sup. Ct. No: 01-7049;

"The undersigned counsel of record certifies that the question... presented in this Petition is required under Sup. Ct. R. 4.4, and therefore presented herewith. This statement is made to certify that the issue presented involves "an intervening circumstance of a substantial or controlling effect or to other substantial grounds not previously presented."

Executed on: July 16, 2003.

Respectfully submitted,
 Arthur R. Holloway, Jr.
 TAC# 03037836
 Telford Unit
 3899 Hwy. 98
 New Boston, Texas, 75570
 Pro se / Petitioner

(III) LIST OF PARTIES TO THE PROCEEDINGS

Judgment Entered: May 28, 2001.
 Motivate Issue: June 21, 2001.
 Motion To Recall Motivate Denied: June 29, 2001.
 Motion To Stay Motivate Pending Certiorari Denied: June 29, 2001.
 Motion For Reconsideration And Rehearing En Banc Denied: July 26, 2001.

UNITED STATES DISTRICT COURT,
 SOUTHERN DISTRICT OF TEXAS
 THOMAS DIVISION

ARTHUR R. HOLLOWAY, JR. - Petitioner
 Bobby Humphreys - Respondent
 Civil Action No: 4-19-cv-01711.

UNITED STATES SUPREME COURT
 ARTHUR R. HOLLOWAY, JR. - Petitioner
 Bobby Humphreys - Respondent
 Sup. Ct. No: 01-7049.
 Judgment Entered: April 29, 2003.

FIFTH CIRCUIT COURT OF APPEALS,
 NEW ORLEANS, LOUISIANA

ARTHUR R. HOLLOWAY, JR. - Petitioner

Bobby Humphreys - Respondent
 5th Cir. No. 00-30357.

Judgment Entered: June 23, 2020.

PARTIES TO STATE HEARINGS
PROCEEDING IN TEXAS COURT
OF CRIMINAL APPEALS

Ex parte Holloway - Applicant
No. WR-89-013-01.

Judgment Entered: March 27, 2019.

PETITION FOR DISCRETIONARY REVIEW,
TEXAS COURT OF CRIMINAL APPEALS

Holloway v. State.

PAR No. PD-0313-17.

Judgment Entered: November 01, 2017.

DIRECT APPEAL TO THE FORTIETH
COURT OF APPEALS, THIRTY-SECOND TEXAS

Holloway v. State

COA No. 14-15-00973-CR.

Judgment Entered: November 01, 2017.

HARRIS COUNTY DISTRICT COURT
177th

Holloway v. State

Case No. 1392086.

Judgment Entered: November 19, 2015.

(IV) CITATIONS OF OFFICIAL AND UNOFFICIAL REPORTS OF DEPUTIES AND DRAGS
ENTERED IN THIS CASE

The following are citations of official and unofficial reports of opinions and orders entered in this case.

Holloway v. Holloway, Sup. Ct. No. 21,7049 (April 06, 2023) ("Order denying petitioners petition for a writ of certiorari").

Holloway v. Holloway, 5th Cir. No. 20-20337 (5th Cir. July 26, 2023) ("order denying motion for reconsideration and petition for a rehearing en banc").

Holloway v. Holloway, 5th Cir. No. 20-20337 (June 29, 2023) ("order denying motion to recall mandate; motion to stay mandate pending disposition of a petition for rehearing en banc and/or a writ of certiorari").

Holloway v. Holloway, 5th Cir. No. 20-20337 (June 29, 2023) ("Order granting extension of time to file a motion for reconsideration and petition for a rehearing en banc").

Holloway v. Holloway, 5th Cir. No. 20-20337 (June 21, 2023) ("mandate mandating denial of COA").

Holloway v. Humphrey, 5th Cir. No. 20-20357 (5th Cir. May 28, 2021) ("Order denying COA").
 Holloway v. Humphrey, 458 F.3d 1041 (5th Cir. 2014) ("Order denying petitioner's motion for summary judgment; denying COA sua sponte").
 Ex parte Holloway, No. WR-89, 613-01 (Tex. Crim. App. March 27, 2019) ("white card denial - denying state habeas application without written order or hearing on the findings of the trial court").

(V) BASIS OF JURISDICTION

The United States Supreme Court has jurisdiction under Sup. Ct. R. 44.2 and 28 U.S.C. § 1254 to review the denial of petitions. The Supreme Court had jurisdiction to consider Holloway's petition for a writ of Certiorari. The denial of Holloway's Certificate of Appealability ("COA") entered by the Fifth Circuit Court of Appeals in New Orleans, Louisiana ("Fifth Circuit") on May 28, 2021.

The Fifth Circuit had jurisdiction to issue the COA under the All Writs Act, 28 U.S.C. §§ 1651 and 1653(c).
 The United States District Court for the Southern District of Texas, Houston Division, had jurisdiction over this case under 28 U.S.C. § 1331 (Federal Question) and 28 U.S.C. 1341.

(VI) CONSTITUTIONAL PROVISIONS, TREATIES, STATUTES, ORDINANCES, AND REGULATIONS

STATUTES:

Article 11.07 of the Texas Code of Criminal Procedure (NIA).
 Article 11.071 of the Texas Code of Criminal Procedure (NIA).
 Sup. Ct. R. 130-19, 5, 6, 7.
 Sup. Ct. R. 10-19, 8, 9.

CASES:

Beauharnais v. Illinois, 343 U.S. 988 (1952)-pg. 7, 8, 9.

The Fourteenth District Court of Appeals in Houston, Texas, affirmed Holloway's judgment. Holloway v. State, No. 14-15-00970-CA, 2017 WL 1181315 (Tex. App. - Houston [14th Dist.] Mar. 30, 2017). Holloway filed a petition for discretionary review (MDR) with the Texas Court of Criminal Appeals in Austin, Texas (TCCA), but the TCCA refused...

The jury found Holloway guilty of Capital Murder on November 13, 2015. (XX. R. 615). The judge sentenced Holloway to confinement for life in the Texas Department of Criminal Justice - Institutional Division. (XX. R. 616). Notice of Appeal was given following sentence on November 13, 2015. (XX. R. 617-650). The trial court's certification of Holloway's right to appeal was filed on November 11, 2015. (XX. R. 618).

WEST STATEMENT OF CASE

Brady v. Maryland, 373 U.S. 83, 87 (1963) 79.7.
Brownfield v. Cain, 135 S. Ct. 2369 (2015) 79.3.
Coleman v. Thompson, 511 U.S. 475 (1994) 79.8, 9.
Cotchley v. Thaler, 586 F.3d 318, 301 (5th Cir. 2009) 79.1, 3, 4.
East v. Scott, 55 F.3d 996 (5th Cir. 1995) 79.4, 7, 8.
Ex parte Chandler, 183 S.W. 350, 353 (Tex. Crim. App. 2005) (FNL) - FNL.
Ex parte Jones, 97 S.W. 586 (Tex. Crim. App. 2007) 79.1, FNL 2, 3.
Ex parte Staley, 160 S.W. 3d 63 (Tex. Crim. App. 2005) - FNL 3, FNL 6.
Ex parte Thomas, 906 S.W. 2d 7 (Tex. Crim. App. 1995) - FNL.
Holloway v. Lumpkin, 2014 WL 1111 (Twe 30, 2014) 79.1, 2, 3, FNL 4.
Holloway v. Lumpkin, Sup. Ct. No. 21-7049 (April 24, 2021) 79.5, 6, 7, 8, 9.
Kearney v. Tanya Reyes, 504 U.S. 113 S. Ct. 1915 (1992) - FNL 7, FNL 7, 8.
McCluskey v. Zant, 499 U.S. 486 (1991) - FNL 7.
Miller v. Johnson, 200 F.3d 274, 4-6 (5th Cir. 2000) - FNL 4, 5, 6.
Secher v. Florida, 504 U.S. 539, 112 S. Ct. 2114 (1994) 79.5.
Wells v. Rushing, 760 F.2d 660, 661 (5th Cir. 1985) 79.8, 9.

Holloway's ADR. Holloway v. State, No. PB-0310-17 (Tex. Crim. App. Nov. 01, 2017). Holloway challenged his conviction by way of a "state habeas corpus... application" ("application" which the TCCA "denied without written order or hearing on the findings of the trial court" Ex parte Holloway, No. WR-89, 610-01 (Tex. Crim. App. Mar. 27, 2019).

Holloway filed a federal petition for a writ of habeas corpus on April 29, 2019 which Holloway amended on June 17, 2019, and the Federal District Court denied on June 23, 2020, the same date that same court denied Holloway's COA sua sponte. Holloway v. Lumpkin, USDC LSJL, Tex., No. 4:19-cv-01711 (June 23, 2020).

Holloway eventually filed a COA in the Fifth Circuit appealing the Federal District Court's denial of COA, which the Fifth Circuit denied on May 28, 2021. Holloway v. Lumpkin, 5th Cir. No. 20-00357 (5th Cir. May 28, 2021).

On August 19, 2021 Holloway filed a Petition for A Writ of Certiorari in the United States Supreme Court ("Supreme Court"), appealing the Fifth Circuit's denial of Holloway's COA, which the Supreme Court denied on April 07, 2022. Holloway v. Lumpkin, Sup. Ct. No. 21-7049 (April 07, 2022).

"Now Holloway presents this his Sup. Ct. R. 44.1 Petition for Rehearing of An Order Denying Holloway's Petition for A Writ of Certiorari."

(VII) STATEMENT OF FACTS

Despite Holloway presenting the "theory" of his allegations that his "state habeas application" ("application") had been "forged" in the "state habeas proceeding", resulting in the denial of Holloway's Brady claim, and Holloway, therefore being "illegally" restrained against Holloway's liberty for the remainder of...

Because this Court has jurisdiction under Sup. Ct. A. 44.3 to correct the "forged" application that all of the courts below "failed to correct, this Court should address the "forged" application, since absent said "forged" Brady claim the way would be left to establish his entitlement to relief.

Following a life, as a result of said "forgery", all of the Courts below including the Supreme Court on certiorari, continued to overlook the issue of "cause" and "prejudice" and erroneously applied the "presumption of correctness" to the state court's findings "opinions" despite said opinion, according to the following arguments in the... courts below, no longer being entitled to be presumed correct once the way established his entitlement to a "cause" and "prejudice" hearing ("erroneous hearing"), which resulted in adverse decisions in all of the courts below.

REASON FOR GRANTING THE PETITIONER'S PETITION FOR A REHEARING

The United States Supreme Court should grant Petitioner Arthur A. Holloway's Petition for Rehearing of an Order Denying Holloway's Petition for a Writ of Certiorari, because Holloway has presented the theory that his Brady claim had been "forged" to the State, Federal, and Supreme Courts and that Courts failed to address the forged Brady claim, resulting in Holloway being illegally held against his liberty for the remainder of his life.

This Court is encouraged to grant the Petition for Rehearing and Order briefing because:

"On October 31, 2018 Holloway disclosed to law library officials at the John B. Connally Unit (law library)... (1) a twenty-seven (27) page State Writ of Habeas Corpus Application; (2) a thirty-one (31) page Corresponding Memorandum of Law, which included a one-page (1) cover sheet, and five pages of content; and (3) twenty-nine pages (29) of records... a total of eighty-seven (87) pages (all to mail to the Harris County District Clerk's Office, Houston, Texas, which would have enabled the "state habeas court" to independently verify "the accuracy" of the Brady claim, inter alia, in Holloway's "state habeas application" (state application) (see Holloway v. Kumpkin, WSC (L.A. ex. No. 4:19-cv-01711) June 23, 2020 ECF No. 20 at 50 (16, *3-5); Critchley v. Thaler, 586 F.3d 318, 321 (5th Cir. 2009).

The Harris County District Clerk's Office allegedly received said records on October 26, 2018, four days after Holloway disclosed said documents to law library for mailing. See, *id.* at *3; Critchley v. Thaler, supra.

While Holloway's state application "was pending, Holloway filed an Affidavit and Declaration in accordance with Texas law, alleging the state habeas court to be aware of "forged" and "perjured" material in Holloway's "state habeas application" and because "prison tape" dictated that Prison Officials had been "forging prisoners legal matters." See, *id.* at 6 (16, *1-2); Ex parte Jones, 97 S.W.3d 586 (Tex. Crim. App. 2002); Critchley v. Thaler.

1. Holloway provided to law library, therefore, a sufficient record "evidence" that supported Holloway's factual allegations with great by a "disproportionate" in accordance with Ex parte Chandler, 180 S.W.3d 350, 353 (Tex. Crim. App. 2005) (L.F.J.).

2. Because Holloway notified the TCCA and alerted the TCCA that "forgery" had possibly occurred, it was the TCCA's "obligation" to notify the state habeas court to inform them to look for forgery in Holloway's "state application" in accordance with Ex parte Jones, supra.

... Affidavit^(FMS 3, 4 supra) in the TCCA, alerting the TCCA, that: "the names in Holloway's state habeas application had been forged^(FMS 3, 4 supra) and the facts were... fabricated^(FMS 3, 4 supra) as a result of said forgery." See, *Holloway v. Lumpkin*, supra at ECF No. 20 supra, at 9 of 16, ~~1-6~~; *Ex parte Jones*; *Critchley*.

Before the TCCA could consider Holloway's "Second Affidavit," Holloway received a copy of the "TCCA White Card Denial" notifying Holloway Holloway's "state habeas application" had been "denied on the findings of the trial court"... without written order or hearing. See, *Id.* at ECF No. 20 at Ex "D-1" (March 27 2019 White Card Denial).

Holloway then filed a "federal habeas corpus petition" ("federal petition") in the United States District Court for the Southern District of Texas, Houston... Division ("USDC"). See, *Holloway v. Lumpkin*, supra at ECF No. 01, 12; *Brunfield v. Cain*, 135 S. Ct. 2269 (2015).

For reasons external to Holloway^(FMS 3, 4 supra), Holloway believed that his allegations of forgery was accepted by the Court as true^(FMS 3, 4 supra) and his "state habeas application" had been therefore denied on procedural grounds^(FMS 3, 4 supra); thus, "Holloway throughout his federal habeas proceeding in the USDC continued to 'argue' that his state habeas application had been disposed of on procedural grounds."^(FMS 3, 4 supra)

"Without addressing the 'forgery' issue for the denial of Holloway's Brady claim in the state habeas court or the fact that sufficient cause existed for Holloway's belief that his Brady claim had been procedurally defaulted?... the USDC..."

5. It was established in the United States District Court on federal habeas that "Prison Mailroom Officials" "failed" to provide Holloway Holloway's copy of the trial court's findings. See, *Holloway v. Lumpkin*, supra at ECF Nos. 02, 12-1, 20.

6. The USDC's responsibility is to determine the standard of review by considering "three" factors: (1) what state courts have done in similar cases; (2) whether the case's history suggests that the state recognized any ground for not resolving the case on the merits; and (3) whether the state court's opinion suggests reliance on procedural grounds rather than adjudication of the merits, "...in accordance with *Miller v. Johnson*, 200 F.3d 274 n.6 (5th Cir. 2000).

7. Holloway requested for a "cause" and "prejudice" hearing in the USDC, to address the issue of "forgery" of Holloway's state habeas application in accordance with *Keeney v. Tamejo Reyes*, 507 U.S. 1, 110 S. Ct. 1715 (1992) ("the cause and prejudice test applies to the failure to develop a Brady claim in a state habeas corpus proceeding"). This hearing was "required" in accordance with *McCluskey v. Zant*, 499 U.S. 486 (1991), whether Holloway failed to develop material facts on the merits of a factual matter or the merits of law. See, *Holloway v. Lumpkin*, at ECF No. 53.

denied Holloway's "amended petition," because it found that: "Holloway failed to state a 'genuine issue' of material fact, that is, Holloway failed to demonstrate that the State suppressed the cellphone found at the murder scene, and Holloway failed to prove that the suppressed cellphone belonged to 'Turner' referenced in a phone-call relating to the case. See, *Id.* at ECF Nos. 68, 69; *Miller v. Johnson*, 300 F.3d 374, 381 (5th Cir. 2002) ('the district court's responsibility is to determine the ... standard of review'), accord *East v. Scott*, 55 F.3d 946 (5th Cir. 1995) ('the current focus is on whether a petitioner received a full and fair hearing. Once that is established, 'the trial court's findings are no longer entitled to a presumption of correctness.'").

That in the absence of any evidence that the suppressed cellphone belonged to "Turner" mentioned in the phone call, Holloway failed to demonstrate either that the evidence was suppressed or that the evidence concerning "Turner" was material and thus, "the State Court's conclusion was... reasonable." See, *Id.*

Holloway then filed a "Brief Certificate Of Appealability" ("COA") in the Fifth Circuit Court of Appeals in New Orleans, Louisiana ("Fifth Circuit"). See, *Holloway v. Lumpkin*, 5th Cir. No. 20-20357 (5th Cir. May 28, 2021) ("Petitioner's Brief Certificate of Appealability").

"Because Holloway, for the reasons stated above, believed that his Brady claim had been disposed of on procedural grounds, (Fas 2-6) and that because he established his entitlement to a "cause" and "prejudice" hearing in the USDC (Fas 7-8) "the state court findings were no longer entitled to be presumed correct," Holloway argued under "ground one" of his COA, in pertinent part, that: "the USDC erred in... determining Holloway's claim had been disposed of substantially. See, *Id.* at page 1 of 30; *Miller v. Johnson* supra. Holloway argued the requirements of *Ex parte Staley*, 160 S.W.2d 63 (Tex. Crim. App. 2015) (Fas 3) and what the state court would have done in a similar case." See, *Id.* at page 30, ***1-3; *Miller v. Johnson* ("what state courts do in a similar case").

Holloway argued that although the Respondent did not raise any defense to expansion, Holloway's claims ("Brady") had been disposed of "procedurally..."

8. Holloway believed that because he argued "cause" and "prejudice" for the denial of his "state habeas application" existed, in the USDC, and because the materialness of the suppressed cellphone was in dispute, which, if resolved in Holloway's favor would have entitled Holloway to federal habeas relief, and to a cause and prejudice hearing (in accordance with *Keeney v. Tomajo Reyer*, supra, accord *East v. Scott*, supra) "the state court's findings were no longer entitled to a presumption of correctness." See, *Holloway v. Lumpkin*, supra at ECF No. 52.

Because the "forged application", as expressed by the Respondent, "failed to state [sufficient facts] to meet the requirements of Brady on the face of the application," which is a requirement of the State, *supra*, and the evidence that the state court recognized grounds for "not" resolving the case on the merits, *supra*, whether the case's history suggests that the state court recognized any ground for "not" resolving the case on the merits.

Holloway argued that the 7CA's findings suggested that the state court's findings suggested that the court relied on "procedural grounds" because the state court "adopted" the State proposed findings of facts and conclusion of law, which as stated above, stated: "the application" failed to state sufficient facts to meet the requirements of Brady" (*supra*), and included rulings on other procedural defaults. See, *Id.* at 403-404; Miller, *supra*.¹ Whether the state court's opinion suggests reliance on procedural grounds rather than adjudication of the merits.

Thus, Holloway had submitted a COA to the Fifth Circuit that proved the USAC erred in concluding Holloway's Brady claim had been disposed of on substantial grounds as opposed to procedural grounds. See, *Holloway v. Humphkin*, *supra*, Ground One, Petitioner's Brief Certificate of Appealability, Miller, 300 F.3d 374 n.46.

However, the Fifth Circuit denied Holloway's COA because it concluded that the USAC's decision was reasonable. See, *Holloway v. Humphkin*, *supra*, 300 F.3d 374 n.46.

Holloway then filed a Petition for A Writ of Certiorari ("Certiorari") in the United States Supreme Court. See, *Holloway v. Humphkin*, *supra*, Petition for Writ of Certiorari, 537 U.S. 1225, 122 S.Ct. 2114 (1992). ("in any event, the state habeas application did not meet the requirements of the state's stay and should have been dismissed or should have been dismissed on...")

Because Holloway believed, and the evidence obviously proved that the court's below error in determining Holloway's "forged" Brady claim had disposed of substantially and reasonably, Holloway argued on... the court's in pertinent part that: "that the court's below decision were in conflict with the state stay, *supra*, and *Socher v. Florida*, 504 U.S. 527, 122 S.Ct. 2114 (1992)." ("in any event, the state habeas application did not meet the requirements of the state's stay and should have been dismissed or should have been dismissed on...")

or denied on procedural grounds. (CN#1-6) See, Id at page 1 of 16 *1-5 through page 3 of 16; Miller. Holloway argued that he was deprived of a "fair" and "prejudice" hearing in state court which deprived Holloway of an opportunity to present an unimpeded Brady claim. (CN#7-8) See, Id at page 4 of 16, *1; Miller. Holloway argued that he was "prejudiced" as a result of said denial because said denial deprived Holloway of an... opportunity to present an unimpeded Brady claim which would have entitled him to relief, and however, which resulted in the courts below adverse ruling against Holloway. (CN#1-8) See, Id at pages 1 through 16 of 16; Miller; Sup. Ct. R. 10.

Holloway concluded with saying that: "the Fifth Circuit's conclusion that the USAF's decision to deny Holloway's COA was reasonable (Certiorari, App. CJ (6CF No. 68, 69) therefore conflict with Socher v. Florida, supra, because the "forged state habeas application (sh. ch. 1) had been denied for failing to comply with Ex parte Staley, supra (CN#1-8). See, Id at page 5 of 16, *5; Miller; Sup. Ct. R. 10.

Holloway argued that reasonable or debatable jurists would agree that the courts below resolution of the "forged state habeas application" was "unreasonable". Id at *6; Miller; Sup. Ct. R. 10.

Holloway argued that he was further "prejudiced" because his "fair" hinged on the courts below correcting the "forged" state habeas... application "which caused the life of an innocent man." See, Id at *7 through page 5 of 16, *1; Miller; Sup. Ct. R. 10.

9. Prior to his incarceration in the Texas system, Holloway became: "UL/ASE Certified Technician; (L) NCCER Certified Electrician; (L) NCCER Certified in Construction Math; and (L) ABEA/CPR Certified. Contact: Louisiana State Penitentiary (Angola) (CN#2010-14), Arthur R. Holloway, Jr., A.O.B. 05/14/83). While in Society Holloway's "military friends" invested in Holloway's Road Side Service Business "At Your Call". Contact: Mrs. Cathy McMillen (703) 705-3177. Holloway's aunt Akethia Howard and her daughter assisted Holloway in the preparation of Holloway's business. Contact: Mrs. Akethia Howard @ (504) 307-8343.

Holloway worked for Father Tony Rogelio at the St. Jude's Church for 10 years prior to his incarceration. Contact: Father Tony Rogelio @ (504) 525-1551, ext. 104. Father Tony is currently supporting Holloway, and supports Holloway's reentry into society. Mrs. Alisa Bright is an 17 year civil rights activist friend of Holloway, who has supported Holloway, Holloway's children and grandchildren, and supports Holloway's reentry into society. Contact: Mrs. Alisa Bright @ (541) 521-1131.

Holloway was out eating with his girlfriend and the children the night of the alleged offense, which was caught on camera. See, "2014 Online Article: "Big Time Attorney Wasted Arthur R. Holloway, Jr." by: "The American Infidelity Reporter."

Holloway is currently participating in a "Bible Correspondence Course", and hasn't had any disciplinary infractions in four (4) years. Contact: Telford Unit of TDCJ-ID.

Holloway currently has four (4) grandchildren under three (3) years old who depend upon Holloway. Contact: Mrs. Akethia Howard, supra.

Holloway argued that if the Supreme Court allowed him an opportunity to present an "unimpeded" Brady claim, Holloway would prevail because Holloway would be able to establish a "sufficient" due process Brady violation that would have entitled Holloway to relief. (11/17/93) See Id at page 6 of 16; through page 16 of 16; Brady v. Maryland 343 U.S. 83, 87 (1963).

"Rather than allowing Holloway to present an unimpeded Brady claim without presuming the state courts findings correct, thereby... entering Holloway to certioram relief, the Supreme Court, sadly, entered an Order denying certioram. See Holloway v. Kentucky, Supreme (April 20, 2003) Order denying Petitioner's Petition for A writ of certioram; 548 U.S. 10."

"Because the issue of 'forgery' has 'never' been 'fully' and 'fairly' briefed by neither party, nor 'fully' and 'fairly' argued by Holloway, in any of the Courts below including the Supreme Court on certioram, this Court should GRANT rehearing under SUP. CT. P. 44 to allow... the way to establish: (1) that Holloway's Brady claim had been 'forged' in state court, thereby resulting in a denial for reasons external to Holloway; (2) all of the courts below deprived Holloway of a 'full' and 'fair' opportunity to establish said forgery and that said courts 'erred' in applying the 'presumption of correctness' to the state... courts findings; (3) that if Holloway is provided an opportunity to establish his Brady claim, free from impediment, Holloway's claim would have prevailed in the state habeas proceeding, and in the federal (any and Supreme Courts; and (4) said opportunity would benefit society. See Beauharnais v. Illinois, 343 U.S. 988 (1953) [A petition is in order if the decision of the court is based upon points that have neither been briefed nor... argued by any of the parties] accord Kearney v. Tanager Reyes 504 U.S. 1110 (1992) (the court held the 'outrage' and 'prejudice' test applies to the failure to develop material facts during a state habeas proceeding.)

Moreover, this Court should GRANT rehearing under Sup. Ct. R. 44.2 ... because this Court has jurisdiction to: "intervene in the Courts below," failure to correct Holloway's "forged" Brady claim "without applying the presumption of correctness,"^{12d} and thereby "correct" said "forgery" if Holloway proves that he can present a "substantial Brady claim" that would have a "substantial impact" on overturning Holloway's "forged" conviction. See, Holloway v. Humphrey, *supra* ("Petitioner's Petition For A WRIT OF HABEAS CORPUS"; Beauharnois v. Illinois, *supra*, accord Keeney v. Tama's Reyes, *supra*; Sup. Ct. R. 44.2).

Especially when considering that, in all things hereinabove, Holloway has presented the "theory" of the alleged "forgery" to all of the courts below, yet those courts either failed to address the issue of "forgery" or overlooked its existence. See, *Id.*; Wells v. Rushing, 760 F.2d 660, 661 (5th Cir., 1985).

"If this Court fails to correct the alleged issue of 'forgery' of Holloway's 'state habeas application' resulting in the Courts below denials (1st-9th), Holloway will be 'prejudiced' because 'every witness' who ever gave testimony during trial 'excluded' Holloway for the alleged murder (XIV. R.R. at 13) (XV. R.R. at 115-120) (XVI. R.R. at 9-10) (XVII. R.R. at 120, 127) (XVIII. R.R. at 4) (XIX. R.R. at 77, 89-90) (XX. R.R. at 53-75) (XXI. R.R. at 100, 87-110) (XXII. R.R. at 117-119, 112-139) (XXIII. R.R. at 50-52). In addition, the location where Holloway allegedly possessed an AK-47 or SKS in ... preparation to allegedly murder the alleged victim was under 24/7 surveillance (XIV. R.R. at 130-XV. R.R. at 102), yet Holloway was never seen on those surveillance footage with or without a weapon (2d). *Id.*

An innocent man (Holloway) would therefore remain "illegally" restrained against his liberty as a result of a "forged" Brady claim,^{12d} thus depriving Holloway of the "only" means which remains available to Holloway to correct said "forgery" and prove his innocence. See, *Id.*; Coleman v. Thompson, 511 U.S. 751 (1991) ("No procedural principle is more ... familiar to the Federal courts than that a right may be forfeited in criminal cases as well as civil cases by failure to make a timely assertion of that right before a tribunal having jurisdiction to determine it.").

"GRANTING rehearing under Sup. Ct. R. 44.2, on the other hand, would benefit: (1) Holloway; (2) Holloway's ^(FNS 1-9) wife; (3) Holloway's family; (4) Holloway's Investors; (5) Holloway's friends; (6) Other Prisoners; and Society ^(2d) as a whole ^(2d). Because an innocent man will be relieved of "illegal restraint," ^(FNS 1-9) and upon release ^(2d) Holloway would be able to utilize his certifications ^(FNS 1-9) support his grandchildren, assist the homeless, ^(2d) reopen his business ^(2d) which would contribute to the automotive business, ^(2d) contribute to the construction business, ^(2d) contribute to the welfare of his grandchildren, ^(2d) and contribute to the Church. ^(2d) Id. Moreover, relieving Holloway from illegal restraint by way of GRANTING rehearing under Sup. Ct. R. 44.2 would benefit other prisoners because "proof of said 'forgery' by officials ^(FNS 1-9)" would entitle Holloway to "injunctive relief" which would deter officials from forging other prisoners legal matters for "fear" they would be held civilly and criminally liable. ^(2d) Id. ✓

CONCLUSION

For the foregoing reasons, this Court is encouraged to GRANT this Sup. Ct. R. 44.2 Petition For Rehearing and correct the issue of forgery.

Executed on: July 16, 2020.

Respectfully submitted,
Arthur R. Holloway, Jr.
Arthur R. Holloway, Jr.
TACS# 02037836
Telford Unit
3899 Hwy. 98
New Boston, Texas, 75570
Petitioner

CERTIFICATE OF SERVICE

I Arthur R. Holloway, Jr., TACS# 02037836, certify that a copy of this "Petitioner's Petition For A Rehearing Of An Order... Denying Writ of Certiorari Petition," has been mailed to this...

Court and the Respondent Bobby Hampton, via Telford Unit Law Library Intelligent Prisoner Program on Monday, July 18, 2022.

Executed on: July 16, 2022.

Arthur R. Holloway, Jr.
Arthur R. Holloway, Jr.
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3899 Hwy. 98
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Petitioner

VERIFICATION

I, Arthur R. Holloway, Jr., TACJ# 02037836, being presently ... incarcerated at the Telford Unit of the Texas Department of Criminal Justice - Institutional Division, verify and declare under penalty of perjury that the foregoing statements are true and correct.

Executed on: July 16, 2022.

Arthur R. Holloway, Jr.
Arthur R. Holloway, Jr.
TACJ# 02037836
Telford Unit
3899 Hwy. 98
New Boston, Texas, 75570
Petitioner

"GOOD FAITH STATEMENT"

I, Arthur R. Holloway, Jr., TACJ# 02037836, certify that to my knowledge this "Petitioner's Petition For Rehearing Of An Order Denying Petition For A Writ Of Certiorari" is grounded in fact, and warranted by law or otherwise brought in good faith, and not for an improper purpose such as delay, but to ensure the interests of justice will be met.

Executed on: July 16, 2022.

Arthur R. Holloway, Jr.
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