

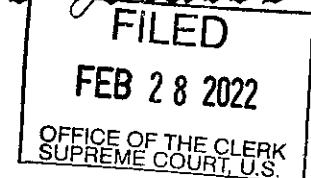
21-7500
No. _____

ORIGINAL

IN THE
Supreme Court of the United States

WILLIAM CURTIS JONES,

Petitioner,



v.

THE STATE OF TEXAS, et al.,

Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO
THE COURT OF CRIMINAL APPEALS OF TEXAS

PETITION FOR WRIT OF CERTIORARI

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TABLE OF CONTENTS

QUESTIONS PRESENTED	III
STATEMENT OF JURISDICTION	IV
PARTIES TO THE PROCEEDING AND RULE 29.6 STATEMENT	V
LIST OF RELATED PROCEEDINGS	VI - XIII
INDEX TO APPENDICES	XIV - XVIII
TABLE OF AUTHORITIES	XVIII - XX
PETITION FOR A WRIT OF CERTIORARI	1
OPINIONS BELOW	1 - 2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	3 - 29
A. INTRODUCTION	3 - 6
B. HOW THE PETITIONER'S QUESTIONS PRESENTED WERE RAISED	6 - 29
REASONS FOR GRANTING THE PETITION FOR WRIT OF CERTIORARI	29 - 38
A. SUMMARY OF "SIGNIFICANT" CONSTITUTIONAL ERRORS	35 - 37
B. CONSTITUTIONAL ERRORS: DUE PROCESS VIOLATIONS	37 - 38
CONCLUSION	38 - 39
PROOF OF SERVICE	40 - 41
AFFIDAVIT OF "WILLIAM CURTIS JONES"	42

QUESTIONS PRESENTED

1. *Does a false conviction from a “fatally defective” Indictments violate the Constitutional Rights of Due Process Clause - if a key part of the prosecution’s case was based on “unlawful” and “unconstitutional” concealment of exculpatory evidence – as “MATERIAL FACT” – that the “Defendant” and the “Complainant” in the Invalid, Defective Indictments – are “factually” and “legally” are one of the same persons as the Petitioner; and that later developments have proven were fraudulent (or “Fraud on the Courts”) – as presented at Trial??*

If so, what legal standard governs this claim?

2. *Does the findings that the grand jury issued indictments and / or the petit jury false “guilty” verdict – both were based on fraudulent affidavits; false arguments; inadmissible evidence; false statements to law enforcement; false evidence; or perjured testimony, that was initiated by the prosecution “unlawfully” and “unconstitutionally”; and did the petit jury and the Texas Court of Appeals “constitutionally” made findings in accordance with the “Statutory Law” or “Texas Penal Code”; and that later development have proven false and fraudulent - does this gives rise to an action under 42 U.S.C. 1983 for a violation of the United States Constitution, and the Texas State Constitution?*

If so, what legal standard governs this claim?

3. *Did the Trial Court – as a matter of statutory law - have proper jurisdiction to proceed without a lawful, proper probable cause(s) - under Texas State Law, standing alone; and if so, gives rise to an action for a violation of the United States Constitution and Texas State Constitution claims, arising from adversary actions in the Petitioner’s actual innocence claims? And that when the Trial Counsels failed to file a pre-trial motion to dismiss “invalid, defective indictments” or made timely objections – during the Trial, yet failed to announce to the Trial Court that the “Indictments” are “fatally flawed” and “void”, and to move the Trial Court for dismissal of indictments – “as a matter of statutory law” – for the Trial Court did not have the proper jurisdiction to preside over the case and to validate that a “constitutionally deficient” indictments violates the ‘Fifth Amendment Rights’ “...no person shall be held to answer for...infamous crimes that never occurred...”?*

STATEMENT OF JURISDICTION

The Petitioner has filed several ORIGINAL and AMENDED APPLICATION FOR A WRIT OF HABEAS CORPUS with the *252nd Judicial District Court* ("Writ of Habeas Corpus- Seeking Relief from Final (Wrongful) Conviction") - *appears as Appendixes "A"; "B"; "C"; "D" and "E"* herewithin - and that this COURT shall find that the Prosecutors of the Case are engaging in covering up of their Official Misconducts and Fraud on the Courts. The said Prosecutors of the Case also was granted the Motion To Declare The [Petitioner] a "*Vexatious Litigant*" resulting in the Petitioner being sanctioned; silenced; and ultimately denied "*access to courts*" in violations of the Petitioner's Constructional Rights of FIRST AMENDMENT and DUE PROCESS CLAUSES.

The said *252nd Judicial District Court* issued the ***COURT'S ORDER DESIGNATE*** dated September 21st, 2021, and to date of the filing of this Writ of Certiorari, the Court has NOT set a timely Evidentiary Hearing. A copy of that ORDER appears at *Appendix "E"* herewithin,

The Petitioner has filed over twenty-five (25) "timely" ***WRIT OF MANDAMUS*** filed with the ***Court of Criminal Appeals of Texas - from October 2018 through February 2022*** - requesting the said *252nd Judicial District Court* to forward ALL attached of over 2,500 pages of Exculpatory Evidence to the "Writ of Habeas Corpus- Seeking Relief from Final (Wrongful) Conviction"), that clearly proves the Petitioner's Innocence. A copy of that decisions appears at *Appendix "T"* herewithin.

The dates on which the ***Supreme Court of Texas' CLERK OF COURT AND Court of Criminal Appeals of Texas' CLERK OF COURT*** rejected the PETITION FOR DISCRETIONARY REVIEW for this CAUSE was on or about: "January 4th, 2022"; "January 17th, 2022"; and "February 22nd, 2022". A copy of the proof of submittal to the said ***Supreme Court of Texas AND Court of Criminal Appeals of Texas*** appears at *Appendix "S"* herewithin.

Therefore, this Court has jurisdiction under 28 U.S.C. § 1254(1).

PARTIES TO THE PROCEEDING
AND RULE 29.6 STATEMENT

Petitioner, "William Curtis Jones", as pro se, is currently released on conditional parole under the custody of Respondent, the State of Texas. There are other parties involved in this wrongful conviction case – for crimes that never occurred by the Petitioner; nor could the STATE prove in Trial as to exactly what criminal statutory elements was violated against the "...*peace and dignity of the State of Texas...*"

Furthermore, the Petitioner "William Curtis Jones", as pro se, is unable to retain effective assistance of counsel, due to financial hardship, that the STATE OF TEXAS inflicted - "unfairly" - upon the Petitioner from wrongful conviction and wrongful incarceration, for alleged "crime(s)" that never occurred.

LIST OF RELATED PROCEEDINGS:

STATE DISTRICT COURTS

252nd Judicial Criminal District Court of Jefferson County, Texas

“ORIGINAL: Application for a WRIT OF HABEAS CORPUS”

Writ No. 15-23712-A

Filed on or about December 15th, 2019

(returned due to inadequate postage to Petitioner)

“ORIGINAL: Application for a WRIT OF HABEAS CORPUS”

Writ No. 15-23712-B

Filed on or about August 5th, 2020

COURT RULED: Trial Court findings of Controverted Issues Unresolved on or about January 5th, 2021; later changed ruling to find that the Petitioner was no longer incarcerated and that the GROUNDS claimed were not supported by credible evidence, therefore the WRIT have been dismissed as being in NON-COMPLIANCE on April 16th, 2021.

“AMENDED: Application for a WRIT OF HABEAS CORPUS” attached with over

3,500 pages of documents to support each GROUND

Writ No. 15-23712-C

Filed on or about July 7th, 2021

COURT RULED: Trial Court Findings that Petitioner used incorrect “Form” for Application for a WRIT OF HABEAS CORPUS – must use the FORM provided by the Court of Criminal Appeals of Texas; and that the Trial Court dismissed as NON-COMPLIANCE on or about September 5th, 2021

“AMENDED: Application for a WRIT OF HABEAS CORPUS” attached with over

3,500 pages of documents to support each GROUND

Writ No. 15-23712-D

Filed on or about September 20th, 2021

COURT RULED: Findings of Controverted Issues Unresolved on or about September 22nd, 2021

“Application for EXONERATION of Wrongful Criminal Conviction”

(obtained from Invalid, Defective Indictments)

Causes Nos. 2274-X; 2275-X; and 2276-X: EXONERATIONS and EXPUNGEMENTS

Filed on or about July 7th, 2021

COURT RULED: Findings of that WRIT OF HABEAS CORPUS has not been granted by the 252nd JUDICIAL DISTRICT COURT as of date of this filing for EXONERATION, therefore dismissed without prejudice.

58th Judicial Civil District Court of Jefferson County, Texas

“Complaints of Legal Malpractices and Denial of Effective Assistance of Legal Representations; and Misapplication of Fiduciary Property”

Cause No. A-206534

Filed on or about September 25th, 2020

“William Curtis Jones v. Thomas John Burbank; Michael Lynn Davis; and Clinton ‘Clint’ Lewis”

60th Judicial Civil District Court of Jefferson County, Texas

“Wrongful Conviction: Libelous; Slanderous and Defamation...”

Cause No. B-207077

Filed on or about October 15th, 2020

“William Curtis Jones v. Jennifer Elaine Doornbos; et.al”

“Wrongful Conviction: Malicious Prosecution”: *Invalid, Defective Indictments*

Cause No. D-208311

Filed on or about July 7th, 2021

“William Curtis Jones v. Jefferson County District Attorney’s Office; et.al”

172nd Judicial Civil District Court of Jefferson County, Texas

“Civil Rights Violation “Americans with Disabilities Act” (ADA)

Cause No. E-206477

Filed on or about October 5th, 2020

“William Curtis Jones v. Thomas John Burbank and Kenneth B. Florence”

“Wrongful Incarceration: based on *Invalid, Defective Indictments*”

Cause No. E-207488

Filed on or about April 20th, 2021

“William Curtis Jones v. Jefferson County District Attorney’s Office; et.al”

APPELLATE COURTS:

Ninth Judicial District: Court of Appeals of Texas

“Petition for Direct Appeal of Wrongful Conviction in Cause No. 15-23712”

Writ No. 09-18-00071-CR

Filed on or about February 22nd, 2018

Brief Filed on or about August 28th, 2018

Appellate Court “Affirm” the “Judgement of Conviction” on or about July 24th, 2019

Court of Criminal Appeals of Texas

“Petition for Discretionary Review”

Case No. PD-0861-19

Filed on or about September 20th, 2019

“William Curtis Jones v. State of Texas” (on direct review)

Refused on or about October 23rd, 2019: Reasons unknown

“Writ of Mandamus: Invalid, Defective Indictments”

Case No. WR-90, 605-01 to Case No. WR-90, 605-23

Filed on or about November 20th, 2019

“Ex Parte William Curtis Jones”

(initial state post-conviction proceeding)

No Response or Ruling to date

“Petition for Conviction Integrity Unit Review”: Invalid, Defective Indictments

Filed on or about July 1st, 2021 (Letter of Receipt Confirmation: July 6th, 2021)

“Ex Parte William Curtis Jones”

Have not received any further response to date of filing of Writ of Certiorari

“Writ of Mandamus: Requesting the COURT to order the Trial Court to turn over ALL documents; certificate; answers; and others regarding the WRIT OF HABEAS CORPUS Applications”

Case No. WR-90, 605-24

Filed on or about November 25th, 2020

“Ex Parte William Curtis Jones”

Denied on or about December 15th, 2020: Reasons unknown

“Petition for Discretionary Review”: Invalid, Defective Indictments

Case No. unknown

Filed on or about January 4th, 2022 (Envelope No. 60455424)

“Ex Parte William Curtis Jones”

Have not received any response of acceptance or assigned case number yet

“Writ of Mandamus”: “Complainant’s Motion to Dismiss Invalid, Defective Indictments”

Case No. WR-90, 605-25

Filed on or about January 1st, 2022

“Ex Parte William Curtis Jones”

No Response or Ruling to date

UNITED STATES DISTRICT COURT:

United States District Court, Southern District of Texas, Houston Division:

“Wrongful Conviction: Libelous; Slanderous and Defamation...”

Case No. 4:20-cv-03910

Filed on or about October 15th, 2020

“William Curtis Jones v. Jennifer Elaine Doornbos; et.al”

“Civil Rights Violation “Americans with Disabilities Act” (ADA)

Case No. 4:21-mc-01255

Filed on or about October 5th, 2020

“William Curtis Jones v. Thomas John Burbank and Kenneth B. Florence”

“Wrongful Conviction & Wrongful Incarceration”

Case No. 4:21-cv-01311

Filed on or about April 20th, 2021

“William Curtis Jones v. Jefferson County District Attorney’s Office; et.al”

United States District Court, Eastern District of Texas, Beaumont Division:

“Complaints of Legal Malpractices and Denial of Effective Assistance of Legal Representations”

Case No. 4:20-cv-03696

Filed on or about September 25th, 2020

“William Curtis Jones v. Thomas John Burbank; Michael Lynn Davis; and Clinton ‘Clint’ Lewis”

“Malicious Prosecution & Prosecutorial Misconducts”

Case No. 1:21-cv-212-MJT/CLS

Filed on or about July 7th, 2021

“William Curtis Jones v. Jefferson County District Attorney’s Office; et.al”

“Petition for Writ of Habeas Corpus” pursuant to 28 U.S.C. § 2254

Case No. 1:21-cv-0514

Filed on or about October 5th, 2021

“William Curtis Jones v. State of Texas; et.al”

OTHER GOVERNMENT AGENCIES:

STATE BAR OF TEXAS:

(1) Professional Misconducts:

Violations of Texas Disciplinary Rules of Professional Conduct

“KENNETH B. FLORENCE” – Prosecutor of the Case

SBN: 00790698

Case No. unknown

Grievance complaining about “Florence” - **“Fraud on the Courts”** (Criminal Case) and presentment of **“False Evidence”** and **“False Testimony”** knowingly; and fully aware that the Indictments are **fatally defective**: the **“Defendant”** and the **“Complainant”** are the same one persons as the Petitioner.

Original Complaint was filed on or about June 20th, 2018.

STATE BAR OF TEXAS requested more information on or about November 7th, 2020, while the Petitioner was wrongfully incarcerated; and that during this timeframe was in middle of major COVID-19 Outbreak of wish the Petitioner fell ill of the said COVID-19.

“Hand Delivered” to a Mr. Royce with **STATE BAR OF TEXAS** of over 1,500 piece of evidence for the **CHIEF DISCIPLINARY COUNSELS** consideration on or about October 26th, 2021.

(2) Professional Misconducts:

Violations of Texas Disciplinary Rules of Professional Conduct

“MICHAEL LYNN DAVIS”

SBN: 05528760

Case No. 201807143

*[Jones] “Commission for Lawyer Discipline v. Michael Lynn Davis”
before the Evidentiary Panel 3-2 of the State Bar District No. 3 Grievance Committee*

Grievance complaining about acceptance of Legal Fees from Petitioner on or about March 1st, 2016; never heard from Mr. Davis’ since then; not returning messages or phone calls; misrepresented facts that MOTION TO QUASH / DISMISS INVALID, DEFECTIVE INDICTMENTS was filed, when in fact it was never filed; nor bother to show up for the Petitioner’s Trial; refuses to return “unearned” Legal Fees for three cases; and total abandonment of the Petitioner.

Original Complaint was filed on or about June 20th, 2018.

On February 18th, 2022, the STATE OF TEXAS BAR found “Mr. Micheal Lynn Davis” guilty of Professional Misconducts and have been ordered to pay restitution to the Petitioner.

(3) Professional Misconducts:

Violations of Texas Disciplinary Rules of Professional Conduct

“THOMAS JOHN BURBANK”

SBN: 03355340

Case No. 201806462

Grievance complaining about acceptance of Legal Fees from Petitioner on or about March 1st, 2016; never heard from Mr. Burbank directly since then; not returning messages or phone calls; misrepresented facts that MOTION TO QUASH / DISMISS INVALID, DEFECTIVE INDICTMENTS was filed or MOTION FOR A NEW TRIAL was filed, when in fact it was never filed; nor was prepared for the Petitioner’s Trial on or about February 5th, 2018; refuses to return “unearned” Legal Fees for two of three cases – resigned without notifying the Petitioner; and total abandonment -thereafter - of the Petitioner.

Original Complaint was filed on or about June 20th, 2018.

STATE BAR OF TEXAS requested more information on or about November 7th, 2020, while the Petitioner was wrongfully incarcerated; and that during this timeframe was in middle of major COVID-19 Outbreak of wish the Petitioner fell ill of the said COVID-19.

“Hand Delivered” to a Mr. Wyatt with **STATE BAR OF TEXAS** of over 3,000 piece of evidence for the CHIEF DISCIPLINARY COUNSEL’S consideration on or about December 8th, 2021.

(4) Professional Misconducts:

Violations of Texas Disciplinary Rules of Professional Conduct

“CLINTON ‘CLINT’ LEWIS”

SBN: 12275250

Case No. *unknown*

Grievance complaining about acceptance of Legal Fees from stolen and misapplication of funds – that was intended for the Petitioner and / or the Petitioner’s Company – during the timeframe of June 2010 through August 2011; that the Petitioner was NOT aware of the arrangement of Legal Fees with “LEWIS” directly from the Petitioner or the Petitioner’s Company, rather that ALL Legal Fees are the responsibility of the Limited Partnership – the same Limited Partnership that retained the Petitioner to provide Professional Projects Management through the Petitioner’s Company; that the said “LEWIS” was retained by the said Limited Partnership to review and implement the best practices to avoid or mitigate any potential “civil litigations” and / or “criminal litigations” as most State Witnesses testified as well – for the Petitioner; the Petitioner’s Company; and the said Limited Partnership. The Petitioner demanded that the said “LEWIS” to testify at Trial to explain to the Trial Court and the Petit Jury as to how the Company Hierarchy was created as separate (of the Petitioner’s Company and the said Limited Partnership) - which was created by the said “LEWIS” and a “MITCH TEMPLETON” – who is now the current Judge of the said 172nd State Judicial District Court; and that “LEWIS” refuses to return “stolen” funds for Legal Fees back to the Petitioner or the Petitioner’s Company; and total abandonment of the Petitioner before, during and after the Petitioner’s Trial.

Original Complaint was filed on or about June 20th, 2018.

STATE BAR OF TEXAS requested more information on or about November 7th, 2020, while the Petitioner was wrongfully incarcerated; and that during this timeframe was in middle of major COVID-19 Outbreak of wish the Petitioner fell ill of the said COVID-19.

“Hand Delivered” to a Mr. Wyatt with **STATE BAR OF TEXAS** of over 1,000 piece of evidence for the CHIEF DISCIPLINARY COUNSELS consideration on or about December 8th, 2021;

QUESTION was posed to the **STATE BAR OF TEXAS** - that if “LEWIS” and / or said “TEMPLETON” believes at that timeframe of April 2010 through August 2011 – during the creation of the said “Limited Partnership” and the reorganization of the Petitioner’s Company – was lawful then, how could it be some five years later deemed as unlawful - unless there was criminal activities going on behind the scene – unbeknownst to the Petitioner -and that said “LEWIS and / or “TEMPLETON” appears to be protecting someone from criminal prosecution, by choosing the Petitioner their “scape-goat” for their crimes.

(5) Professional Misconducts:

Violations of Texas Disciplinary Rules of Professional Conduct

“QUENTIN DEAN PRICE”

SBN: 16303740

Case No. unknown

Grievance complaining of “Price” - **“Fraud on the Courts”** (Civil Cases) and after allegedly reviewed the Complaints filed as Civil Cases in several State District Courts, instead - proceeded with “covering-up” the Official Misconducts – *by not reporting such misconducts to the STATE BAR OF TEXAS or the STATE JUDICIAL COURTS* – of the said “FLORENCE” presentation of “**False Evidence**” and “**False Testimony**” knowingly; and that the Indictments indeed are **fatally defective** – the “**Defendant**” and the “**Complainant**” are the same one persons as the Petitioner.

Original Complaint was filed on or about November 10th, 2021.

“Hand Delivered” to a Mr. Wyatt with **STATE BAR OF TEXAS** of over 200 piece of evidence for the CHIEF DISCIPLINARY COUNSELS consideration on or about December 16th, 2021.

STATE COMMISSION ON JUDICIAL CONDUCT:

Judicial Misconducts:

Violations of the Texas Constitution, the Texas Penal Code, the Code of Judicial Conduct, or other rules established by the Supreme Court of Texas

“THE HONORABLE MITCH TEMPLETON”

Case No. CJC NO. 22-0325

Filed on or about November 25th, 2020

Complaint of Judicial Misconduct by (a)...using the prestige of judicial office to advance the private interests of the judge or others; (b) ...improper communication with only one of the parties or attorneys in a case; and (c) ...hearing a case in which the judge has a financial interest in the outcome.

QUESTION was also posed to the **STATE BAR OF TEXAS** - that if “LEWIS” and / or said “TEMPLETON” believes at that timeframe of April 2010 through August 2011 – during the creation of the said “Limited Partnership” and the reorganization of the Petitioner’s Company – was lawful then, how could it be some five years later deemed as unlawful - unless there was criminal activities going on behind the scene – unbeknownst to the Petitioner -and that said “LEWIS and / or “TEMPLETON” appears to be protecting someone from criminal prosecution, by choosing the Petitioner their “scape-goat” for their crimes.

UNITED STATES DEPARTMENT OF JUSTICE - CIVIL RIGHTS DIVISION:

“Civil Rights Violation “Americans with Disabilities Act” (ADA)

Case No. 204-75-0 / 693386

Filed on or about August 5th, 2020

“William Curtis Jones v. Thomas John Burbank and Kenneth B. Florence”

INDEX TO APPENDICES

COURTS - FILINGS / ORDERS:

- APPENDIX “A”** Copy of **ARTICLE 11.07, § 3(d) – ORDER DESIGNATED ISSUES** from the 252nd JUDICIAL DISTRICT COURT (“*Ex Parte William Curtis Jones*”, *Writ No. 15-23712-A, January 5th, 2021*).
- APPENDIX “B”** Copy of **ARTICLE 11.07 – FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION, ENTERED WITHOUT A HEARING, AND TRANSMITTAL ORDER** from the 252nd JUDICIAL DISTRICT COURT (“*Ex Parte William Curtis Jones*”, *Writ No. 15-23712-A, April 16th, 2021*) – WRIT dismissed as “Non-Compliance” – *the Petitioner was NO LONGER incarcerated* and that no credible evidence supports the WRIT – and that the Trial Court DID NOT take that into consideration that the Petitioner was incarcerated and did NOT have access to the exculpatory information. Nonetheless, this have been cured in subsequent AMENDED WRIT APPLICATION.
- APPENDIX “C”** Copy of opinions of the ***Jefferson County (Texas) Appeals and Writs Division*** of the filed **“APPLICATION FOR A WRIT OF HABEAS CORPUS: Article 11.07** of the Texas Code of Criminal Appeals – received on or about May 17th, 2021, was dismissed. Therefore, the “ALL” WRITS; MOTIONS; and PETITIONS was dismissed or rejected as being in non-compliance
- APPENDIX “D”** Copy of opinions of the ***Jefferson County (Texas) Appeals and Writs Division*** of the filed **“AMENDED “APPLICATION FOR A WRIT OF HABEAS CORPUS: Article 11.07** of the Texas Code of Criminal Appeals – received on or about August 9th, 2021, was dismissed. The Petitioner was alleged to have used an incorrect APPLICATION FORM, that the Petitioner had extracted from the ***Court of Criminal Appeals of Texas’ Website***.
- APPENDIX “E”** Copy of **ARTICLE 11.07, § 3(d) – ORDER DESIGNATED ISSUES** from the 252nd JUDICIAL DISTRICT COURT (“*Ex Parte William Curtis Jones*”, *Writ No. 15-23712-C, September 21st, 2021*)

- APPENDIX “F”** Itemized List of Missing STATE EXHIBITS from **APPELLATE COURT RECORDS** (CT.RR.IX) – later determined to be **MATERIALLY FALSE** and **FRAUD ON THE COURTS**; denying the Petitioner of Constitutional Rights of Due Process of Law.
- APPENDIX “G”** Exculpatory Information: Proof that the Petitioner is the lone, sole Owner of **“MANAGEMENT RESOURCES GROUP, INC. (“MRGI”)** confirms that the Complainant – *as the Indictments alleges* – is the same one persons as the Petitioner.
- APPENDIX “H”** Copy of the “THE AGREEMENT” – “SERIES ‘A’ REDEEMABLE PREFERRED STOCK PURCHASE AGREEMENT” **SECTION 4.2 INVESTMENT** clearly proves that ALL PARTIES understood that no one persons within the Petitioner’s Company **“MRGI”** shall be *“held”* as *“Fiduciary”* or he held as *“Fiduciary Capacity”* of the Petitioner’s Company **“MRGI”**; that had this been presented at **Trial Court** would have had a different outcome of the Trial and / or declared a *“Mistrial”*.
- APPENDIX “I”** Copy of “COMMON STOCK” Certificate issued by “MRG (Ltd)” – as a *joint stock business venture limited partnership* – to retain the Professional Services of the Petitioner and the Petitioner Company **“MRGI”** - as two distinct – separate – Companies; that had this Certificate been presented at **Trial Court** would have had a different outcome of the Trial and the possibility of the arrest of certain State Witnesses for perjury and for obstruction of justice.
- APPENDIX “J”** Copy of the “THE AGREEMENT” – “SERIES ‘A’ REDEEMABLE PREFERRED STOCK PURCHASE AGREEMENT” between the Petitioner’s Company **“MRGI”** and “Subscribers” of “MRG (Ltd), which clearly proves that the Petitioner conducted the affairs of the Petitioner’s Company **“MRGI”** in full accordance with the *Terms and Conditions* as “set-forth” in the “THE AGREEMENT” ; had this been presented at **Trial Court** would have had a different outcome of the Trial and / or declared a *“Mistrial”*.
- APPENDIX “K”** Copy of Indictments: **CAUSE NO. 15-23710; CAUSE NO. 15-23711; and CAUSE NO. 15-23712**; with ‘in depth’ explanation and proof that the *“Defendant”* and the *“Complainant”* are the same one persons as the Petitioner; had this been presented at **Trial Court** would have had a different outcome of the Trial and / or declared a *“Mistrial”*.

- APPENDIX "L"** Copy of rebuttal as impeachment evidence – with exculpatory information of other State Witness who admitted during their respective *testimony* of crime(s) committed against the Petitioner and the Petitioner's Company "**MRGI**"; denying the Petitioner of Constitutional Rights of Due Process Clause and Confrontation Clause; that had any of these evidence been used at Trial as impeachment of the *State Witness' Testimony* been presented at *Trial Court* would have had a different outcome of the Trial and the possibility of their arrest for obstruction of justice.
- APPENDIX "M"** Copy of COURT TRANSCRIPTS of certain State Witnesses who admitted during their respective *testimony* of crime(s) committed against the Petitioner and the Petitioner's Company "**MRGI**"; denying the Petitioner of Constitutional Rights of Due Process Clause; Confrontation Clause; and Denial of Effective Assistance of Legal Counsels; that had any of these testimony at Trial – as further impeachment of the *State Witness' Testimony* – have been enhanced at *Trial Court* would have had a different outcome of the Trial and the possibility of their arrest for obstruction of justice.
- APPENDIX "N"** Copy of COURT TRANSCRIPT whereas the Prosecutor of the Case dismissed the "**KEY**" STATE WITNESS – "*Jennifer Elaine Doornbos*" – whom filed the *Perjured* "Criminal Complaint(s) Affidavit(s)" - *as the only "eye-witness" who claims to have "first-hand" knowledge of the alleged crime(s) committed allegedly by the Petitioner against her and her claims of ownership of the Petitioner's Company "**MRGI**"*; denying the Petitioner of Constitutional Rights of Due Process Clause and Confrontation Clause; that had any of her *testimony* – claiming to be the lawful owner of the Petitioner's Company "**MRGI**" - been presented at *Trial Court* would have had a different outcome of the Trial and / or declared a "*Mistrial*"; and the possibility of her arrest for aggravated perjury.
- APPENDIX "O"** Copy of rebuttal – impeachment - with exculpatory information of said "*Jennifer Elaine Doornbos*" - "*False Statement to Law Enforcement*" and to the Prosecution Team as the Fraudulent "*Complainant*"; purporting to have "*first-hand" knowledge of the alleged crime(s) committed allegedly by the Petitioner against her and her claims of ownership of the Petitioner's Company "**MRGI**"*"; denying the Petitioner of Constitutional Rights of Due Process Clause and Confrontation Clause; that had any of her *testimony* at Trial – claiming to be the lawful owner of the Petitioner's Company "**MRGI**" - been presented at *Trial Court* would have had a different outcome of the Trial and the possibility of her arrest for aggravated perjury.

- APPENDIX “P”** Copy of ORDER from the Jefferson County (Texas) Judicial District Courts declaring the Petitioner as a “**Vexatious Litigant**” – that was based on Fraud on the Courts by the Jefferson County (Texas) District Attorney’s Office in its attempt to deny the Petitioner’s “Access to the Courts”.
- APPENDIX “Q”** Copy of affirmed the “Judgment of Conviction” - on or about July 24th, 2019, ruling that “...*when there is a challenge to the sufficiency of the evidence, we review the evidence in the light most favorable to the verdict to determine whether any rational fact-finder could have found the essential elements of the offense beyond a reasonable doubt...*” without first reviewing the Indictments to ensure the Trial Court has the proper jurisdiction of the Cases, violating the Petitioner’s Constitutional Rights of Due Process of Law.
- APPENDIX “R”** Itemized List of - “*unlawful and unconstitutional*” - **concealment or suppression** of EXCULPATORY INFORMATION and / or EXCULPATORY EVIDENCE that was in the STATE’S possession – discovered after the Trial – is considered **CONTEMPT OF COURT** – in violations of the COURT ORDER; denying the Petitioner of Constitutional Rights of Due Process of Law; that had any of the concealed Exculpatory Information been presented at *Trial Court* would have had a different outcome of the Trial and / or declared a “*Mistrial*”.
- APPENDIX “S”** Proof of submissions of ***Petition for Discretionary Review*** via eFILE on three different events – only to be rejected by the “CLERK OF COURT” denying the Petitioner’s Constitutional Rights of FIRST AMENDMENT.
- APPENDIX “T”** Proof of submissions of ***Writ of Mandamus*** via First Class Mail and / or via eFILE of over twenty-five (25) different events – only to be rejected by the “CLERK OF COURT” denying the Petitioner’s Constitutional Rights of FIRST AMENDMENT and DUE PROCESS OF LAW.
- APPENDIX “U”** Proof of submissions of ***Writ of Habeas Corpus*** via First Class Mail and / or via eFILE of five (5) attempts. That the said 252nd Judicial District Court only forward a copy of the said Application for a Writ of Habeas Corpus and withheld / omitted the said 2,500 plus of Exculpatory Evidence from becoming exposed with the ***Court of Criminal Appeals of Texas*** denying the Petitioner’s Constitutional Rights of FIRST AMENDMENT and DUE PROCESS OF LAW.

INDEX OF AUTHORITIES

	<i>PAGE(S)</i>
<u>Federal Cases:</u>	
“APPRENDI v. NEW JERSEY”, 530 U.S. 466, 501 (2000)	22
“BRADY v. MARYLAND”, 373 U.S. 83, 87 (1963)	14
“Ex Parte BAIN”, 121 U.S. I (1886)	28
“Ex Parte YERGER”, 75 U.S. 85,95 (1868)	34
“GIGLIO v. UNITED STATES”, 405 U.S. 150, 153-154 (1972)	31
“GREEN v. UNITED STATES”, <i>supra</i> , 355 U.S. at 187-188, 78 S. Ct. at 224	29
“HAINES v. KERNER”, 92 S. Ct. 594 (1971)	30
“HAMLING v. UNITED STATES”, 418 U.S. 87, 117, J 17 (1974)	20
“In Re AGUILAR”, 97 P. 3d 815, 820 (Cal. 2004)	18
“MIDLAND ASPHALT v. UNITED STATES”, 489 U.S. 794 (1989)	22
“NAPUE v. ILLINOIS”, 360 U.S. 264 (1959)	14; 31
“SCHLUP v. DELO” 513 U.S. 289, 115 S. Ct. 851 (1995)	38
“SCREWS v. U.S.”, 325 U.S. 91 (1945)	14
“UNITED STATES v. BALSYS”, 524 U.S., 666, 673 (1998)	28
“UNITED STATES v. BARHAM”, 595 F. 2d 231, 242 (5th Cir. 1979)	31
“UNITED STATES v. LANDHAM”, 251 F.3d 1072, 1079 (6th Cir. 2001)	20
“UNITED STATES v. LANHAM”, 617 F.3d 873 (6th Cir. 2010)	14
<u>State Cases:</u>	
“Ex Parte CASTELLANO”, 863 S.W.2d 476 (Tex. Cr. App. 1993)	7
“Ex Parte CHABOT”, 300 S.W.3D 768, 771 (Tex. Crim. App. 2009)	31
“Ex Parte FIERRO”, 934 S.W.2d 370, 374-75 (Tex. Crim. App. 1996)	7
“Ex Parte REED”, 271 S.W.3d 698, 727 (Tex. Cr. App. 2008):	11

Federal Statutes:

18 U.S.C. § 241	14
18 U.S.C. § 242	13; 14; 17
18 U.S.C. § 249	14
28 U.S.C. § 1254	2
34 U.S.C. § 12601	14
42 U.S.C. § 12101	14
42 U.S.C. § 1983	13; 14; 17

State Statutes:

Tex. Code Crim. Proc. art. 11.07	1; 31
Tex. Pen. Code § 1.07 (35)	26
Tex. Pen. Code § 31.03	26
Tex. Pen. Code § 32.45	13; 24

Rules

ABA Rule 3.3	17
ABA Rule 3.3 (a) (3)	15
Fed R. Crim. P. 7 (c)(J)	20
Fed R. Crim. P. 34 (a)	22

Constitutional Provisions

U. S. CONST. amend. I	3
U. S. CONST. amend. IV	3
U. S. CONST. amend. V	3
U. S. CONST. amend. VI	3

U. S. CONST. amend. VII	3
U. S. CONST. amend. XIV	3

Treatises

“AMERICANS WITH DISABILITY ACT”	14
“MICHAEL MORTON ACT of TEXAS”	18

PETITION FOR A WRIT OF CERTIORARI

The Petitioner "William Curtis Jones", as pro se, respectfully petitions this COURT for a "WRIT OF CERTIORARI" to review the "Judgment of Conviction" – of the *252nd Judicial District Court* of Jefferson County, Texas.

OPINIONS BELOW

The Petitioner contends that the *252nd Judicial Criminal District Court of Jefferson County, Texas* "*unconstitutionally*" dismissed – violating the Petitioner's Constitutional Rights of Due Process of Law, when the Trial Court did NOT ever have the proper, lawful jurisdiction of this case upon presentment of *Invalid, Defective Indictments* – which is proven true and that any and all "judgements" or "orders" issued by the Trial Court is deemed "*void*" and "*without law*": for the following APPLICATION and ORDER from the Trial Court:

- (a) "***ORIGINAL: Application for a WRIT OF HABEAS CORPUS***" Writ No. *15-23712A* - filed on or about November 15th, 2019 – was returned due to inadequate postage.
- (b) "***ORIGINAL: Application for a WRIT OF HABEAS CORPUS***" Writ No. *15-23712A* - resent on or about December 15th, 2019 - returned due to *Jefferson County (Texas) Appeals and Writs Division* has NOT received the Mandates from the Texas Appellate Courts.
- (c) "***ORIGINAL: Application for a WRIT OF HABEAS CORPUS***" Writ No. *15-23712B* - filed on or about August 5th, 2020; dated on or about January 5th, 2021, entered by the *252nd Judicial District Court* (*Appendix "A"*). The Trial Court findings of Controverted Issues Unresolved on or about January 5th, 2021.
- (d) Then changed the rule "*unfairly*" - to find that the Petitioner was no longer incarcerated, therefore the GROUNDS claimed were not supported by credible evidence –not cognizable, order clarifying the basis for dismissal of that order (*Appendix "B"*). The bias opinions of the *Jefferson County (Texas) Appeals and Writs Division* of the filed "APPLICATION FOR A WRIT OF HABEAS CORPUS: Article 11.07 of the Texas Code of Criminal Appeals

(Appendix "C") – received on or about May 17th, 2021, was dismissed. Therefore, the WRIT was dismissed as being in *non-compliance* dated April 16th, 2021;

- (e) **"AMENDED: Application for a WRIT OF HABEAS CORPUS"** attached with over 2,500 pages of documents to support each of the thirty-three GROUNDS of Writ No. 15-23712C -filed on or about July 7th, 2021 (*Appendix "D"*); the Trial Court findings that the Petitioner used incorrect "Form" for Application for a WRIT OF HABEAS CORPUS – must use the FORM provided by the *Court of Criminal Appeals of Texas*; the Trial Court dismissed as non-compliance on or about September 5th, 2021.
- (f) "AMENDED: Application for a WRIT OF HABEAS CORPUS" attached with over 7,500 pages of documents to support each GROUND Writ No. 15-23712D Filed on or about September 20th, 2021. (*Appendix "E"*). Again, the Trial Court ruled of findings of Controverted Issues Unresolved on or about September 22nd, 2021-----with 'in depth' explanation and proof that the "*Defendant*" and the "*Complainant*" are the same one persons as the Petitioner; and that had this MATERIAL FACT been presented or disclosed at Trial Court would have had a different outcome of the Trial and / or that the Trial Court – by law – must declare a "Mistrial", because the Trial Court would have realized that the Trial Court did NOT have the proper jurisdiction to preside over the CAUSES.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution, Amendment I, "...the right of the people to petition the Government for a redress of grievances – the right to a fair hearing..."

United States Constitution, Amendment IV, "...the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized..."

United States Constitution, Amendment V, "...protects a person from being compelled to incriminate oneself. Self-incrimination may also be referred to as self-crimination or self-inculcation..."

United States Constitution, Amendment VI, "...in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense..."

United States Constitution, Amendment VII, "...in suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law...."

United States Constitution, Amendment XIV, provides in relevant part: "...[n]or shall any state deprive any person of life, liberty, or property, without due process of law..."

STATEMENT OF THE CASE

A. INTRODUCTION:

THAT, this case presents a question of paramount importance to the Petitioner: that the Petitioner is being categorically denied a fair trial and is being inflicted with numerous constitutional errors, affecting the Petitioner's fundamental Constitutional Rights. The Petitioner is simply trying to understand as to what alleged criminal offense; or which statutory elements that the Petitioner allegedly committed against the "***Peace and Dignity of the State***". The ***Invalid, Defective Indictments*** alleges the Petitioner - as the only ***possible*** lawful "***Complainant***" - that allegedly filed the alleged "***Criminal Complaint***" against the same one persons as the Petitioner - as the "***Defendant***". The Petitioner has the Constitutional Rights to fully understand the nature of the

accusations and as to what the alleged crime(s) was committed by the Petitioner, without the constant, unlawful threats by the STATE.

When the Petitioner upon release from wrongful incarceration, finally had the ability to review the Texas Appellate Court's (APPELLATE) Records, the Petitioner discovered that over 98% of the State Exhibits that was presented at Trial, were unlawfully and unconstitutionally omitted from the said APPELLATE COURT RECORDS, meaning the *Court of Criminal Appeals of Texas* could NOT have possibly reviewed the State Exhibits presented at Trial, as alleged from the *Ninth District: Court of Appeals of Texas' "Memorandum Opinion"*.

The STATE knowingly presented False Evidence at Trial, then thereafter elected to conceal and / or omit the said False Evidence as State Exhibits, in the STATE'S attempt to suppress the unlawful misconducts by committing *Fraud on the Courts* and furthermore obtained a *False Conviction (that was based on Fraud and False Evidence)*, is attached as *Appendix "F"* herewithin.

Below lists **MATERIAL FACTS** of the Case to assist this COURT as to understand the controverted issues "unresolved" in this case; furthermore, to eliminate any misinformation; misstatements; misunderstandings; and / or confusions – as "**MATERIALLY FALSE**" - that was intentionally inflicted by the STATE, as a mean to confuse the State Magistrate Judge; the Grand Jury; the Trial Court and the Petit Jury, in a concerted efforts with some of the State Witnesses that had NO "knowledge" or "involvement" with the Petitioner or the Petitioner's Company "MRGI" - to obtain the False Indictments and False Conviction; that:

- (a) ...the "**Defendant**" in the *Invalid, Defective Indictments* is none other than the Petitioner;
- (b) ...the "**Complainant – Owner**" in the *Invalid, Defective Indictments* is none other than the same persons as the Petitioner;
- (c) ...the Petitioner is none other than the "**true and lawful**" - lone, sole "**Complainant - Owner**" of the Petitioner's Company "**MANAGEMENT RESOURCES GROUP, INC.**" (known as "**MRGI**" hereinafter), as the *Invalid, Defective Indictments* alleges, *is attached as Appendix "G" herewith* – as proof that the Petitioner is the "**true and factual**" "**Owner** of "**MRGI**"; of which, this exculpatory information was unlawfully concealed from the Trial Court and the Petit Jury;

- (d) ...the Petitioner was never held as “*fiduciary*” or held in a “*fiduciary capacity*” of the Petitioner’s Company “**MRGI**”, as clearly agreed by ALL PARTIES involved, *is attached as Appendix ‘H’ herewith* – as agreed; and furthermore, this exculpatory information was unlawfully concealed from the Trial Court and the Petit Jury;
- (e) ..the Petitioner’s Company “**MRGI**” is NOT the same Company as “MRG (Ltd): Operating Group Ltd. (a Joint-Stock Limited Partnership) (known as “MRG (Ltd)” hereinafter), *is attached as Appendix ‘I’ herewith* – as to prove that the Petitioner’s Company “**MRGI**” was retained by said “MRG (Ltd)” in exchange to 10% stake in “MRG (Ltd)” and would be compensated at \$125.00 per billable hours in accordance to the “THE AGREEMENT” to-wit: “**SERIES ‘A’ REDEEMABLE PREFERRED STOCK PURCHASE AGREEMENT**” **SECTION 1.3 USE OF PROCEEDS**, as clearly agreed by ALL PARTIES, *is attached as Appendix “J” herewith – which clearly proves that the Subscription Funds deposited into the authorized Bank Account would be used to pay for professional projects management development and plans*; and that this exculpatory information was falsely presented as if the two Company “**MRGI**” and “MRG (Ltd)” were as one Company; and that this **MATERIAL FACT** was also unlawfully concealed from the Trial Court and the Petit Jury;
- (f) ...that the Petitioner was never “an employee”; “an officer”; or “a director” of said “MRG (Ltd)”, rather the lone, sole owner of the Petitioner’s Company “**MRGI**”; that the Prosecutor of the Case “outright” lied to the Trial Court and the Petit Jury into believing that the Petitioner’s was just “an employee” and / or “an officer” of the Petitioner Company “**MRGI**” with NO AUTHORITY WHATSOEVER to conduct the “*day-to-day*” affairs – **since 1991** - of the Petitioner’s Company “**MRGI**”; and that the Petitioner acted contrary to an alleged “agreement” or acted in contravention of the said “THE AGREEMENT”, of which the STATE did not provide any evidence at Trial to support this allegation, as the Indictments alleges;
- (g) ...that a secret bank accounts came to LIGHT after the Trial as exculpatory evidence, that some of the Board Members of said “MRG (Ltd)” opened several banks accounts under the name of the Petitioner’s Company “**MRGI**”, and some of the State Witnesses admitted, during their respective

testimony, such criminal activities to-wit "theft of service from "**MRGI**" - *is attached as Appendix "L"* herewith; "theft of "**MRGI** Company's property" and "misapplication of fiduciary property", *is attached as Appendix "M"* herewith;

- (h) ..that an "impostor" filed a ***Perjured "Criminal Complaint(s) Affidavit(s)"*** by portraying herself as being the "true and lawful" "owner" of the Petitioner's Company "**MRGI**" filed criminal charges against the Petitioner; and that she acted without authorization or without the *written; effective consent* of the Petitioner and of the Petitioner's Company "**MRGI**"; and admitted that she filed a "perjured" "***Criminal Complaint(s) Affidavit(s)"***, not realizing that the Petitioner is the "true and lawful" owner of the Petitioner's Company "**MRGI**"; and was not aware that the Petitioner's Company "**MRGI**" and "MRG (Ltd)" were two separate, different Operational Companies; and that during the Trial – outside the Courtroom , *is attached as Appendix "N" and Appendix "O"* herewith; and was excuse during the middle of the Trial from the State Witness' List, violating the Petitioner's Constitutional Rights of CONFRONTATION CLAUSE; and
- (i) ...of many other infractions of Constitutional Law, such as deliberate acts of unlawful misinformation; misstatements; misunderstandings ; and / or mischaracterizations, and that the MATERIAL FACTS of the Case is the Indictments are "***fatally defective***" with "***fatal variances***" of alleged crimes that never occurred by the Petitioner and / or the Petitioner's Company "**MRGI**".

B. How The Petitioner's Questions Presented Were Raised:

- 1. Does a false conviction from a "fatally defective" Indictments violate the Constitutional Rights of Due Process Clause - if a key part of the prosecution's case was based on "unlawful" and "unconstitutional" concealment of exculpatory evidence – as "MATERIAL FACT" – that the "Defendant" and the "Complainant" in the Invalid, Defective Indictments – are "factually" and "legally" are one of the same persons as the Petitioner; and that later developments have proven were fraudulent (or "Fraud on the***

Courts") – as presented at Trial? If so, what legal standard governs this claim?

THAT, the UNITED STATES SUPREME COURT has held that the Due Process Clause of the FOURTEENTH AMENDMENT is violated where the STATE knowingly uses false evidence and perjured testimony to obtain "*fatally defective*" Indictments, then subsequently became the basis to obtain a false conviction; and that was based solely on misstatement of law and misrepresentation, manufactured facts – including perjured testimony, known to the STATE at the time of Trial, clearly violated the Petitioner's Due Process Rights -see "**Ex Parte FIERRO**", 934 S.W.2d 370 (Tex. Cr. App. 1996); and "**Ex Parte CASTELLANO**", 863 S.W.2d 476 (Tex. Cr. App. 1993).

THAT, the STATE knowingly presented false evidence and the use of perjured testimony- as "**MATERIALLY FALSE**"; as '**CONSTITUTIONAL' ERROR**'; and as "**BRADY VIOLATION**", which is subject to a harmless error analysis. Under the applicable standard, the "...petitioner has the burden to prove by a preponderance of the evidence that the error contributed to his wrongful conviction or punishment..." That, the Petitioner shall show to the COURTS with a *preponderance of the exculpatory evidence*, which shall prove the Petitioner's innocence, and to highlight the "*unlawful and unconstitutional*" acts of **Prosecutorial Misconducts and Malicious Prosecution** by the STATE .

THAT, in the STATE lack of response to the Petitioner's filed **APPLICATION FOR A WRIT OF HABEAS CORPUS** and then proceeded with labeling the Petitioner as a "**vexatious litigant**" (*Appendix 'P'*) is a clear indication and of credible proof that the STATE realizes that the Petitioner indeed has provided credible evidence in the Petitioner's possession – that is **MATERIAL EVIDENCE**, and that the STATE refuses to concede that a certain prosecutor indeed had presented false evidence and perjured testimony at the Petitioner's Trial - as proven by the Petitioner's preponderance of the exculpatory evidence, and that a certain "**KEY**" State Witness – the said "**Impostor**" – who was excused from the State Witness List during the Trial, of which the Petitioner's retained Legal Counsels inadvertently failed to "object" – knowing the

said "Impostor" was the STATE'S **only alleged** primary witness whose testimony – claiming to be the **true, lawful owner** of the said Petitioner's Company "**MRGI**" – with her (the said "Impostor") filing of the Perjured "**Criminal Complaint(s) Affidavit(s)**" alleging she had first-hand knowledge of the alleged crimes committed by the Petitioner against her "COMPANY" – or truth be known against the Petitioner's Company "**MRGI**", that is lawfully owned exclusively by the Petitioner - allegedly her testimony was crucial for the STATE'S case against the Petitioner, only to be realized during the Trial was Perjured **Criminal Complaint(s) Affidavit(s)**", and that the said "Impostor's" false testimony would have most likely than not guarantee the Petitioner's **acquittal** or a **mistrial** would have been declared by the Trial Court, and that the Petitioner is entitled to relief in the form of a new trial or to set-aside the judgement of conviction to **acquittal**.

THAT, the STATE adamantly refused to submit to the Trial Court of its proposed Findings of Fact and Conclusions of Law of controverted, unresolved issues, which were allegedly ORDER by the Trial Court, without an evidentiary hearing - *is attached as Appendix "A" and Appendix "E" herewith*. That, the Petitioner has clearly establish the Petitioner's innocence - with the preponderance of the evidence - of the falsity of other evidence and false, unsubstantiated argument offered by the STATE, that the Petitioner allegedly acted alone in the alleged crimes against the same persons as the Petitioner and the said Petitioner's COMPANY "**MRGI**", and without the effective consent of the same persons as the Petitioner – were falsely misrepresented to the Trial Court and to the Jury, that the Petitioner stole, laundered and / or misapplied the Petitioner's Company "**MRGI**" Property to-wit "funds" belonging exclusively to the same persons as the Petitioner – by confusing the Trial Court and the Jury into believing there were "**victims**" to-wit: the said "Impostor" and of "disgruntle investors" - who clearly filed false, perjured **Criminal Complaint Affidavits** with Law Enforcements and the Prosecutors.

THAT, the STATE presented Fabricated Evidence; False Evidence; and False Argument in the "**guilt / innocence**" phase of the Petitioner's Trial. Thus, the STATE used the False

Evidence and False Testimony against the Petitioner.

THAT, the STATE presented other Fabricated Evidence linking - "falsely" - the Petitioner's wrongful conviction, that the said "**Impostor's**" testimony was crucial to the STATE'S case at the Petitioner's Trial. The STATE predicated its "**Trial Theory**" on the said "**impostor's**" testimony, to testify that she was the lawful, true owner of the Petitioner's Company "**MRGI**"; by false accusations that the Petitioner allegedly had stolen, laundered and misappropriated "property" belonging exclusively to the Petitioner's Company "**MRGI**". That the said "**Impostor**" false claims to Law Enforcements and a State Magistrate Judge – by testifying under sworn oath – that the Petitioner's Company "**MRGI**" is her Company, and that the Petitioner acted alone.

The STATE supported this bizarre theory by presenting False Testimony of other State Witnesses – *that HAD NO information or knowledge of the affairs of the Petitioner's Company "MRGI"* - who characterized the Petitioner as being the "**true and factual**" "**owner**" – exclusively - of the Petitioner's Company "**MRGI**"; and there were no trace of evidence that the Petitioner had stolen, laundered and / or misappropriated "property" from the Petitioner's Company "**MRGI**" (exclusive property); and that the Petitioner acted in full accordance and compliance of the "**THE AGREEMENT**" to-wit: "**SERIES 'A' REDEEMABLE PREFERRED STOCK AGREEMENT**" (*see APPENDIX "J"*) between the Petitioner's Company "**MRGI**" and the Company "MRG" (also known as "MRG (Ltd): OPERATING GROUP LTD" – a Joint-Stock General Limited Partnership) – not to be confused with the Petitioner's Company "**MRGI**"). That this said "**THE AGREEMENT**" was concealed from the Trial as credible exculpatory evidence proving the Petitioner's innocence.

That the said "other" State Witnesses – as discussed above last paragraph - retained the Petitioner and the Petitioner's Company "**MRGI**" - to provide Professional "**Project Management Services**" on behalf of said "MRG (Ltd)" - through the Petitioner's Company "**MRGI**". Furthermore, had the STATE proceeded with the said "**Impostor's**" False Testimony would have committed aggravated perjury, by her purported as the eyewitness account of the

alleged crimes “allegedly” committed by the Petitioner and that the Petitioner’s retained Legal Counsel would have impeached the said “**Impostor’s**” testimony and move the Trial Court to charge the “**Impostor**” with ***aggravated perjury***, and to further move the Trial Court for declaration of Mistrial. In light of the foregoing, the said “**Impostor’s**” False Testimony - had she testified – despite the Petitioner’s retained Legal Counsels failure to “**OBJECT**” upon learning that the said “**Impostor**” was removed from the State Witness list during the Trial, denying the Petitioner of Constitutional Rights of Confrontation Clause – **SIXTH AMENDMENT**; and that it is more likely than not that no reasonable juror would have convicted the Petitioner in light of the new evidence of ***Fraud on the Court***.

THAT, the Petitioner argues, alternatively, that the STATE was fully aware of the False Nature of the said **Impostor’s** statement to law enforcements; her ***affiant’s*** testimony before the Magistrate Judge; and / or to the Grand Jury - at the time it was presented at Trial. In light of the false ***Criminal Complaint Affidavit(s)*** during the Trial, however, because the said “**Impostor’s**” testimony was crucial to the case presented by the STATE; and because the false nature of the said “**Impostor’s**” statement to law enforcements and perjured testimony before the Magistrate Judge and possibly before a Grand Jury is now undisputed, and that this Perjured “Criminal Complaint(s) Affidavit(s) was unconstitutionally suppressed – **as *exculpatory evidence*** – from the Trial and the Petit Jury. Therefore, this COURT shall find and need not reach the issue of the STATE’S knowledge – as “**MATERIAL FACTS**” and of “**BRADY RULE**” violations.

THAT, based on the foregoing, this COURT shall find that the Petitioner has proven by a preponderance of the evidence that his federal . . . ***constitutional due process rights***... were clearly violated.

THAT, this COURT shall conclude that the Petitioner is also unconstitutionally and unlawfully restrained and to recommend that the ***Court of Criminal Appeals of Texas*** or the ***252nd Judicial District Court*** should “grant” the Petitioner’s HABEAS Relief on the

Petitioner's False Evidence claims, by reversing and remanding to the Trial Court for a new trial or to set-aside the judgement of conviction to acquittal, immediately without delay.

THAT, in post-conviction review of **APPLICATION FOR A WRIT OF HABEAS CORPUS**, this COURT is the "*ultimate fact-finder*". Though the Trial Court is the "*original factfinder*," and that the *Court of Criminal Appeals of Texas* generally defers to and accepts the Trial Court's findings of fact and conclusions of law – "*IF*" they are supported by the COURT RECORD. Now in light of the findings based on the preponderance of the Petitioner's exculpatory evidence, this COURT shall find that the RECORD from the Trial Court are considered **MATERIALLY FALSE** and **MATERIALLY FRAUDULENT**, when the STATE knowingly presented False Evidence; Perjured Testimony; and False Arguments – see "**Ex Parte REED**", **271 S.W.3d 698, 727 (Tex. Cr. App. 2008)**: "*..when our independent review of the record reveals that the trial judge's findings and conclusions are not supported by the record, we may exercise our authority to make contrary or alternative findings and conclusions...*"

THAT, in this "**WRIT OF CERTIORARI**", this COURT shall make findings and conclusions that are supported by the preponderance of the exculpatory evidence. Furthermore, this COURT, with the "support of the *Court of Criminal Appeals of Texas*, shall find that the Petitioner's constitutional "**due-process rights**" have been grossly violated. That, based on the Petitioner's preponderance of the exculpatory evidence, shall find that the circumstances of the present case merit a finding that the Petitioner's **due-process rights** were violated, notwithstanding the absence of the STATE'S knowledge of the false evidence and / or perjured testimony at the time of the TRIAL.

THAT, in "*true*" light of the foregoing, the Petitioner respectfully request this COURT to confirm that it is more likely than not that the said "**Impostor's**" false statements to law enforcement and her perjured testimony – before the State Magistrate Judge and possibly before the Grand Jury - contributed to the Petitioner's wrongful conviction and punishment – for crimes that never occurred. The Petitioner also respectfully request that this COURT grant RELIEF

from the “**judgment of conviction**” to full “*acquittal*”, for it’s in the best interest of *justice; fairness; and accountability*.

2. *Does the findings that the grand jury issued indictments and / or the petit jury false “guilty” verdict – both were based on fraudulent affidavits; false arguments; inadmissible evidence; false statements to law enforcement; false evidence; or perjured testimony, that was initiated by the prosecution “unlawfully” and “unconstitutionally”; and did the petit jury and the Texas Court of Appeals “constitutionally” made findings in accordance with the “Statutory Law” or “Texas Penal Code”; and that later development have proven false and fraudulent - does this gives rise to an action under 42 U.S.C. § 1983 for a violation of the United States Constitution, and the Texas State Constitution? And if so, what legal standard governs this claim?*

THAT, the Petitioner shall show to this COURT, that unconstitutional and unlawful acts of **Malicious Prosecution and Official Misconducts** were committed during the Trial – **CAUSE NO. 15-23712**; of deliberate Official Misconducts in their investigations and prosecutions effort. The myriad of Official Misconduct was: (a) *Witness Tampering*; (b) *Misconducts in Interviewing alleged State Witnesses in their respective False Police Statements and Claims*; (c) *Fabricating Evidence*; (d) *Concealment of Exculpatory Evidence (see Appendix ‘R’)*; and (e) *Prosecutorial Misconduct at Trial and Investigative Misconducts by State Police Officers and by the Prosecutors*; including misconducts by the **State Expert Witness** – an employee of the STATE OF TEXAS - not independent - as the alleged “Forensic Audit Analyst” – all in an “**Organized Front**” obtained a **False Indictments**, then as the basis of the **False Conviction** - that were based on false arguments; inadmissible evidence; false criminal complaint affidavits; false evidence; and perjured testimony. That the Invalid, Defective Indictments was initiated by the unconstitutional and unlawful acts of Malicious Prosecution; and that the **Court of Criminal Appeals of Texas**, erred in the alleged findings in pursuant of Statutory Law - **Texas Penal**

Code § 32.45: Misapplication of Fiduciary Property; and that the alleged findings by the Grand Jury; the Petit Jury; and the **Texas Appellate Courts** were based on false evidence and false information, gives rise to a CAUSE OF ACTIONS under **42 U.S.C. § 1983** for violation of the **Petitioner's Constitutional Rights and Civil Rights**.

THAT, this COURT has held that it's a Federal Offense when: "...*a person who is acting under "under color of any law" namely: under governmental authority or the pretense of authority – that knowingly violates another person's civil rights "willfully"...*" under the provisions of **18 U.S.C. § 242** and under **42 U.S. Code § 1983 – "CIVIL ACTION FOR DEPRIVATION OF RIGHTS"** clearly states: "...*every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State ... subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable..."*

THAT, during the Petitioner's Trial – **CAUSE NO. 15-23712**, the entire Prosecution Team organized a scheme - by "**railroading**" - the Petitioner, by obtaining a False Conviction, while violating countless constitutional rights and civil rights of the Petitioner, by the unlawful and unconstitutional acts of Official Misconducts, by violating: (a) ...*the FOURTEENTH AMENDMENT right not to be deprived of life, liberty, or property without due process of law;* and (b) ...*the FOURTH AMENDMENT right against unreasonable search and seizure for crimes that never occurred by depriving the Petitioner's Rights "Under Color of Law".*

THAT, the penalties under **18 U.S.C. § 242** increase when the unethical acts of Official Misconducts lead to severe personal injury or death, or when it involves "**false imprisonment**".

THAT, according to this COURT, the word "*willfully*" in 18 U.S.C. § 242 means: "...*that the defendant(s) must have had a "specific intent" to deprive the victim of a particular federal right, but it doesn't necessarily mean they were "thinking in constitutional terms"...*" see "**SCREWS v. UNITED STATES.**", 325 U.S. 91 (1945) "...*even if that sounds confusing, the "specific intent" standard is a tough one to meet—which is why the Justice Department often resists pressure to bring charges in notorious cases of misconducts by the prosecution team...when the appeals court upheld their convictions, it said they 'acted with deliberate indifference' and 'took affirmative steps' to place the victim in harm way deliberately...*" citing "**UNITED STATES v. LANHAM**", 617 F.3d 873 (6th Cir. 2010).

THAT, the UNITED STATE DEPARTMENT OF JUSTICE – upon formal complaints shall also charge a certain "**offender for the State**" - under other federal civil rights violations and hate crimes, including: (a) *conspiracy to injure, threaten, or intimidate someone for exercising constitutional or legal rights (18 U.S.C. § 241)*; (b) *a pattern or practice by law enforcement officials to deprive people of their constitutional rights (34 U.S.C. § 12601)*; and (c) *injuring or trying to injure someone because of the victim's actual or perceived religion, national origin, race, gender, sexual orientation, gender identity, or disability (18 U.S.C. § 249)*. That, the Petitioner has a Disability: **Deaf**, coupled with **Auditory Processing Disorder** and **Speech Impediment** since birth.

THAT, the Petitioner is clearly a victim of the **State's Official Misconducts** and in violations of Petitioner's Constitutional Rights and Civil Rights. The Petitioner has filed several "complaints" with the **Jefferson County (Texas) Judicial District Courts** and the **United States District Courts**, complaining that said Prosecution Team and a certain Petitioner's retained Legal Counsel for violations of the Petitioner's Civil Rights under the **Civil Rights Act of 1871 (42 U.S.C. § 1983)** and under the "**AMERICANS WITH DISABILITY ACT of 1990 (ADA) (42 U.S.C. § 12101)**"; and also complaining of emotional distress – by forcing the Petitioner to spend wrongful incarceration, depriving the Petitioner's rights to be allowed to

wear any Hearing Aids Devices, that the STATE OF TEXAS considers as "contraband".

THAT, under "BRADY RULE", a lawyer may not knowingly use false evidence in Court. That prohibition has two parts: (a) "...it's misconduct for a lawyer to "offer evidence [in court] that the lawyer knows to be false..."; and (b) "...if a witness called by the lawyer has offered material evidence and the lawyer comes to know of its falsity, the lawyer [must] take reasonable remedial measures...." see **AMERICAN BAR ASSOCIATION MODEL RULES OF PROFESSIONAL CONDUCT: RULE Rule.3.3 (a) (3)**. AND that, "...if the lawyer is a prosecutor in a criminal case, the "remedial measures" in response to unanticipated lies by a witness must include disclosing the perjury to the court...". That follows from the prosecutor's professional and constitutional obligation to disclose exculpatory evidence—in this context, the fact that a prosecution witness has just lied—but it's also an older constitutional rule that the Supreme Court built on when it defined the duty to disclose exculpatory evidence in said **"BRADY v. MARYLAND" in 1963**. In 1959, the Supreme Court held in **"NAPUE v. ILLINOIS"** that "...a conviction obtained through use of false evidence, known to be such by representatives of the STATE, must fall under [the due process clause of] the FOURTEENTH AMENDMENT," that this "result obtains when the STATE, although not soliciting false evidence, allows it to go uncorrected when it appears," and that "[i]t is of no consequence that the falsehood bore upon the witness' credibility, rather than directly upon defendant's guilt..." THAT, in short, under **"NAPUE"**, a prosecutor has a constitutional obligation to correct perjury by a state witness even if she did not herself offer the false testimony..." Therefore, the Petitioner made findings that the STATE permitted perjury to go uncorrected. That, the STATE also concealed exculpatory evidence. Furthermore, the STATE allowed their employee as the said **"State Expert Witness"** "a forensic analyst" knowingly, falsely testified during the Trial **CAUSE NO. 15-23712**, when the Prosecutor knew that the said **"forensic analyst"** was not given access to ANY of the exculpatory evidence in the STATE'S Possession, and did nothing to disclose that exonerating evidence was available for the said **"forensic analyst"** or correct the testimony of the **State Expert Witness'** from perjury, as the evidence at Trial establish.

THAT, the evidence establishes from the Trial, the Prosecutor procured the perjury, which was presented in Trial, and then, of course, did nothing to correct it. That, it was blatantly obvious, that perjury was being made by “key” State Witnesses in question should have been known to the Petitioner’s Defense. The Prosecutor with his unlawful “leading” questions with its State Witnesses into believing that the Complainant was from someone within the said “MRG, Ltd.”, whereas the Invalid, Defective Indictments alleges the Petitioner’s Company “**MRGI**”, as discussed above.

THAT, when the State Expert Witness lied under oath – testifying that he was not aware that the Petitioner’s Company “**MRGI**” was clearly the lone, sole OWNER of “**MRGI**” – owned 100% exclusively by the Petitioner – despite the earlier testimony when the State Investigator testified that he was aware that the said Petitioner’s Company “**MRGI**” and “MRG (Ltd)” – during his investigation – he found that the two “...*were intertwined...*”; and that the Petitioner’s Company “**MRGI**” and “MRG (Ltd)” were two separate – “**independent**” company, and that “MRG (Ltd) changed its Entity name to a “...*French Name...*” to-wit: “**Verte’ Energique Resources Group Ltd.**” (hereinafter known as “**VERTE**”) as the evidence establish at Trial. The Prosecutor knew the State Investigator’s Testimony to be “**true and correct**”, but allowed the State Expert Witness’ testimony - as *perjured* – to stand. Furthermore, the Prosecutor and the said State Investigator both obstructed justice when they learned during the Trial when several of the “State Witnesses” admitted – (during their respective testimony) - to stealing; laundering; and misappropriated “property” belonging “**exclusively**” to the Petitioner and the Petitioner’s Company “**MRGI**” - by their opening a secret bank account – without the written, effective consent of the Petitioner - under the Petitioner’s Company “**MRGI**” name under the guise of the said “MRG (Ltd)” – in which, the perjury was by civilian State Witnesses. That, this COURT addressed in “**NAPUE**”: the fact that the said State Witnesses may have received special, fringe benefits from the STATE in return for testifying—usually favorable treatment in pending criminal cases of their own – meaning the Investigation may have ceased once the **invalid, defective** Indictments were handed down against the Petitioner – not understanding

that the **Defendant** and the **Complainant** in the said Indictments are none other – **legally** and **factually** – than one of the same persons as the Petitioner. And that the prosecutor knew that some of the State Witnesses' testimony was MATERIALLY FALSE, and when the other State Witnesses lied about other MATERIAL FACTS and MATERIAL ISSUES, this COURT shall find there are enough evidence and information to conclude that the Prosecutor was fully aware of the perjury; and that the Prosecutor knows about deals with certain State Witnesses that they or their offices entered into. Therefore, the COURT shall also find that the Grand Jury and / or the Petit Jury rendered its verdicts based on False Evidence and False Testimony in violations of **18 U.S.C. § 242** and under **42 U.S. Code § 1983 – “CIVIL ACTION FOR DEPRIVATION OF RIGHTS”**; gives rise to a **CAUSE OF ACTIONS** under **42 U.S.C. § 1983** for violation of the Petitioner's Constitutional Rights and Civil Rights.

THAT, the Prosecutor “**knowingly**” and “**willfully**” lied about important, significant MATERIAL FACTS during the Trial - at which they represented the STATE. The Prosecutor of the Case are NOT arguing or speaking under oath, therefore not committing perjury – but as MATERIALLY FALSE. However, the Prosecutor is prohibited from lying – *under any circumstances* – during the Trial – especially during the Prosecutor's closing argument by making factual claims that had no basis in any evidence in the record – as MATERIALLY FALSE; see **AMERICAN BAR ASSOCIATION – MODEL RULES FOR PROFESSIONAL CONDUCT -RULE 3.3** clearly states that: “*...a lawyer shall not knowingly... make a false statement of fact or law...or present materially false evidence...to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer.*” And that the prosecutor - violating his Constitutional Duty is subject to punishment for Contempt of Court, even if not under oath....*the prosecutor has a heightened duty of candor to the courts...*”

THAT, this COURT'S expectations are that any Prosecutor as an Officer of the Court are “*...entitled to a higher degree of candor and professional responsibility from government counsel...and should be able 'to rely on the prosecutors' open court, on the record representations,*

without the need of a formal oath..." Refer to MICHAEL MORTON ACT – STATE OF TEXAS,
whereas a Prosecutor of the Case - "Ken Anderson", who was the District Attorney of
Williamson County, Texas, who sent Michael Morton to prison for 25 years for a murder he did
not commit, was sentenced to 10 days in jail because he lied to the Trial Court for the sole
purpose of said "Anderson's" political agenda, without regards for the truth of the case, that had
said :Anderson" disclosed all the exculpatory evidence in his possession that tended to show that
Morton was clearly innocent.. However, it's worth noting that the Petitioner's retained defense
attorney provided a constitutionally inadequate defense: that it was obvious he had not read the
State Investigators' reports and did not know that the prosecutor was lying. In fact, it was the
Petitioner's retained defense counsel's ineffective legal assistance along with the prosecutor's
misconduct, as the basis for this "**WRIT OF CERTIORARI**" – see "**In Re AGUILAR**", **97 P. 3d**
815, 820 (Cal. 2004) - "*...it is, of course, an extremely serious breach of an attorney's duty to a
court to lie in statements made to the court, and an intentionally false statement made by an
attorney to a court clearly constitutes a contempt of court..."*

THAT, in conclusion, the Official Misconducts at Trial – as demonstrated above - concerns
false testimony and false evidence; misrepresentation of material facts by the State
Investigators; fraudulent "fake" facts and false testimony by "key" State Witnesses - that the
Prosecutor "knowingly" failed to correct, proves lies by the Prosecutor during the TRIAL, as the
evidence establish - as well as the Prosecutor blatantly committed Prosecutorial Misconducts
during the entire criminal proceedings; in the Prosecutor misstatement of material facts in
closing arguments or questions on examination or on cross-examination. In general, the Courts
consider these to be severe forms of Official Misconduct than others —in part because the most
serious subcategory, improper arguments are the deliberate deceptions by the Prosecutor by
fraud on the court and / or lying in TRIAL; even if the implication is false, it is, literally, a lie –
by persuasively organizing and summing up the evidence that supports the FALSE LIGHT in
the eye of the STATE'S position – ***unconstitutionally and unlawfully*** – created an
opportunity to tell the jury things that are false, unsupported by evidence, misleading or

inflammatory – assures that the Petitioner did NOT have a fair and just TRIAL, which is prohibited by the general rule that at trial - “*...a lawyer shall not... state a personal opinion as to the justness of a cause... or the guilt or innocence of an accused...*”

3. Did the Trial Court – as a matter of statutory law - have proper jurisdiction to proceed without a lawful, proper probable cause(s) - under Texas State Law, standing alone; and if so, gives rise to an action for a violation of the United States Constitution and Texas State Constitution claims, arising from adversary actions in the Petitioner's actual innocence claims? And that when the Trial Counsels failed to file a pre-trial motion to dismiss “invalid, defective indictments” or made timely objections – during the Trial, yet failed to announce to the Trial Court that the “Indictments” are “fatally flawed” and “void”, and to move the Trial Court for dismissal of indictments – “as a matter of statutory law” – for the Trial Court did not have the proper jurisdiction to preside over the case and to validate that a “constitutionally deficient” indictments violates the “Fifth Amendment Rights” “...no person shall be held to answer for...infamous crimes that never occurred...”?

THAT, the Trial Court without - first and foremost - make findings of and validate **“MATERIAL FACT”** of - “*...who is the lawful “owner” of the Petitioner’s Company “MRGI”...*”; and to find how it is statutory possible that the Petitioner – as the **“Defendant”** could have stolen; laundered; and / or misapplied “property” belonging exclusively to the one same persons as the Petitioner and of the Petitioner’s Company **“MRGI”** – as being the **“Complainant”**; AND how is it statutory possible for the Petitioner – as the **“Defendant”** acted criminally **“without the effective consent”** of the same persons as the Petitioner –the **“Complainant”**; AND how is it legally possible for the Petitioner – as the **“Defendant”** could be held as a **“fiduciary”** or held as **“fiduciary capacity”** of the one same persons as the Petitioner – the **“Complainant”** – as the Invalid, Defective Indictments alleges – totally disregarded the Petitioner’s profound **“ground”** for post-conviction “relief” - and affirmed the **“Judgment of Conviction”** - on or about July 24th,

2019, is attached as Appendix "Q" herewithin - ruling that "...when there is a challenge to the sufficiency of the evidence, we review the evidence in the light most favorable to the verdict to determine whether any rational fact-finder could have found the essential elements of the offense beyond a reasonable doubt..." without first reviewing the Indictments to ensure the Trial Court has the proper jurisdiction of the Cases, violating the Petitioner's Constitutional Rights of Due Process of Law.

THAT, the Petitioner has the Constitutional Rights of the FIFTH AMENDMENT - not to be tried for crimes that never occurred, as the *Invalid, Defective Indictments* alleges. That, our Constitution requires that "...no person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment by a grand jury...". The UNITED STATES CONSTITUTION FIFTH AMENDMENT provides the only means of charging a person with commission of a crime against the [State] government. That, as a general rule, an indictment passes constitutional muster if it: "...contains all the elements of the offense charged and fairly informs a defendant of the charge against which he must defend, and second, enables him to plead an acquittal or conviction in bar of future prosecutions for the same offense..." see "**HAMLING v. UNITED STATES**", 418 U.S. 87, J 17 (1974); "**UNITED STATES v. LANDHAM**", 251 F.3d 1072, 1079 (6th Cir. 2001). That, the UNITED STATES SUPREME COURT held that this constitutional standard "...must be applied with explicit reference to the substantive elements of the criminal offense as defined by state law...the indictment ... must be a plain, concise, and definite written statement of the essential facts constituting the offense charged..." **Fed R. Crim. P. 7 (e)(J)**.

THAT, this COURT also held that Federal Due Process of Law requires that the State must prove, beyond a reasonable doubt, every statutory element of the crime charged. That, the Due Process Clause protects a person from conviction "...except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged..." However, in this Petitioner's case for the theft; laundering; and / or misapplication of property belonging **exclusively** to the same one persons as the Petitioner and of the Petitioner's Company – as the

Invalid, Defective Indictments alleges.

THAT, the Grand Jury returned three Invalid, Defective Indictments that was based on False Criminal Complaint(s) Affidavit(s) - as "***Constitutionally Deficient***" - was not in compliance with the FIFTH AMENDMENT or TEXAS STATE CONSTITUTION, ARTICLE 1 Section 10, that clearly provides that "...*a person cannot be compelled to give evidence against one's self...*", which is more expansive than the FIFTH AMENDMENT of the UNITED STATES CONSTITUTION which provides that "...*a person cannot be compelled to testify against one's self...*". That, unlike the other identified Constitutional Errors in this Petitioner's Case, the FIFTH AMENDMENT provides an explicit remedy, namely, that "...*a person "shall not be held to answer" for a capital, or otherwise infamous crime...*" specifically for crimes that never occurred. Here, the FIFTH AMENDMENT applies to the guilty as well as the innocent. Therefore, the Petitioner shall NOT be held to answer if the indictment is proven ***Invalid, Defective*** and ***fatally flawed*** as being "***Constitutionally Deficient***"; and does not charge an offense. In this Case, the "***Defendant***", as alleged in the said ***Invalid, Defective Indictments*** is "***legally and factually*** the same one persons as the "***Complainant***". The Indictments are ***fatally flawed*** because it alleged that the Petitioner - as the "***Defendant***" had stolen, laundered, and / or misapplied property to-wit: "funds" belonging exclusively to the same persons as the Petitioner - as the "***Complainant***" and from the Petitioner's Company "***MRGI***"; and that the alleged Petitioner's criminal misconducts were unlawfully acted without the same one persons as the Petitioner's ***effective consent*** - as the ***lawful, owner*** - which is none other than the same persons as this Petitioner - of the Petitioner's Company "***MRGI***". One should have asked the question before and during the TRIAL, how could the Petitioner - as the "***Defendant***" - stole, laundered or misapplied "funds" belonging exclusively to the same persons as the Petitioner - as the "***Complainant***" - and the criminality were without the Petitioner's ***effective consent*** (of the Petitioner), who is the ***lawful and factual*** owner - exclusively - of the said Petitioner's Company "***MRGI***" - as the Indictments alleges.

THAT, this COURT has recognized that the FIFTH AMENDMENT contains a "...right not to be tried..." - **for crimes that never occurred**; and is independent of any prejudice in the merits trial, in its decision - see "**MIDLAND ASPHALT v. UNITED STATES**", **489 U.S. 794 (1989)**, where "...an indictment contains a fatal flaw or defect, it ceases to be an indictment...a defect so fundamental that causes ... the indictment no longer to be an indictment and gives rise to 'the constitutional right not to be tried'..." **Id. 802. (Emphasis supplied)**.

THAT, the Law provides that to define a crime, it is necessary that the Indictment include "...every fact that is by law a basis for imposing or increasing punishment..." see "**APPRENDI v. NEW JERSEY**", **530 U.S. 466, 501 (2000)** "...an indictment invalid on its face due to omission an essential statutory element is no accusation at all or the lawful, authorized complainant's name...", therefore, **FEDERAL RULE 34 (a)** which requires an **arrest of judgment** if "...the indictment ... does not charge an offense...". That, since the earliest days of this Republic, a long solid line of precedent has established that **automatic reversal of a judgment** is the required remedy when a reviewing court determines that the indictment does not charge any offense. The framers of the institution of the grand jury was adopted in the United States Courts - to be a basic guarantee of individual liberty, notwithstanding, periodic criticism, was designed as a means not only of bringing to trial the persons accused of a public offenses upon just grounds, but also as a means of protecting the citizen against unfounded accusation, and to provide a shield against arbitrary or oppressive action, by ensuring that serious criminal accusations will be brought only upon the considered judgment of a representative body of citizens acting under oath and judicial instruction and guidance.

THAT, the Petitioner further contends that the Petitioner has the right to have the grand jury make the charge on its own judgment – based on **true and correct facts** – with presentment of **clear, convincing evidence – free from fraud and false evidence**; and that alone, is the substantial right of the Petitioner that should have never been taken away. That, the said three (3) Indictment in and of itself are **fatally flawed** because it is completely void of another person's -

other than the Petitioner - ownership to the property; and that in this Case, the property belongs exclusively only to the Petitioner and not to others that has allegedly stolen; laundered; or misapplied – as the Indictments alleges. *The legislative intent is not ambiguous but is explicitly clear that the property must belong to someone other than the Defendant* – which is in this Case is the same one persons as the Petitioner – who is the lone, sole “**owner**” of the Petitioner’s Company “**MRGI**” – as the Indictments alleges. Where the Constitutional Error is “**BRADY MATERIAL**”, it should have been dismissed by the Trial Court or ORDER the STATE to amend, and if necessary, the proceedings adjourned to avoid a manifest injustice or prejudice by enabling the Defense Team – the Petitioner - to prepare to meet the amended charge.

THAT, to allow the Prosecution to make a subsequent guess as to what was in the minds of the Grand Jury at the time they returned the Indictment – “unconstitutionally” - deprived the “**Defendant**” (the Petitioner) of a basic constitutional protection which the guaranty of the intervention of a Grand Jury was designed to secure. It gives the Prosecution free hand to fill in the gap of proof by surmise or conjecture; or just simply with fraud or false evidence, and that there was plain Constitutional Errors in this Case. The Indictments are the process of formally accusing that a person has actually committed a crime; and that a charging instrument, to confer jurisdiction, must charge the statutory commission of an offense. That, the false information – that was presented to the Grand Jury – clearly suffered from a substance defect.

THAT, this COURT further held in a similar case that “*...a judgment of conviction for a crime is void when: (1) ...the document purporting to be a charging instrument, i.e. indictment, information, or complaint, does not satisfy the statutory law or the constitutional requisites of a charging instrument, thus the trial court has no jurisdiction over the defendant; (2) ...the trial court lacks subject matter jurisdiction over the offense charged, such as when a crime involving official misconduct is tried in a trial court; (3) ...the record reflects that there is no credible evidence to support the conviction; or (4) ...an indigent defendant is required to face criminal trial proceedings without appointed counsel, when such has not been waived. This list is very nearly exclusive...*”

THAT, the Petitioner has clearly proven that no crimes ever committed – as the Indictments alleges – and that the Petitioner should NOT BE HELD for an alleged crime(s) that never occurred and where a “Constitutionally Deficient” Indictments failed to charge the Statutory Offense. That, the FIFTH AMENDMENT clearly states that: “...no person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury ...nor shall any person be subject to the same offence to be twice put in jeopardy of life or limb...” That, in the Petitioner's case for three “first-degree” felony Indictments for theft; money laundering; and / or misapplication of the Petitioner's exclusive property to-wit” “funds” – (refer to **CAUSE NO. 15-23710; CAUSE NO. 15-23711; and CAUSE NO. 15-23712** - is attached as Appendix “K” herewith) - of “funds” that clearly and exclusively belongs to the Petitioner and the Petitioner's Company “**MRGI**”; and that the Legal Counsels - as “MATERIALLY FALSE” - unlawfully misrepresented and of their failure to make a timely objection on the record and / or file a timely pretrial motion to dismiss (or quash) the fatally defective indictments cannot validate a “Constitutionally Deficient” Indictments over the FIFTH AMENDMENT – Constitutional Rights of personal guarantee that “...no person shall be held to answer... for an infamous crime...” That, in this Case, the Petitioner was falsely indicted for theft; money laundering; and / or misapplication of property to-wit “funds” belonging exclusively to the same persons as the Petitioner and the Petitioner's Company “**MRGI**”. The said three (3) Indictment - is attached as Appendix “K” herewith - that was returned by a “Jefferson County (Texas) Grand Jury” read, in its entirety for one (1) of the three (3) Indictments – namely **CAUSE NO. 15-23712** - as follows [note inserted “[Petitioner]” - is in reference to **WILLIAM CURTIS JONES** – as: the Petitioner; the Defendant; and the Complainant]:

**STATUTORY OFFENSE: TEXAS PENAL CODE § 32.45:
“MISAPPLICATION OF FIDUCIARY PROPERTY”
First Degree Felony**

*“The Grand Jurors for the County of Jefferson (Texas), State aforesaid, duly organized as such at the October Term, A.D. 2015, of the 252nd District Court of Jefferson County, in said County and State, upon oath in said Court present that ‘**WILLIAM CURTIS JONES**’ - [the Petitioner], hereafter styled the Defendant - [the*

Petitioner] – pursuant to one schemes or continuing course of conduct that began on or about the 5th day of June Two Thousand and Ten (2010), and continued until on or about the 28th day of December Two Thousand and Ten (2010), and anterior to the presentment of this indictment, in the County of Jefferson, State of Texas, intentionally, knowingly, and recklessly misapply property, to wit: current United States Monies, of the value of \$200,000 or more, that the Defendant - [the Petitioner] - held as a fiduciary - [of the Petitioner] - or as a person acting in a fiduciary capacity - [for the Petitioner], but not as commercial bailee, contrary to an agreement under which the Defendant - [the Petitioner] - held the property - [belonging to the Petitioner's Company], and in a manner that involved substantial risk of loss of the property to **MANAGEMENT RESOURCES GROUP, INC.** - [the Petitioner's Company exclusively 100% Common Stock Owner], the owner - [the Petitioner] - of the property, and the person - [the Petitioner] - for whose benefit, the property was held, by applying funds from business accounts for **“MANAGEMENT RESOURCES GROUP, INC.”** - [the Petitioner's exclusively owned Company] - for personal use, against the peace and dignity of the **STATE OF TEXAS...**”

THAT, at first glimpse or impression, the said Indictments appears to have the tracking language of a typical theft; laundering; and / or misapplication case. However, in this Case, a closer analysis of the Indictments reveals that it fails to allege an essential statutory element necessary to charge the offense for theft; money laundering; and / or misapplication of property. It doesn't say the "*property to wit of “anybody”* other than the Petitioner and the Petitioner's Company "**MRGI**" – by alleging that the "**Complainant**" – as the "*true and factual*" "owner" of said Petitioner's Company "**MRGI**" – is *factually* and *legally* none other than the same one persons as the Petitioner; - that is, the property of another or property belonging to someone else must statutorily belongs to someone other than the "**Defendant**" (the "Petitioner"). The "*elements*" or "*facts necessary*" to constitute a crime are determined by State Statutory Law. The materiality of defects in indictments must be analyzed by looking to the essential elements of the criminal offense charged under the specific indictment or information. That, this COURT shall find that the alleged criminal "statutory" offense does not exist, therefore the Petitioner's Constitutional Rights under the protection of the FIFTH AMENDMENT were grossly violated.

THAT, under **TEXAS PENAL CODE § 1.07 (35)** – defines: “OWNER” means a person who: (a) ...*has title to the property, possession of the property, whether lawful or not, or a greater right to possession of the property than the actor*; or (b) ...*is a holder in due course of a negotiable instrument...*; and that under **TEXAS STATUTORY LAW** defines “*theft of property*” when: “...**a person commits the crime of theft of property if he or she knowingly obtains or exerts unauthorized control over the property of another with intent to deprive the owner of his or her property...**”; **Texas Penal Code § 31.03.** **THEFT** defines: (a) ...***a person commits an offense if he unlawfully appropriates property with intent to deprive the owner of property;*** (b) ...***appropriation of property is unlawful if: (1) it is without the owner's effective consent; (2) the property is stolen, and the actor appropriates the property knowing it was stolen by another;***

(note: for purposes of Subsection (b) above: (1) evidence that the actor has previously participated in recent transactions other than, but similar to, that which the prosecution is based is admissible for the purpose of showing knowledge or intent and the issues of knowledge or intent are raised by the actor's plea of not guilty; (2) the testimony of an accomplice shall be corroborated by proof that tends to connect the actor to the crime, but the actor's knowledge or intent may be established by the uncorroborated testimony of the accomplice...)

THAT, the **TEXAS STATUTORY PENAL CODE** describes unlawful appropriation of property in three events: (1) ...*when the allocation of property occurs without the effective consent of an owner;* (2) ...*when an individual appropriates stolen property while knowing that someone else stole the belongings.* Now the question must be asked – “...***what's effective consent?*** ...”. If it pleases the COURT, the Petitioner respectfully requests the COURT to look closely at Item (1) above, to take note that: “**unlawful appropriation, or theft, occurs whenever an owner of the property does not give effective consent to transfer property ownership**” Fortunately, the law clearly describes effective consent, as the owner or someone legally authorized to act on the

owner's behalf must allow transfer of property ownership to another. That this is different from standard consent because it must be: (a) ...*a decision an owner or someone legally authorized to act on their behalf comes to without deception or coercion*; or (b) ...*directly from an individual, that can legally act for the owner, rather than someone the person knows is not acting on behalf of the property owner – in accordance with an agreement...*"

THAT, accordingly, the "**Defendant**" or the Petitioner – as accused - **must have obtained or exerted unauthorized control over the property of another**; or property that is not lawfully of the Petitioner's or the Petitioner's Company "**MRGI**" – *as the Indictments alleged*. The true test of the sufficiency of an indictment then is "...*whether the indictment contains all the elements of the offense intended to be charged...*". Thus, this COURT must turn to the essential statutory elements of the alleged offense of theft; money laundering; and / or misapplication of the Petitioner's exclusive "property" and / or the Petitioner's Company "**MRGI**" property. To have been properly convicted of **misapplication of fiduciary property or theft**, a sufficient indictment must allege: "...*facts supporting every statutory element of [the charged] offense...*" with sufficient precision to appraise the "**Defendant**" (the "Petitioner") of the unlawful conducts which is subject of the accusation, and nothing must be left to inference.

THAT, the fundamental problem with the STATE'S False Argument, and one they cannot overcome, is that the charging document is "**fatally defective**" *because it doesn't say the property to-wit of anybody other than the Petitioner's Company "MRGI"*. That, the Petitioner argues that the gravamen of misapplication or theft is in depriving the true owner – other than this Petitioner - of the use, benefit, enjoyment or value of the same one persons as the Petitioner's property, without the Petitioner's **effective consent**. That, statutory law clearly defines Owner is as of a person, other than the "**Defendant**" (the "Petitioner"), who has possession of or any other interest in the property involved, even though that interest or possession is unlawful, and without whose consent the "**Defendant**" (the "Petitioner") has no authority to exert control over the property to-wit" **of property belonging exclusively to the**

Petitioner and the Petitioner's Company "MRGI". That, the said three (3) Indictment here in this matter cannot be fairly read as charging the Petitioner with theft; laundering' and / or misapplication of property – of “property” that lawfully belongs “exclusively” to the Petitioner and the Petitioner's Company “MRGI”, as the evidence establish at Trial - because it is completely void of any ownership – ***other than the same one persons as the Petitioner*** - to the property that was allegedly stolen; laundered; and / or misapplied. It does not say the property to wit of anybody, other than the same persons as the “**Defendant**” (the “Petitioner”). That, this COURT'S cursory glance will clearly prove as being the case.

THAT, the absence of a material or essential statutory element in the charging document is a matter of substance and is far from "...*a matter of form only...*". That, a cardinal rule is to view the FIFTH AMENDMENT CLAUSE in question in the context in which it occurs and in its cluster of individual guarantees – see “**UNITED STATES v. BALSYS**”, **524 U.S., 666, 673 (1998)**. That, viewed as a whole, the FIFTH AMENDMENT CLAUSE is specifically designed to provide individual guarantees against the government (the “STATE”). It is not designed for the convenience of the government (the “STATE”). As part of the Bill of Rights, FIFTH AMENDMENT GRAND JURY CLAUSE was "...*manifestly intended mainly for the security of personal rights...*" see “**Ex Parte BAIN**”, **121 U.S. 1, 6 (1886)**.

That the STATE unlawfully created prejudice toward the Petitioner “***unfairly and unjustly***” with egregious harms, knowing that the Trial Court did NOT have the proper jurisdiction of the Case as presented; that resulted by the STATE'S knowingly obtained a false conviction of the Petitioner; see:

“GREEN v. UNITED STATES”, supra, 355 U.S. at 187-188, 78 S. Ct. at 224:

“...*the underlying idea, one that is deeply ingrained in, at least the AMERICAN SYSTEM OF JURISPRUDENCE, is that the STATE with all its resources and power, should NOT be allowed to make attempts to CONVICT an innocent individual for an alleged offense; thereby*

subjecting him to embarrassment, expense, loss of liberty and freedom, and ordeal; and compelling him to live in a continuing state of anxiety and insecurity, as well as enhancing the possibility that even though totally innocent, he may be found "GUILTY" through the STATE'S Malicious Prosecution, without a valid, lawful "Criminal Complaint Affidavit(s)" or without a valid, lawful "Probable Cause Affidavit(s)..."

THEREFORE, when an indictment is declared to be ***fatally defective*** it is no longer an indictment and the FIFTH AMENDMENT Constitutional Rights "not-to be-tried" is activated independent of the merits, therefore the Trial Court did NOT have the proper jurisdiction to preside over this Case.

REASONS FOR GRANTING THE PETITION FOR WRIT OF CERTIORARI

THAT, even the intelligent and educated lay-man has small and sometimes no skill in the everchanging world of science of "LAW". That, if charged with crime, he is incapable generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of effective legal counsel, he may be put on trial against a corrupt, overzealous Prosecutor - without a lawful, valid probable cause as the basis to that lawful, proper charge; and to be convicted upon incompetent evidence or false evidence, or evidence irrelevant to the issue or otherwise inadmissible, all the while the Trial Court did NOT have the proper jurisdiction to even preside over the Case. He lacks both skill and knowledge adequately to prepare his defense, even though he has a perfect one. He requires the guiding hand of effective legal counsel at every step in the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence. If that be true of men of intelligence, how much more true is it of the ignorant and illiterate, or those of feeble intelligent. The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by the effective assistance of counsel.

That, in this Case, the Petitioner is a simple “lay-man”, not savvy in the Court of Law, this Petitioner DID NOT have a Fair and Impartial Trial - in the Trial Court; for the Grand Jury, the Trial Court, or the Petit Jury simply did NOT UNDERSTAND of the MATERIAL FACTS, that the **“Defendant”** and the **“Complainant”** - as the “Invalid, Defective Indictments” alleges - are the same one persons as the Petitioner; and that no crime(s) ever occurred and / or that no crime(s) were committed by the Petitioner.

THAT, the Petitioner, as pro-se, being a simple LAY-MAN, a person who is unskilled and inexperience in the drafting of this WRIT OF CERTIORARI respectfully requests this COURT that the filing of this WRIT OF CERTIORARI, be construed liberally as required in:

“HAINES v. KERNER”, 92 S. Ct. 594 (1971):

whereas the UNITED STATES SUPREME COURT expressly held the “pro se” “WRIT”, are:

“...held to less stringent standards than formal pleadings drafted by lawyers, and that it must appear beyond reasonable doubt that the “petitioner” can prove sets of facts, in support of his claims (grounds) which would entitle him to RELIEF – before the same pleading can be denied...”

THAT, the Petitioner - as a simple “lay-man” –unsure if this legal approach is considered lawfully - “proper” or “improper” – in the matter of controverted “unresolved” issue of the “fatally flawed” Indictments; and that the “Invalid, Defective Indictments” is “fatally defective” and with “fatal variances” because the **“Defendant”** and the **“Complainant”** – as the Indictments alleges – is none other than the one same persons as the Petitioner; (in other words – the **“Defendant”** and the **“Complainant”** in the Indictments is the same one persons as the Petitioner); and that is of significant, controverted issue “unresolved”; and that the Trial Court appears to be “dumbfounded” because of the Legal Nightmare created by the STATE; and it appears the said Trial Court – without the proper jurisdiction - is unable to find the correct remedy by law - to resolve this matter; instead opted to declare the Petitioner as a **“vexatious litigant”**; and by delaying the APPLICATION FOR A

WRIT OF HABEAS CORPUS in violations of Rule of Law, and in pursuant of **Texas Code of Criminal Procedure: Article 11.07** (as discussed in attached *Appendix "xxx"* herewithin), thereby violating the Petitioner's Constitutional Rights of Due Process of Law, as an unlawful acts to harass, intimidate; and bullying the Petitioner, with hopes that the Petitioner would "...just move on along and forget about it...accept the fact you are guilty without credible evidence": and simply accept the fact that the Petitioner – as the "**Defendant**" did commit crimes as accused against the same one persons as the Petitioner – the "**Complainant**".

THAT, the **Court of Criminal Appeals of Texas** has interpreted the FOURTEENTH AMENDMENT'S Due Process Clause to protect against both "*knowing*" and "*unknowing*" presentation of False Testimony – see "**Ex Parte CHABOT**", 300 S.W.3d 768, 770–71 (Tex. Crim. App. 2009). In reviewing such claims, while purporting to interpret the UNITED STATES CONSTITUTION, the **Court of Criminal Appeals of Texas** requires a convicted person "...to prove by a preponderance of the evidence that the error contributed to his conviction or punishment...." **Id.** at 771 (*quotations omitted*). This preponderance standard imposes a higher burden to show harm than is actually required under Federal Law. See "**GIGLIO**", 405 U.S. at 154 - holding "...the materiality standard for false testimony is whether the testimony 'could . . . in any reasonable likelihood have affected the judgment of the jury...' (quoting "**NAPUE**", 360 U.S. at 271). The federal "reasonable likelihood" standard for false testimony is lower than the Brady materiality standard and is akin to the Chapman harmless-error standard: "It is a brother, if not a twin, of the standard ('harmless beyond a reasonable doubt') for determining whether constitutional error can be held harmless." "**UNITED STATES v. BARHAM**", 595 F.2d 231, 242 (5th Cir. 1979).

Here, the Trial Court found that the Petitioner – as both the "**Defendant**" and the "**Complainant**" – established the MATERIAL FACT - "...the theory premise of the STATE'S case - that the same one persons as the Petitioner – as the '**Defendant**' was the only person who could have committed the alleged crimes against the same persons as the Petitioner as the '**Complainant**'...and the criminal acts were without the Petitioner's **effective consent**...". Thus, under Texas's

interpretation of the Due Process Clause, a convicted person who has “provided credible exculpatory evidence . . . refuted” the key State Witness False, Sworn Testimony before a State Magistrate Judge and of the Prosecution’s State Expert Witness must nevertheless carry a colossal burden — one essentially requiring proof of actual innocence—to win **HABEAS RELIEF**.

THAT, under this COURT’S precedent, to establish actual innocence, “*...the petitioner must show that it is more likely than not that no reasonable juror would have convicted him in light of the new evidence....*” in which the filing of this “**WRIT OF CERTIORARI**” shall demonstrate to this COURT that the Petitioner was wrongfully convicted of crime(s) that never occurred by a corrupt, overzealous “Prosecutor of the Case” namely “**Kenneth B. Florence**” and of his unlawful acts of “**Malicious Prosecution**” and “**Prosecutorial Misconducts**” as the newly discovered exculpatory evidence shall prove such claims to this COURT, that clearly proves to all of the Courts as listed herewithin that the “**Defendant**” and the “**Complainant**” is the same one persons as the Petitioner, as the Invalid, Defective Indictments alleges. That, in denying the Petitioner “**HABEAS CORPUS**” Petition, the **Court of Criminal Appeals of Texas** applied the bright-line rule of per se disentitlement, that the Petitioner’s Petition for a Writ of **HABEAS CORPUS** allegedly have been reviewed of the denial was based on the ultimate availability of post-sentence appellate review is always an “*...adequate means to attain the relief he desires...*”, see “**CHENEY**”, **542 U.S., at 380**. That, the **Court of Criminal Appeals of Texas**’ rule – without understanding clearly of the “**MATERIAL FACT**” of this case - is doubly and dangerously wrong, in that it both ignores this **Court of Criminal Appeals of Texas**’ longstanding command that **HABEAS CORPUS** be assessed flexibly and in light of all the facts and exigencies of each individual case, and because it also conflates the standards for determining appealability with those for granting **HABEAS CORPUS**. That to take into considerations of the “**true and factual**” issues of this case - taken together, those said thirty-three (33) grounds of constitutional errors, as will force the Petitioner to endure unfair—and, more importantly, unconstitutional — proceedings and conviction in order to gain the right of the Petitioner – *that has clearly demonstrated to the Lower Courts of Texas - proves that the Petitioner is innocent of the alleged crimes as alleged in the Invalid, Defective Indictments* – and the inability to plead the

Petitioner's case to an appellate court. Therefore, the Petitioner respectfully requests that this COURT'S review is needed to restore **HABEAS CORPUS** "...as a necessary "safety valv[e] for promptly correcting serious constitutional errors" in the criminal justice system..." see "**MOHAWK INDUS., INC. v. CARPENTER**", 558 U.S. 100, 111 (2009) (internal quotation marks omitted) - that "...the essence of habeas relief is flexibility...it, 'like equitable remedies' - may be granted or withheld in the sound discretion of the court..." (citing "**ROCHE v. EVAPORATED MILK ASS'N**", 319 U.S. 21, 25 (1943)). That, accordingly, the question for a court reviewing a **habeas petition** "...is not whether the court ... ha[s] power to grant the writ but whether in the light of all the circumstances the case [i]s an appropriate one for the exercise of that power..." *Id.*, at 25-26. And "...[i]n determining what is appropriate we look to those principles which should guide judicial discretion in the use of an extraordinary remedy rather than to formal rules rigorously controlling judicial action..." *Id.*, at 26.

THAT, the flexibility is essential to maintaining the delicate balance that this COURT has established for **HABEAS RELIEF** — ensuring that the great power of the writ is sparingly and judiciously used – see "**KERR v. UNITED STATES DISTRICT COURT for NORTHERN DISTRICT OF CALIFORNIA**", 426 U.S. 394, 403 (1976) - "...a judicial readiness to issue the writ of habeas corpus in anything less than an extraordinary situation would run the real risk of defeating the very policies sought to be furthered by [the final judgment rule]...while at the same time guaranteeing that it remains available for truly exceptional cases..." Also, see "**WILL**", 389 U.S., at 107 (majority opinion) - "...[t]he issuance of the writ of habeas corpus is proper where a court finds exceptional circumstances to support such an order...the preemptory common-law writs are among the most potent weapons in the judicial arsenal...as extraordinary remedies, they are reserved for really extraordinary causes..." (quoting "**Ex Parte FAHEY**", 332 U.S. 258, 260 (1947)).

THAT, the Petitioner has completely exhausted all lawful remedy available, that the said **252nd Judicial District Court** – this Court are NOT taking the time to review any of the WRITS filed, attached with exculpatory evidence that clearly proves the Petitioner's innocence; rather just ignoring the WRITS by "rubber-stamping" as "dismissal" or as "non-compliance" immediately upon receipt of the WRITS instantly - violating the Petitioner's Constitutional Rights and the Petitioner's

Civil Rights.

The Petitioner is simply asking this COURT to ORDER the Trial Court to at least provide evidence or produce any of the State Evidence – that was omitted unlawfully from the APPELLATE COURT RECORDS – that shall clearly prove “guilt” of the Petitioner; or that the Petitioner’s acted criminally – with *mens rea* - against the Petitioner’s Company “MRGI” of the alleged “crime(s)” as set-forth in the said “Indictments”.

THAT, the basic principle of Due Process of Law within our criminal justice system requires that “*true and credible*” evidence are submitted to the jury (i.e., the grand jury or the petit jury) – *free and clear from fraudulent testimony or false evidence* – to avoid obtaining Invalid, Defective Indictments. The Petitioner is confident that this COURT shall find after reviewing the “MATERIAL FACTS” - from this **WRIT OF CERTIORARI** - proves that official prosecutorial misconducts have been committed against the Petitioner” – with deceptions; fabricated evidence; manufacturing of facts; or words of incoherent “legal” babbles – “*without a shred of truth*” – as “MATERIAL FACTS” and of “**BRADY VIOLATIONS**”. That the False Evidence presented at Trial was not adequate enough to convict the Petitioner of committing alleged prohibited actions or of crime(s) that never occurred - as the Indictments alleges. This COURT has held that “... “*Writ of Certiorari*” has been for centuries esteemed the best and only sufficient defense of constitutional rights violations of personal freedom and from wrongful conviction...” - see “**Ex Parte YERGER**”, 75 U.S. 85, 95 (1868).

THAT, in doing so, this COURT not only read out of “**CHENEY v. UNITED STATES DISTRICT COURT**”, 542 U.S. 367 (2004), “...*the principle that an alternative remedy precludes habeas relief only if it is an “adequate” one...*” *Id.*, at 380-81 “...*but also ignored this Court’s longstanding command that habeas corpus petitions be assessed flexibly and in light of all the facts and exigencies of each individual case...*”.

This is just such the case; the Petitioner has presented exculpatory evidence; extraordinary facts; and exigencies; at the same time exposing the Jefferson County (Texas) Courthouse’s corruptions; and obstruction of justice by the STATE. That despite recognizing that all four

“**BARKER**” factors favored the Petitioner, the said **252nd Judicial District Courts** continues to ignore the Petitioner’s allegation against the STATE, that the Petitioner had been charged and convicted “wrongfully” – for crime(s) that never occurred; and that the STATE misrepresentations to the contrary notwithstanding — somehow imposed the “**burden of proof**” duty upon the Petitioner. The STATE suppressed manufactured facts at Trial into believing that there was an alleged “**credible witness**” who alleges to be the “true and lawful” “owner” of the Petitioner’s Company **“MANAGEMENT RESOURCES GROUP, INC”**. (hereinafter known as “**MRGP**”) – as the Indictment alleges - who alleges that the Petitioner stole, laundered and / or misapplied property to-wit: “funds” from this alleged “**credible witness**”, who fraudulently portrayed herself as being the “**true and factual**” “owner” of the Petitioner’s Company **“MRGP”** – is “**MATERIALLY FALSE**” and “**BRADY VIOLATION**” - before a STATE Magistrate Judge, then was dismissed from the State Witness List – during the Trial – when the said “impostor” admitted to her false, sworn – as perjured - “**Criminal Complaint(s) Affidavit(s)**” before a Magistrate Judge of Texas.

THAT, the **252 Judicial District Court** – as being perceived by the Petitioner - categorical “**nonchalant**” approach to the Petitioner’s **APPLICATION FOR A WRIT OF HABEAS CORPUS** – forcing the Petitioner to endure unfair proceedings and of the Petitioner’s unconstitutional conviction; and continues to be denied “access to the courts” - in order for the Petitioner to gain the right to plead the facts and exigencies of the Petitioner’s Case; and the opportunity to be heard - before a Texas Court - of the Petitioner’s claims or complaints. Therefore, the Petitioner respectfully requests that this **COURT** should grant this **WRIT OF CERTIORARI** to prevent these unreasoned and unreasonable outcomes.

A. Summary of “Significant” Constitutional Errors.

1. **“Fraud on the Court”** - as “**MATERIALLY FALSE**” and “**BRADY VIOLATION**” – by confusing or misleading the Trial Court and the Petit Jury into believing that:

- (i) ...the “**Defendant**” and the “**Complainant**” in the said Indictments were **NOT** one of the

same persons as the Petitioner;

- (ii) *...there were alleged "victim(s)"- other than the Petitioner - of the alleged crimes allegedly committed by the Petitioner;*
- (iii) *...an alleged "Criminal Complaint(s) Affidavit(s)" was legally filed by an authorized "fictitious owner" of the Petitioner's Company, other than the Petitioner;*
- (iv) *...the Petitioner was only just "an employee"; "an officer"; and "a director" of the Petitioner's Company "MRGI"; not as the "true, lawful" "owner";*
- (v) *...the Petitioner's Company "MRGI" and the Joint-Stock Partnership "MRG (Ltd): Operating Group Ltd. (hereinafter known as "MRG (Ltd)" were one of the same Company as the Petitioner's Company "MRGI";*
- (vi) *...majority of the State Witnesses testimony, understood that the alleged "Complainant the was said "MRG (Ltd)"; when in FACT the Indictments alleges the "Complainant" as being the Petitioner's Company "MRGI";*
- (vii) *...presented copy of "altered or bogus" checks to several State Witnesses - during the Trial - and not of the "original" authentic copy of checks from the Banking Records received from directly from the Banks via subpoena (refer to STATE EXHIBIT NO. "1" and STATE EXHIBIT NO. "2"); and that the State Witnesses – during their respective testimony - was led to believe that the said presented "copy of bogus checks" were from an alleged "secret bank account" other than the Petitioner's Company "MRGI";*
- (viii) *...presented copy of "altered " issued "SERIES 'A' REDEEMABLE PREFERRED STOCK CERTIFICATES" to most State Witnesses (refer to missing STATE EXHIBIT NO. "7" through STATE EXHIBIT NO. "27")- by concealing the "disclaimers and disclosures" as printed on the front top and the back of each and every issues said "STOCK CERTIFICATE" that the Petitioner's Company "MRGI" disclosed that the issued said "STOCK*

CERTIFICATE" were NOT or ever filed with the STATE OF TEXAS SECURITIES BOARD – as if the Petitioner's Company "MRGI" was engaged in a "Ponzi Scheme" as the STATE false arguments during the Trial – without providing proof as such, caused egregious harm to the Petitioner – "unfairly" and "unconstitutionally";

- (ix) *...the STATE withheld from the APPELLATE COURT RECORDS of STATE EXHIBIT NO. "2b" through "32", after learning that the Petitioner – through the Petitioner's Appellate Attorney - has copy of all "true and correct" copy of the evidence – as exculpatory – to prove to the APPELLATE COURT that the "evidence" presented at Trial as STATE EXHIBITS were fraudulent and false;*
- (x) *...the STATE did NOT pursue "restitution" from the Petitioner and / or the Petitioner's Company "MRGI" – in fear that the Trial Court or the Appellate Courts would find that the Petitioner would be ordered to pay "restitution" to the same persons as the Petitioner, in which proves that the true "victim" of the alleged "crime(s) is none other than the same persons as the Petitioner;*
- (xi) *...the STATE made inflammatory, discrimination-based remarks to the Petit Jury about the Petitioner without providing any credible proof OR credible evidence, to support the false allege.*

B. CONSTITUTIONAL ERRORS: Due Process Clause and Confrontation Clause.

THAT, generally, the Petitioner understands that this "**WRIT OF CERTIORARI**" may result to serve a LIMITED purpose; to allow this COURT to review "*Jurisdictional Defects*"; "*Constitutional Errors*"; and other "*Errors*" during the Trial, that if there are Controverted, Unresolved Issues as "*findings*" and subsequently proven "**TRUE**" - by the Trial Court; this COURT, shall render the "**Judgement of Conviction**" "**VOID**"; and that the Petitioner was "**denied**" of HIS Fundamental Rights; Civil Rights; and / or Constitutional

Rights; see:

“SCHLUP v. DELO” 513 U.S. 289, 115 S. Ct. 851 (1995):

“...while courts are to be more forgiving of the procedural error(s) of a petitioner who makes a satisfactory showing of INNOCENCE; unnecessary delays in bringing a ‘HABEAS CORPUS APPLICATION’ bear on whether RELIEF will be granted...”

...and that, the Petitioner believes that this COURT shall find “**MATERIAL FACTS**” as proven “**True and Correct**”; and the LAW presented at the Trial Court shall NOT prevail and will dictate that the Petitioner should be granted a **NEW TRIAL**, because the Trial Court will not know if the Petitioner is affirmed “**guilty**” as accused, until the Petitioner receives a **Fair and Unbiased Trial**; and only if the Trial Court has the proper, lawful jurisdiction to preside over the **NEW TRIAL**; and that this COURT shall also find that the STATE violated the Petitioner’s Constitutional Rights of “Due Process Clause”; “Confrontation Clause”; and of other “Constitutional Errors”. That the Petitioner would show this COURT that there are controverted, unresolved ISSUES or GROUNDS remaining; that thereafter the conclusion of the Trial Courts “**findings**” of controverted ISSUES or GROUNDS shall be with MERITS, the Petitioner respectfully requests this COURT to grant the “**WRIT OF CERTIORARI**”; and also grant **HABEAS RELIEF** from the Petitioner’s “**unconstitutional**” conviction; for it is in the “**BEST INTEREST OF JUSTICE AND FAIRNESS**”.

CONCLUSION

THAT, the rich factual development as discussed above and the procedural posture of Petitioner’s case will enable this COURT to answer for the first time the precise questions of whether DUE PROCESS CLAUSES and CONFRONTATION CLAUSE were implicated when acts of “Malicious Prosecution” and “Prosecutorial Misconducts” as the evidence establish during the

criminal proceedings against the Petitioner; and that the Trial's State Exhibits entered into COURT RECORD as False Evidence and False Testimony - was demonstrably false – as "**MATERIALLY FALSE**" and "**BRADY VIOLATION**"; and whether the UNITED STATES CONSTITUTION prohibits convicting such an innocent person; and to model the application of the appropriate legal standard for resolving such claims - clearly proves that the Petitioner, was wrongfully convicted based on False Evidence; Fabricated Evidence; and False Testimony.

THAT, this COURT has held that the conviction of an innocent person violates the UNITED STATES CONSTITUTION. That the Petitioner respectfully requests this COURT - that there is a compelling need for this COURT to resolve these controverted issues and unresolved questions and ensure that a FEDERAL CONSTITUTIONAL fail-safe exists for "**wrongfully convicted**" individuals to obtain Judicial Review of such Claims. That, the Petitioner's case is uniquely suited as a vehicle for doing so.

THEREFORE, the Petitioner respectfully requests this COURT to "grant" this "**WRIT OF CERTIORARI**" and to remand the Trial Court for a NEW TRIAL – to allow the Petitioner to demonstrate to this COURT and / or to the Trial Court; or to Set-Aside ("Vacate") the "unlawful and unconstitutional" - "**Judgement of Conviction**" to "**Acquittal**", that the verdict of "guilty" was in violations of UNITED STATES and STATES CONSTITUTIONAL LAW - for it's in the **BEST INTEREST OF JUSTICE; FAIRNESS; and ACCOUNTABILITY**.

THAT, for the foregoing reasons, the "**PETITION FOR A WRIT OF CERTIORARI**" should be granted to the Petitioner.

Respectfully submitted this 8th day of January 2022.

/s/ William Curtis Jones

WILLIAM CURTIS JONES, pro se

Petitioner