

NO. 21-7501

IN THE
SUPREME COURT OF THE UNITED STATES

HELEN TYNE MAYFIELD,

Petitioner

v.

STATE OF TEXAS/BRIAN COLLIER

Respondents

THE TEXAS COURT OF CRIMINAL APPEALS FROM THE 361ST DISTRICT
COURT

WRIT OF HABEAS CORPUS IN BRAZOS COUNTY, TEXAS

PETITION FOR REHEARING

←
Helen Tyne Mayfield, In Pro Per
P.O. Box 37165
Houston, Texas 77237
832-969-4135
Kilgore413@yahoo.com

RECEIVED

JUL 19 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

SJT U.S.

2022 JUL 15 PM 4:27

ND 490

RECEIVED

JUL 01 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

1

CORPORATE DISCLOSURE

ii

The Corporate Disclosure statement in the Petition remains unchanged.

j (a)

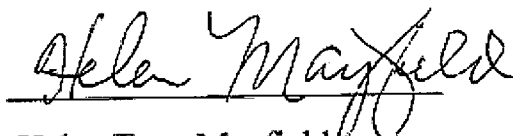
CERTIFICATE OF COMPLAANCE WITH RULE 42.2

Petitioner certifies that she has not presented the issues before as she only learned about the indictments and the 10th Court of Appeals Memorandum about them less than a year ago. She certifies that the controlling and contravening issues have been concealed from her by the constant changing of the records and the clerk's refusing to sell her certified copies of those records.

No records of the petitioner exist on any state website. Only jury trials in abstentia exist. Since petitioner and her lawyer did not participate in those trials, petitioner did not recognize them. Moreover, I contacted the TDCJ and they did not have a copy of my judgments and did not know why I was incarcerated.

The records are changed so frequently without notice to petitioner that one is not able to keep up. My home is burglarized and all legal records are stolen on a weekly basis. Writs are altered and destroyed at the District clerk and Texas Court of Criminal Appeals level per the District Clerk in Brazos County. Nothing pertaining to the petitioner's case has been posted on a state website since 2012. Petitioner filed a Writ of Mandamus with the Texas Court of Criminal Appeals requesting that her case be filed and a copy sold to her and the writ was denied. She has presented over 300 reversible errors and to date, no hearing has been conducted. Her writs are routinely altered and destroyed by the courts in Texas and not reviewed. Petitioner has been incarcerated and lost her law license and only recently learned that she has never seen a copy of her trial transcript as the reporter's indicated that they had not recorded or transcribed her trial.

This petition for rehearing is filed in good faith and not for delay.


Helen Tyne Mayfield

2^a

TABLE OF CONTENTS

CORPORATE DISCLOSURE.....	ii
CERTIFICATE OF COMPLIANCE WITH 44.2.....	ii(a)
PROCEDURAL HISTORY AND FACTS.....	6
TABLE OF AUTHORITIES.....	5
PETITION FOR REHEARING.....	7
REASON FOR GRANTING REHEARING.....	8

Ground 1. Petitioner was denied Right of confrontation and due process in Violation of Article III of the United States Constitution of the United States of Constitution, the Fifth, and Sixth Amendment, Guaranteed to the states through the 14th Amendment of the United States constitution when they used jury trials in abstensia to support her conviction and disbarment as she did not participate in any stage of those trials.

Ground 2. Petitioner has always alleged Absolute Innocence in every Habeas Petition. A hearing is required by statute in Texas and this violates The Equal Protection and Due Process Clause of the 14th Amendment of The United States Constitution.

Ground 3. The Sixth and Eighth Amendments were violated when petitioner was Incarcerated for thirty one and a half month for a twenty four month Maximum incarceration for forgery of financial instrument in state Court.

CONCLUSION

CERTIFICATE OF SERVICE

APPENDIX

INDEX OF AUTHORITIES

Davis v. Alaska, 415 U.S. 308 (1974).....	9
Draper v. Washington, 372 U.S. 487 (1963).....	9
Evitts v Lucey, 469 U.S. 387 (1985).....	8,9
Faretta v California, 422 U.S. 806 (1975),.....	8,9
Gideon v Wainright, 372 U.S. 335 (1963).....	9
Griffin v California, 380 U.S.372 U.S. 609 (1965).....	9
Griffin v. Illinois, 351 U.S. 12 (1956).....	9
Illinois v Allen, 397 U.S 337 (1970).....	9
In re Winship, 397 U.S. 358 (1970).....	10
Jackson v. Virginia, 443 U.S. 307 (1979).....	9
McMann v Richardson, 397 U.S. 759 (1970).....	9
Taylor v United States, 495 U.S. 575 (1990).....	10
United States v Chronic, 466 U.S. 648 (1984).....	9
United States v Leonard , 868 F. 2d 1393(Ca 5 1989).....	
Article III of the United States Constitution.....	10
Fifth Amendment of the United States Constitution.....	10
Sixth Amendment of the United States Constitution.....	10
Fourteenth Amendment of the United States Constitution.....	10
Texas Penal Code 32.46.....	8
Texas Rule of Appellate Procedure 50.....	8

FACTS AND PROCEDURAL HISTORY

This is the fourth time the petitioner has been before the court in a criminal matter. On July 25, 2008 she was convicted of twelve counts of forgery of a financial instrument. She was sentenced on July 29, 2008. No actual trial transcript has ever been created from her trial or been transcribed. While the petitioner was waiting for the file transcript, the 10th Court of Appeals issued a Memorandum Order stating that the numbers used for the petitioner's indictment of 59 counts of forgery of a financial instrument had been changed and the petitioner had been indicted on four counts of forgery of a financial instrument by passing forged documents. The problem with this was that the petitioner/defendant and her attorney were never notified. The State then conducted four jury trials in absentia of the new charge and substituted these trials for the original one of the defendant and refused to give or sell her a copy of the original trial. All records the defendant filed in all courts including this Court were changed without petitioner's knowledge. Petitioner did not learn of this order by the 10th Court of Appeals until this year when the Clerk of that Court resigned and the new clerk stated that she was not going to be a part of the corruption and sold petitioner a copy of this Memorandum Order. I do not know how long this practice had been going on in Texas. Petitioner filed a Writ of Mandamus in the Texas Court of Appeals requesting that the Court ^{Dist} file her original opinion and sell her a copy of the Opinion which was denied by the Court. When the District Clerk Hamlin refused to forward a Writ of Habeas Corpus to the Court of Criminal Appeals, petitioner filed another writ and was denied. Petitioner has filed writs with over 300 reversible errors which have always alleged absolute innocence and no hearing has been conducted in any court and the existing laws have not applied to her for some unknown reason. In her motion for Appealability, she cited absolute innocence and 73 violations of the United States Constitution and Treaties. Her Motion was denied. No hearings of any kind have ever been conducted. Within the last year, someone took some documents to her friend's storage unit. This means they stole her documents that she had left with him. ^{her friend} I filed a Writ of Habeas Corpus which was altered by someone. It was denied by the Court of Appeals and appealed to this court. All legal documents are stolen on a regular basis including safe deposit boxes, churches, friend's houses, etc. Twenty pages of exhibits were removed from my petition to this court. My car and home were robbed and

all of my legal documents relating to this petition including my copy were stolen. At the time of my arrest, I had no legal liability for endorsement of the checks which I was convicted per the Texas Banking Code as the bank did not send the checks to an Art. 4 bank within 30 days of presentment. I also could not be charged with the other 44 checks found in my home because they were stale and barred by the Preemption Doctrine as they were part of a United States Treaty codified in the IRS tax code and I was a licensed attorney with legal authority to possess the checks. I was arrested for possession as they were found under my mattress and in my locked legal files and seized without a warrant. There was no probable cause for the search and seizure of my home and arrest for forgery as a maker as the checks had come to me in the mail and I had not done anything like cash, deposit, transfer or anything else. They never left my home. Every element of the crime was not proven beyond a reasonable doubt. The two jury trials in abstentia used to support my conviction and disbarment were conducted by judges who participated in some type of investigation of me and the trial judge wrote a \$3000.00 check on my IOALTA account in my out county bank and the second trial was used for my disbarment in the 272nd District Court. His family owned the 1st National Bank of Bryan and he was the President of the Board of Directors who rejected the settlement of the payment of the check and \$2500.00 in attorney fees. The numbers on the checks for all indictments had been turned in to the fraud units of their respective financial institutions. The trial judge ruled that he was suspending all statutes, the Texas Bill of Rights and constitution Art.1 § 10, the United States Constitution in my case and all courts has ruled that this did not violate the United States Constitution or raise a federal cognizable issue to be reviewed as to why petitioner should be treated differently under the law from other defendants.

PETITION FOR REHEARING

The petition for writ of certiorari was denied on May 31, 2022, without a reason.

REASONS FOR GRANTING A REHEARING

This court's Rule 44.2 authorizes a petition for rehearing based on "intervening circumstances of a substantialeffect." Such an intervening circumstance existed in Texas when petitioner filed her appeal. Texas Rule of Appellate Procedure 50 allowed defendants to appeal to the Texas Court of Criminal Appeals. Instead of the Court of Appeals reviewing the case, it was sent back to the reviewing court and new indictments would be issued without informing the defendant/petitioner and their lawyer. Any number of jury trials of abstentia would be conducted in secret without informing the defendant/ petitioner. The records are all changed and the original trial records are destroyed denying the defendant an appeal of right. This case warrants review by this Court because of the magnitude of the loss to petitioners/defendants. No defendant should be denied the Right of Confrontation, to see her/his complaint, copies of the indictment, to answer the charges in open court, access to the record for appeal and denied confrontation of the witnesses guaranteed by the Fifth and Sixth Amendment and Applicable to the states through the Fourteenth Amendment without due process of law and being given a reason. A failure to rehear would be such a denial. The state by denial and destruction of the trial transcript has evaded review where loss of freedom and property are concerned.

GROUND FOR REHEARING

Ground 1. Petitioner was denied Right of confrontation and due process in Violation of Article III of the United States Constitution of the United States of Constitution, the Fifth, and Sixth Amendment, Guaranteed to the states through the 14th Amendment of the United States constitution when they used jury trials in abstentia to support her conviction and disbarment as she did not participate in any stage of those trials.

Ground 2. Petitioner has always alleged Absolute Innocence in every Habeas Petition. A hearing is required by statute in Texas and this violates The Equal Protection and Due Process Clause of the 14th Amendment of

The United States Constitution.

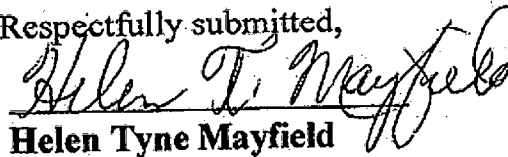
Ground 3. The Sixth and Eighth Amendments were violated when petitioner was
Incarcerated for thirty one and a half month for a twenty four month
Maximum incarceration for forgery of financial instrument in state
Court.

CONCLUSION

When one is incarcerated and they lose their way of making a living and supporting a family; simply destroying the records and conducting secret proceedings which deny the petitioner/ defendant Confrontation or knowledge guaranteed by Article III of the United States Constitution, the Fifth and Sixth Amendments applicable through the states through the Fourteenth Amendment of the United States Constitution should be impermissible.

For all the forgoing reasons and those stated in the Writ of Certiorari, the Court should grant the rehearing. The original opinion was filed in the initial Petition for Writ of Certiorari at the time of the conviction. All records have been destroyed below to defeat my appeals. The records should be kept for 25 years per the Texas statute. The jury trials in abstentia cannot be appealed but are used to support incarceration and disbarment. I was disbarred without notice or hearing of any kind in the jury trials in abstentia. This procedure of incarcerating without a writ of confrontation, notice and hearing deny due process guaranteed to defendants by Article III of the United States Constitution, the Fifth and Sixth Amendments applicable to the states through the Fourteenth Amendment of the United States Constitution.

Respectfully submitted,


Helen Tyne Mayfield

**Additional material
from this filing is
available in the
Clerk's Office.**