

IN THE UNITED STATES SUPREME COURT  
WASHINGTON, D.C.

NO. 22-5139

CAROL JOHNE MORRIS, FED. REG. #76547-080; TDCJ-ID #1681899  
PETITIONER PRO SE;

V.

UNITED STATES OF AMERICA, ET AL.  
RESPONDENTS.

Supreme Court, U.S.  
FILED

OCT 24 2022

OFFICE OF THE CLERK

**PETITIONER'S PETITION FOR REHEARING PURSUANT TO S. CT. RULES 44, 30(4), and 12.2**

NOW COMES CAROL JOHNE MORRIS, FED. REG. #76547-080; TDCJ-ID #1681899, Petitioner pro se, in the above-styled and numbered petition for certiorari docket July 19, 2022 and denied October 3, 2022, files this her Petition For Rehearing, pursuant to S. Ct. Rules 44, 30(4), and 12.2, and would show this Honorable Court the following:

I.

In Haley v. Dretke, 376 F.3d 316, 2004 U.S. App. LEXIS 12872, on Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit, the United States Supreme Court by Opinion entered May 3, 2004, in 541 U.S. 385, 158 L. Ed. 2d 659, 124 S. Ct. 1847, 1852 (2004), held "that a federal court faced with allegations of 'actual innocence, whether of the sentence or of the crime charged, must first address all non-defaulted claims of comparable relief and other grounds for cause to excuse the procedural default'".

But for judicial corruption, Petitioner Carol Johnene Morris, Fed. Reg. #76547-080; TDCJ-ID #1681899, would already have her entitlements to federal coram nobis: (**MO-97-CR-10; MO-15-CV-078**; Carol Johnene Morris v. U.S., addressed to the United States Supreme Court, at One First Street, N. E., Washington, D. C., 20543), stolen and denied by U. S. District Judge Robert Junell, July 24, 2015.; 2241, NO. 19-11084; USDC 4: 19-CV-722, denied November 24, 2019, in the Fifth Circuit Court of Appeals; 2254's Federal Writs For State Prisoners; and state writs: CR 36, 894's; Ex Parte Carol Johnene Morris's application; w/Memorandum of Law (pp. 1-4), filed in the 441<sup>st</sup> Judicial District Court, Midland County, Texas. Judge Rodney Satterwhite presided. Ross Bush, Midland County District Clerk; CR 5793-I; Ex Parte Carol Johnene Morris, TDCJ-ID #488243; w/ Memorandum of Law (pp. 1-8); TDCJ-ID

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#1681899, filed in the 132<sup>nd</sup> Judicial District Court, Scurry County, Texas, under V.A.C.C.P. art. 11.07. See, Bracy v. Gramley, 117 S. Ct. 1779 (1997), that Supreme Court held, "Judge standing to gain in related litigation should be recused". In Buntion v. Quarterman, 524 F.3d at 672 (5<sup>th</sup> Cir. 2008), Fifth Circuit Court of Appeals held, "Presumptive bias if the decision-maker has a direct personal, substantive and pecuniary interest in the out-come of the the case". Consider, Petitioner Carol Johnene Morris's pro se motion to recuse: Morris v. Satterwhite; and with, State Rule 37, Case No. 0231739, Endeavor Energy Resources', Inc., Autry Stephens, L.P., Offset Drillers/Mineral Owner: R. J. Morris, 507 S. Madison Street, Midland, Texas 79701; LOCATION PLATS: (AREA E) 467'W 2376 N, etc. filed March 16, 2010, in the 441<sup>st</sup> Judicial District Court, Midland County, Texas.

Afterwards, Keith Stretcher, author of the illegal Right-Of-Way Lincence, was promoted to the Eleventh District Court of Appeals, Eastland, Texas. The minerals subject of, CV 55,454: 11-19-00318; M. Scott Wilshusen v. David Arrington, Midland-Petro Partners, D.C., Deep Rock Drilling, L.P., belong to petitioner Morris. Politics had no place in Morris's, 'GOD-given' inheritance. Compare, Morris's e-mail transmitted to Trump: "Secretary of Energy, Rick Perry Is Midland, Texas, BP America Prod. Oil & Gas Thief!". See, Judicial Watch Org. v. National Energy Policy Development Group (NEPDG), 219 F. Supp. 2d 20 (D.D.C. -2002); See, In re Chaney, 124 S. Ct. 2576 (2004). Title 28 USC 1651(a), All Writs Act.

The same conspirators that illegally denied Morris her entitlement to just compensation, falsely arrested, illegally tried, maliciously prosecuted, wrongfully convicted, illegally sentenced, and wrongfully imprisoned Morris. Title 28 USC 2244(b); 2241, 2255 motions to vacate, 2254 For State Prisoners, and V.A.C.C.P. art. 11.07. Morris has the same respondents as Haley, 306 F.3d 257 (2002), writ granted. See, Dretke v. Haley, 124 S. Ct. at 1854-56 (2004), cert. granted. "But as a congeries of mistakes made by the state prosecutor, trial judge and his attorney; Refer to, MO-13-CV-041', p. 22, specifically, respondent was erroneously convicted and sentenced under Texas' habitual offender statute, Penal Code 12.42(a)(2). Title 28 USC 1651(a), Coram Nobis. Title 28 USC 2255 motions to vacate; Title 28 USC 2241(c) (3); Title 28 USC 2254 (a). Morris is still on parole until June 5, 2030, on CR 36,894's illegally enhanced state jail felony. She should have never been classified to Texas Department of Criminal Justice-Institutional Division; if anywhere, TDCJ State Jail Facility

Petitioner Carol Johnene Morris owns the properties subject of, Title 42 USC 1983, MO-20-CV-120's; Morris v. City of Midland, Texas, Memorandum Of Law In Support of Declaratory Judgment; request for injunctive relief; w/Dr. Ruby Morris's, of 507 S. Madison Street, Midland, Texas; Obituary, EXH. A; filed May 12, 2020, in the TRC State Rule 37, Case No. 0231739's, Endeavor Energy Resources', application issued, June 24, 2002, and the City of Midland, Texas', Right-Of-Way Licence: DOC #17679

VOL. 1910 Pg. 176, property, executed September 11, 2001; a.k.a. "911" to the State of Colorado for ten years; Anadarko for 5 years: MO-08-CV-171's; Morris v. City of Midland, Texas; LIEN AFFIDAVIT: 2008-13615, VOL. 3058 PP. 122; w/Notice of Claims; LIEN; Affidavits; w/colored photos submitted attached, filed June 23, 2008, in the Midland County Clerk's Office; now, Occidental Petroleum (Feb. 2014 thru present), and MO-20-CV-120's, Motion For Judgment As A Matter of Law; w/Exhibits marked: #1-#17, mischaracterized as Morris's motion for default judgment, filed November 16, 2020, in violations of Title 28 USC 1358, Eminent Domain Statute; USCA Commerce Clause, art. 1, Sec. 8, cl. 3. Morris has all the DEEDS and Titles to these properties. See, BP America Production Co. v. Burton, Secretary of Interior, Burton, 127 S. Ct. 638 (2006). See, In re BP America Prod. Co., 97 S.W.3d 366 (Tex. App.-Hou 2003); compare to, Mission Resources, Inc. v. Garza Energy Trust, 166 S.W.3d at 314-316 (Tex. App.-Corpus Christi-2005). TEX. Penal Code 12.51. In Abbott v. BP America Exploration & Production Co., 781 Fed. Supp.2d 453 (S. D. Tex.-2011), that District Court held, "BP America Prod. Co. fraudulently obtained drilling permits". Id. **FCA. 31 Section 3729.**

## II.

November 6, 2009, Morris filed her **NO. 09-51052**; Morris v. Junell, alleging 'corruption and incompetence', with Chief Justice Edith Jones. See, Dennis v. Sparks, 101 S. Ct. 183 (1980), "District judge corruptly issued to conspirators temporary restraining order (i.e., for oil and companies to drill for oil & gas) against plaintiff in violations of her substantive due process to her minerals and properties".

For United States District Judge Robert Junell For The Western District of Texas (Midland/Odessa Division), to falsify Petitioner Carol Johnene Morris's, **MO-97-CR-10**; U.S.A. v. Carol Johnene Morris, Fed. Reg. #76547-080; TDCJ-ID #488243; and TDCJ-ID #1681899, federal violations from: "felon in possession of a firearm", under 922(g); and "false statement in acquisition of a firearm", under 922(a)(6), to "unlawful transport of firearms", on December 12, 2016 after the Presidential Election and almost 20-years after her conviction, is a flagrant violation. See, U. S. v. Medina-Guitterez, 980 F.2d at 982 (5<sup>th</sup> Cir. 1992), that Fifth Circuit Court of Appeals held, "[Plain error] is a mistake so fundamental that it constitutes a 'miscarriage of justice'". **USCA CONST. art. III, Sect. 2.**

Petitioner Carol Johnene Morris is 'actually innocent' of being an habitual offender with 20-yrs. imprisonment, re-indictment filed, March 31, 2010, Judgment, pp. 1-5, filed August 3, 2010, in the 441<sup>st</sup> Judicial District Court, Midland, County, Texas: CR 36,894's, CRA-10,006, 1984 Theft conviction; CRA-10,176, 1984 forgery conviction, both filed: "**March 5, 1984**" in the 142<sup>nd</sup> Judicial District Court, Midland County, Texas. Compare to, CR 5793's, 1988, forgery conviction filed in the 132 Judicial District Court, Scurry County, Texas. "Because it cannot be said that [n]either Morris's 1984 Theft, nor 1984 Forgery

became final before the other [t]hey could not be used to enhance her sentence. See, Creekmore v. Texas State Attorney General, 138 F. Supp.2d at 807 (E. D. Tex.- 2001). See, Ex Parte Huff, 316 S.W.2d 896 (Tex. Cr. App.-1958); See, Ex Parte Huff, 288 S.W.2d 89 (Tex. Cr. App.-1956), habeas relief granted. Consequently, all of Morris's out-standing criminal judgments are void. See, Heck v. Humphrey, 114 S. Ct. 2376 (1994). "Prisoner filed 1983 alleging that state prosecutors and state police investigator's conviction violated his constitutional rights". **Title 28 USC 2254; Title 42 USC 1983.**

Because none of Morris's, **MO-97-CR-10's** federal indictment; Judgment's **p. 5**, filed January 28, 1998: OBL: **14**; CHP's Category **V: 9-11**; and nor, her prior state convictions are 'crimes of violence', with a correct sentence Morris was certain to be back home by March 20, 1999. See, U. S. v. Vanleer, 270 F. Supp.2d 1318 (D. Utah 2003), entitlement to a 4-level downward departure. Compare to, U. S. v. McCowan, 469 F.3d 386 (2006). **Title 18 U.S.C. 3553(a); 922(g); 922(a)(6); 5k2.11, 5G1.3(b). Title 18 USC 3585(b).** Morris was not transferred to federal custody until she served over 68 months in State custody. Review, Carol Johnene Morris's, TDCJ-ID #488243, Certificate To Mandatory Supervision, signed June 24, 2002. Compare, TRC State Rule 37, Case NO. 0231739, Endeavor Energy Resources', application also issued June 24, 2002.

Review, **2241's, H-02-CV-4878; Morris v. Prescott**, 92 Fed. Appx. 79 (S. D. Tex. 2004). Compare to, Morris's BP-11 Administrative Remedy, filed March 20, 2003. Morris's 2241 was transferred to Western District of Texas (Midland/Odessa Division), mischaracterized as a 2255 motion to vacate, and denied. See, Ruggiano v. Reish, 307 F.3d 121 (3<sup>rd</sup> Cir. 2002). Refer to, Morris's Motion To Terminate Supervised Release, filed August 3, 2004. See, Witte v. U. S., 115 S. Ct. 2208-2209 (1995). "Because Morris's CR 5793, undischarged parole term was fully taken into account in the determination of of the offense base level for the instant offense, Morris's 41-months sentences were mandated to be imposed concurrently. U.S.S.G. 5G1.3(b). Compare to, MO-97-CR-10's, **2<sup>nd</sup> Amended Judgment**, p. 2, specifically, filed July 14, 2004. However, Morris's 1997 convictions and sentences did not fully expire until July 11, 2007.

Because Morris's, CR 5793 1988 Forgery conviction is void her MO-97-CR-10's predicate offense, and its four, 1997 convictions and 41-months, 3yrs. supervised release sentences violate her double jeopardy". See, Ball v. U. S., 105 S. Ct. at 1673 (1985), the Supreme Court held, "Felon in possession of firearm and false statement in acquisition of firearm is the same count and the four sentences imposed to run concurrently with her, 1988 undischarged parole violation term, are illegal". See, U. S. v. Morgan, 74 S. Ct. 247 (1954); Compare to, U. S. v. Mandel, 862 F.2d 1039 (1988), that Court of Appeals held, "Where one of two predicate offenses underlying a substantive count is vacated, the substantive

count must also be vacated". See, Ex Parte Garcia, 578 S.W.2d 141 (Tex. Cr. App.-1979), that TCCA's held, "Where one of the convictions used for enhancement purposes has been set aside by federal, habeas corpus was granted to defendant who had been convicted of unlawful possession of a firearm by felon...". U.S.C.A. Const. Amend. 6. Title 28 USC 1651(a), Coram Nobis.

Morris is 'actually innocent' of being a felon in possession of a firearm. See, U. S. v. Maybeck, 23 F.3d 888 (4<sup>th</sup> Cir. 1994); Compare to, U. S. v. Lee, 310 F.3d. 787 (5<sup>th</sup> Cir. 2003), that Court of Appeals held, "Determination of the state's indictment requires the Court to determine whether or not it alleges a crime of violence". See, Hohn V. U.S., 118 S. Ct. at 1983 (1988), the Supreme Court held, "The Court's defiance of the scheme created by Congress in evident reliance of our precedent, ante at 1977, is not of common sense, but judicial willfulness". Id. USCA 28 USC 1651(a), All Writs Act. USCA CONST. art. III, Sec. 2. See, Sawyer v. Whitley, 112 S. Ct. 2514 (1992), that Supreme Court held, "Miscarriage of justice exception, which permits court to hear habeas petitioner's successive: (2241, NO. 19-11084; Morris v. Lumpkin request for (COA) denied November 24, 2020, specifically, in the Fifth Circuit Court of Appeals, petition for rehearing by panel, filed November 30, 2020. SANCTIONED \$250 and BARRED from filing her 'criminal pleadings'") abusive, or defaulted claim if failure to hear claim would result in miscarriage of justice, applies where petitioner is "actually innocent" of crime of which he is convicted or penalty which was imposed". See, Maleng v. Cook, 109 S. Ct. 1923 (1989), "Federal prisoner alleged same invalid state conviction used to enhance his current federal and state sentences". See, Lackawanna Co. Dist. Attorney v. Coss, 121 S. Ct. at 1564 (2001), "When an otherwise qualified petitioner can demonstrate that her current sentence was enhanced

### III.

In **CR 36,894-A**; Ex Parte Carol Johnene Morris, w/Memorandum Of Law (pp. 1-4), the trial court alleged, "petitioner Morris had a 'direct 'appeal pending', September 8, 2010 and dismissed her writ. See, Ex Parte Carol Johnene Morris, 800 S.W.2d 225 (Tex. Cr. App.-December 12, 1990), writ denied. TCCA's Justice Baird, "concedes the indictment omits a 'constituent' element", but denies writ anyway. See, Ex Parte Rich, 194 S.W.3d 508 (Tex. Cr. App.-2006). **V.A.C.C.P. art. 11.07.**

Compare, CR 36,894's State's Notice of Intent To Enhance: CR 203-04's; Objections, **RR VOL. 3, pp. 17-44**; Sentencing Objections: **RR VOL. 7, PP. 47-50; 51-54; 63-67**, filed attached to, **USDC MO-13-CV-041's**; Morris v. Stephens, Motion For Relief From Judgment, EXHIBITS marked: CR 36,894; State of Texas v. Carol Johnene Morris, May 27, 2010's Pre-trial Motions Hearing: **RR VOL. 1-50**; recorded by Jan McGill, Permian Court Reporters, Inc.; not Monica Lancaster, the 441<sup>st</sup> Judicial District Court Reporter; **EXH. #4**; Petitioner Morris's, Texas Board of Pardons & Paroles, **Request for Special Review** (pp.1-2),

dated April 7, 2013; **EXH. 9**; and Texas Bd. Of Pardons and Paroles, denial; **EXH. #10**. See, Cook v. TDCJ Transitional Planning Dept., 37 F.3d 166 (5<sup>th</sup> Cir. 1994). **Title 28 USC 2254. Title 42 USC 1983.**

Even the D. A. Notice Of Intent is defective. See, Ex Parte Lewis, 319285 (2006). In Stokes v. Procnier, 744 F.2d at 484 (1984), the Fifth Circuit Court of Appeals held, "Commission of the second previous felony committed after the first felony becomes final". "It was impossible for a rational trier of fact to find that the State proved beyond a reasonable doubt the necessary element"... to enhance Morris's sentence. See, Ex Parte Miller, 330 S.W.3d 610 (Tex. Cr. App.-2010), that Court of Criminal Appeals held, "Not only the State but its agents the prison system knew the defendant's sentence was illegally enhanced as a result of 'judicial vindictiveness'. Id. Compare, CR 36,894's reindictment to its judgment. In Johnson v. Mississippi, 108 S. Ct. 1981 (1988), the Supreme Court held, "By the State allowing the defendant's invalid conviction to stand and to be subsequently used to enhance his sentence violated cruel and unusual punishment as prohibited by the Eight Amendment to the U. S. Constitution. Compare to, Williams v. Collins, 802 F. Supp. at 1536-44 (1992), writs granted. Title 28 USC 2241(c)(3); Title 28 USC 2254(a).

Judge Rodney Satterwhite impermissibly used Morris's, CR 5793, 1988 forgery conviction as, CR 36,894's Enhancement Paragraph: **One**, and her CRA 10,006, 1984's Theft conviction as Enhancement Paragraph: **Three**. Compare, CR 36,894's Notice Of Intent and CR 36,894's Judgment, p. 2 specifically, using the Eleventh District Court of Appeals (Eastland, Texas) mandates: "**July 11, 1985**", date.

In **NO. 11-10-00249-CR**; Morris v. State, the Eleventh District Court of Criminal Appeals in its Memorandum Opinion, held: "State concedes in its brief that the appellant's prior convictions alleged in its reindictment were not properly sequenced"; aff'd February 9, 2012, anyway. However, Chief Justice Jim Wright never remanded petitioner Morris back to the trial court.

Review, **2254, MO-13-CV-041; Morris v. Stephens**, CR 5793-I; State's Answer In Opposition; omitting, **V. ERROR IF ANY, WAS WAIVED**, 6 pages filed, June 5, 2013, attached to the application in the U. S. District Court; to, Morris's copy of her, **CR 5793-I's State Answer In Opposition**: RR VOL. II PP. 216-17: "If only to those convictions we have no objections", pp. 6-7, 9, filed October 21, 2010, in the Texas Court of Criminal Appeals (Austin, Texas); to, **CR 5793-H's; State Answer In Opposition**, scanned-in; omitting, **V. ERROR IF ANY, WAS WAIVED**, October 20, 2010, also. See, Cuyler v. Sullivan, 100 S. Ct. 1707 (1980), the Supreme Court held, "Defendants who retain their lawyers are not entitled to less protections than are defendants for whom the state appoints counsel". Compare to, CR 5793; **NO. 11-88-199-CR**; Morris' v. State, appeal by John Hagler (Dallas, Texas). See, Evitts v. Lucey, 105 S. Ct. 830

(1985), Supreme Court held, "Criminal defendant is entitled to effective assistance of counsel on first appeal as a matter of right". U.S.C.A. Const. Amend. 6, 14.

Afterwards, in Morris v. Stephens, 599 Fed. Appx. 148-49, 5189 U.S. Appls. LEXIS, March 31, 2015, Justice Pricilla Owen ordered, "Morris's CR 36,894, 20-yr. state prison sentence", COA granted in part, denied in part, be **VACATED AND REMANDED. IFP GRANTED.** Hearing consistent with, Whitehead v. Johnson, 157 F.3d 384 (5<sup>th</sup> Cir. 1998). Title 28 USC 2254. However, Judge Robert Junell never bench-warranted Morris back home.

June 3, 2019, after serving over 10 calendar years in the Texas Department of Criminal Justice-Institutional Division, the Texas Bd Of Pardons & Paroles tried to deport Petitioner Morris out-of-the-country: Carol Johnene Morris: SID #02248595; TDCJ-ID #1681899: "PASSPORT; DEPARTED PAROLE; PAROLE IN ABSENTIA: Comments: "felon in possession of firearms on parole"; now altered to, June 3, 2021, in the United States District Court For The Western District Of Texas (Midland/Odessa Division), and she was paroled to Ft. Worth Transitional Housing (for Sex Offenders), blind. She is still on parole until June 5, 2030, on CR 36,894's, illegally enhanced state jail felony. September 6, 2022, Morris's parole was transferred to the Texas Bd. Of Pardons & Paroles, El Paso, Texas District. See, State v. Oakley, 181 S.W.3d 855 (Tex. App.-Austin 2005), that Court of Appeals held, "In order to be entitled to compensation for wrongful imprisonment, a person need not show any fault by the State, and he is entitled to the same compensation whether his wrongful imprisonment resulted by accident or from intentional misconduct by the State". Consider, Midland County District Attorney, Laura Nodolf's correspondence informing Morris that "Former Assistant District Attorney Ralph Petty was paid by the District Courts for her CR 36,894-A, filed August 3, 2010; thru CR 36,894-D's, state writs, filed November 14, 2017, specifically", in the 441<sup>st</sup> Judicial District Court. Rodney Satterwhite presided. Ross Bush, Midland County District Clerk.

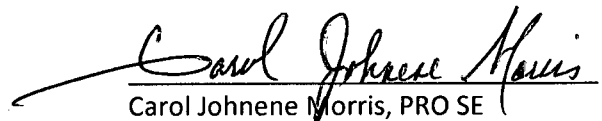
#### IV.

Morris has never received an order or opinion from a United States Supreme Court Justice. S. Ct. Rule 30(4). Most recently, her **NO. 22-10797's; NO. 19-11084's**, Petition For Rehearing En Banc filed October 17, 2022, was altered. S. Ct. Rule 35. **RE: NO. 22-5139; Morris v. U. S., et al.**, cert. denied October 3, 2022. Again, Morris has the same respondents as Haley. See, Haley v. Cockrell, 306 F. 3d 257 (5<sup>th</sup> Cir. 2002), writ granted. See, Dretke v. Haley, 124 S. Ct. 1847 (2004); See, Haley v. Dretke, 376 F.3d 316 (5<sup>th</sup> Cir. 2004). Morris was granted IFP, in Morris v. Stephens, 599 Fed. Appx. 148-49 March 31, 2015). See, Jones v. U. S., 119 S. Ct. 40 (1999), "Motion of petitioner for leave to proceed in forma

pauperus was granted. Morris has always been aggrieved by the Supreme Court Clerks Office. S. Ct. Rule 30(4); S. Ct. Rule 14.

Petitioner Carol Johnene Morris, TDCJ-ID #1681899 submitted via certified, registered mail: two, 3-ring notebooks: (1 Criminal and 1 Civil), pursuant to, S. Ct. Rule 14, docketed July 19, 2022; NO. 22-5139; Compare to, 2241 NO. 19-11084; Morris v. Lumpkin, Director, Texas Department of Criminal Justice, and Texas Board of Pardons and Paroles, Clerks letter dated January 14, 2021; denied in the Fifth Circuit Court of Appeals, September 30, 2022; alleging, "does not comply with petition for writ of certiorari"; to, NO. 22-10797's, Petition For Rehearing En Banc filed, October 17, 2022, in the Fifth Circuit Court of Appeals (New Orleans, Louisiana).

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I, Carol Johnene Morris, TDCJ-ID #1681899, do hereby that her, Petition For Rehearing Pursuant to S. Ct. Rule 44 (pp. 1-8), have been certified/registered; to, Office of The United States Supreme Court Clerk, at One First Street, N. E., Washington, D. C. 20543, on this the 24<sup>th</sup> of October, 2022.



Carol Johnene Morris, TDCJ #1681899

CC: File