

22-5627

ORIGINAL

No. _____

Supreme Court, U.S.
FILED

AUG 29 2022

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

JUSTIN TYRONE YOUNG ^{APPEAL} PETITIONER
(Your Name)

vs.

COURT OF CRIM. APP. TEXAS — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

COURT OF CRIMINAL APPEALS OF TEXAS

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JUSTIN TYRONE YOUNG

(Your Name)

JESTER III UNIT 3 JESTER ROAD

(Address)

RICHMOND, TEXAS 77406

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Can A Lawyer have his Client Plead Guilty to 45 years on a Statutory maximum of 20 years? UNDER TEXAS LAW.

Can A Court Refuse to Honor A UNITED STATES SUPREME CT. PRECEDENT AFTER BEING PRESENTED WITH THE PRECEDENT?

DOES A JUDGE HAVE THE AUTHORITY TO GO OVER THE STATUTORY MAXIMUM?

WHEN A LAWYER HAS HIS CLIENT TO PLEAD TO A SENTENCE THAT EXCEEDS THE STATUTORY ALLOWABLE BY LAW IS THAT PREJUDICE TO THE CLIENT?

IF A DISTRICT ATTORNEY KNOWINGLY MAKES A PLEA DEAL THAT EXCEEDS STATUTORY MAXIMUM IS THIS A BREACH OF PLEA DEAL OR CONTRACT?

IF NO COURT HAS RULED ON THE MERITS OF THE CASE HOW IS THAT A SUCCESSIVE PETITION OR WRIT OF HABEAS CORPUS?

DOES THE 252ND JUDICIAL COURT HAVE TO HONOR A SUPREME COURT PRECEDENT IF IT APPLIES TO A PERSON'S CASE?

DID TRIAL ATTORNEY GEORGE J. PARNHAM COMMIT AUTONOMY.

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

THE STATE OF TEXAS VS. JUSTIN TYRONE YOUNG CAUSE NO. 16-24290
IN THE 252ND DISTRICT COURT OF JEFFERSON COUNTY, TEXAS
JUDGMENT ENTERED JUNE 20, 2022 ARTICLE 11.01 HABEAS CORPUS

COURT OF CRIMINAL APPEALS OF TEXAS TR. CT. NO 16-24290
WRIT NUMBER - 93,385-02:
JUDGMENT ENTERED ~~JUNE~~ ^{June} 29, 2022
SUPREME COURT OF THE UNITED STATES ?

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APPENDIX A IN THE 252ND DISTRICT COURT OF JEFFERSON COUNTY,
TEXAS, CAUSE NO. 16-24290-B) JUDGEMENT ENTERED ON
JUNE 20, 2022 GENERAL DENIAL) ARTICLE 11.07 HABEAS CORPUS.
APPENDIX B CRIMINAL COURT OF APPEALS OF TEXAS, TR. CT. NO. 16-24290-B
WRIT NO. 93,385-02). JUDGMENT ENTERED JUNE 29, 2022
APPENDIX C THE COURT DISMISSED WITHOUT WRITTEN ORDER FOR
SUBSEQUENT WRIT APPLICATION. HABEAS CORPUS ARTICLE
11.07.
APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

		PAGE NUMBER
BIRCHFIELD VS. NORTH DAKOTA, 136 U.S. 2160 (2016)	(2016)	(iii)
BIRCHFIELD VS. NORTH DAKOTA, 579 U.S. 538, 476, 477 (2016)	(2016)	(iii)
BLAKELY VS. WASHINGTON, 542 U.S. 296	(2004)	(iii)
CUNNINGHAM VS. CALIFORNIA, 127 S.CT. 856	(2007)	(iii)
COLEMAN VS. THOMPSON, 501 U.S. 722, 729, 730 (1991)	(1991)	(iii)
MITCHELL VS. UNITED STATES, 526 U.S. 314	(1999)	(iii)
SLACK VS. McDANIEL, 529 U.S. 473	(2000)	(iii)
STRICKLAND VS. WASHINGTON, 466 U.S. 668	(1984)	(iii)
WILLIAMS VS. TAYLOR, 529 U.S. 362	(2000)	(iii)
SEE APPRENDI VS. NEW JERSEY, 530 U.S. 466 (2000)	(2000)	(iii)
ALSO: APPRENDI VS. NEW JERSEY, 536 U.S. 584 (2000)	(2000)	(iii)

STATUTES AND RULES

AMENDMENT IV. PROTECTION FROM UNREASONABLE SEARCH AND SEIZURE. MUST OBTAIN A SEARCH WARRANT

AMENDMENT V. PROVISIONS CONCERNING PROSECUTION AND DUE PROCESS OF LAW.

AMENDMENT V. NO PERSON SHALL BE COMPELLED IN ANY CRIMINAL CASE TO BE A WITNESS AGAINST HIMSELF.

AMENDMENT VIII. NO CRUEL AND UNUSUAL PUNISHMENT INFILCTED.

AMENDMENT XIV. NO STATE SHALL DEPRIVE ANY PERSON OF LIFE, LIBERTY OR PROPERTY WITHOUT DUE PROCESS, AND EQUAL PROTECTION.

OTHER

TEXAS PENAL CODE SECTION 12.42

TEXAS PENAL CODE ANN. 12.35

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix B to the petition and is

reported at COURT OF CRIMINAL APPEALS, TEXAS; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the 252ND JUDICIAL DISTRICT court appears at Appendix A to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

[] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was _____.

[] No petition for rehearing was timely filed in my case.

[] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A .

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[V] For cases from state courts:

The date on which the highest state court decided my case was 06-29-2022. A copy of that decision appears at Appendix B.

[V] A timely petition for rehearing was thereafter denied on the following date: JUNE 29 2022, and a copy of the order denying rehearing appears at Appendix B.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A .

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

AMENDMENT: IV. PROTECTION FROM UNREASONABLE SEARCH AND SEIZURE:

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 SEARCH, AND THE PERSONS OR THINGS TO BE SEIZED.

AMENDMENT: V.

PROVISIONS CONCERNING PROSECUTION AND DUE PROCESS OF LAW.

AMENDMENT: VI.

NO PERSON SHALL BE COMPELLED IN ANY CRIMINAL CASE TO BE A WITNESS AGAINST HIMSELF, NOR BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS OF LAW;

AMENDMENT: VIII

NO CRUEL AND UNUSUAL PUNISHMENTS INFILCTED.

AMENDMENT: XIV.

NO STATE SHALL DEPRIVE ANY PERSON OF LIFE, LIBERTY OR PROPERTY, WITHOUT DUE PROCESS OF LAW.

NOR DENY ANY PERSON WITHIN ITS JURISDICTION, "THE EQUAL PROTECTION OF THE LAW

STATEMENT OF THE CASE

JUSTIN TYRONE YOUNG WAS CHARGED WITH THE OFFENSE OF RECKLESS MANSLAUGHTER; BY INFORMATION... A SECOND DEGREE FELONY CHARGE UNDER TEXAS PENAL CODE 49.08: MAXIMUM SENTENCE IS 20 YEARS IMPRISONMENT, AND NOT 45 YEARS AS THE GOVERNMENT CLAIMS.

ON FEBRUARY 29, 2016 IN CAUSE NO. 16-24290, A PLEA AGREEMENT WAS REACHED WITH THE STATE OF TEXAS AND TRIAL ATTORNEY GEORGE J. PARNHAM ATTORNEY FOR... JUSTIN TYRONE YOUNG, PETITIONER

MAXIMUM SENTENCE FOR INTOXICATION MANSLAUGHTER, A SECOND DEGREE FELONY PUNISHABLE FROM 2 TO 20 YEARS IMPRISONMENT UNDER TEXAS LAW, TEXAS PENAL CODE 49.08

AT THE PLEA COLLOQUY THE COURT FOUND ONE ENHANCEMENT PARAGRAPH A SECOND DEGREE ROBBERY CHARGE PUNISHABLE FROM 2 TO 20 YEARS IMPRISONMENT. THAT RAISED THE SENTENCE FROM 20 YEARS MAXIMUM, "TO 25 TO LIFE." YOUNG WAS SENTENCED TO 45 YEARS. TEXAS HAS AMENDED THE TEXAS PENAL CODE ANN. 12.42 AFTER JUSTIN YOUNG'S CONVICTION. THE SENTENCE IMPOSED UPON DEFENDANT EXCEEDS THE STATUTORY AUTHORITY IN EFFECT AT THAT TIME AND ALSO NOW!

JUSTIN YOUNG'S SENTENCE COULD NOT HAVE BEEN ENHANCED BEYOND THE STATUTORY MAXIMUM OF 20 YEARS. ACCORDING TO.. THE UNITED STATES SUPREME COURT IN BLAKELY VS. WASHINGTON, 542 U.S. 296 (2004)

STATEMENT OF THE CASE

SEE APPRENDI VS. NEW JERSEY, 530 U.S. 466 (2000)

APPRENDI VS. NEW JERSEY, 536 U.S. 584 (2000)

IN BLAKELY VS. WASHINGTON, 542 U.S. 296 (2004)

CONTINUED THE APPRENDI APPROACH:

BLAKELY PLEADED GUILTY, JUST LIKE JUSTIN YOUNG DID THE! BLAKELY PLEADED GUILTY TO KIDNAPPING HIS ESTRANGED WIFE. UNDER WASHINGTON LAW, THE MAXIMUM SENTENCE HE COULD RECEIVE AT THAT TIME WAS 53 MONTHS IN PRISON,

BUT WASHINGTON LAW AUTHORIZED AN INCREASE IF "SUBSTANTIAL AND COMPELLING REASONS" JUSTIFIED "AN EXCEPTIONAL SENTENCE" SAME AS TEXAS LAW! AS APPLIED TO JUSTIN TYRONE YOUNG'S CASE.

THIS COULD INCREASE BLAKELY'S SENTENCE TO 90 MONTHS IF THE COURT FOUND THAT HE ACTED WITH "DELIBERATE CRUELTY," ONE OF SEVERAL AGGRAVATING FACTORS PERMITTING THE JUDGE TO INCREASE THE SENTENCE UPON FINDING THE AGGRAVATORS, AGGRAVATING FACTOR TO BE PRESENT.

IN THE 252ND DISTRICT COURT OF JEFFERSON COUNTY, TEXAS ON FEBRUARY 29, 2016 PLEA COLLOQUY THE COURT, JUDGE FOUND ONE ENHANCEMENT PARAGRAPH THAT WENT OVER THE STATUTORY MAXIMUM BY 25 YEARS! AFTER HEARING EVIDENCE, INCLUDING THE VICTIM'S TESTIMONY ABOUT THE INCIDENT, THE TRIAL JUDGE ISSUED 32 FINDINGS OF FACT AND IMPOSED THE 90 MONTH SENTENCE.

STATEMENT OF THE CASE

IN BLAKELY VS. WASHINGTON, 542 U.S. 296 (2004) THE BLAKELY COURT INVALIDATED THE INCREASE BECAUSE "THE STATUTORY MAXIMUM" FOR APPRENDI PURPOSES IS THE MAXIMUM SENTENCE A JUDGE MAY IMPOSE "SOLELY ON THE BASIS OF THE FACTS REFLECTED IN THE JURY VERDICT OR ADMITTED BY THE DEFENDANT."

APPRENDI BARRED INCREASING A SENTENCE BEYOND A STATUTORY MAXIMUM THE JUDGE "MAY IMPOSE BASED SOLELY ON THE FACTS ADMITTED IN THE GUILTY PLEA." 542 U.S. AT 303 (EMPHASIS IN ORIGINAL)

THIS CASE WAS A CONDITIONAL
PLEA BARGIN CASE
IN CAUSE NO. 16-24290

THE STATE OF TEXAS VS. JUSTIN TYRONE YOUNG
ON FEBRUARY 29, 2016 JUSTIN TYRONE YOUNG
ENTERED INTO A CONDITIONAL PLEA

THE TWO CONCURRING...

BIRCHFIELD VS. NORTH DAKOTA RULINGS, WERE NOT
ISSUED UNTIL JUNE 23, 2016

BIRCHFIELD VS. NORTH DAKOTA, 136 U.S. 2160 (2016)

BIRCHFIELD VS. NORTH DAKOTA, 579 U.S. 438, 476, 477 (2016)

ALL CLAIMS WERE PRESENTED TO STATE COURT FAIRLY
252ND JUDICIAL DISTRICT COURT JEFFERSON COUNTY,
TEXAS. REJECTED ALL THESE CLAIMS.

REASONS FOR GRANTING THE PETITION

RULE-10 (b)

THE 252ND DISTRICT COURT OF JEFFERSON COUNTY, TEXAS HAS DECIDED AN IMPORTANT FEDERAL QUESTION IN A WAY THAT CONFLICTS WITH THE DECISION OF ANOTHER STATE COURT.

12TH COURT OF APPEALS TYLER, TEXAS PETITION GRANTED (WARRANTLESS BLOOD DRAW)

GENTRY VS. STATE, TRIAL COURT NUMBER-12-13-00168 COURT RECORD: APPEAL FROM 241ST JUDICIAL DISTRICT COURT OF SMITH COUNTY, TEXAS. TYLER TR. CT. NO. 241-1540-12) CASE REVERSED. WARRANTLESS BLOOD DRAW: REVERSED AND REMANDED FOR FURTHER PROCEEDINGS.

PANEL OF JUDGES JAMES T. WORTHEN CHIEF JUSTICE, C.J. GRIFFITH AND HOYLE J. JUDGEMENT ENTERED ON AUGUST 27, 2014. TRIAL COUNSEL FILED A MOTION TO SUPPRESS IN THE 241ST JUDICIAL COURT THAT MOTION WAS DENIED AND GENTRY PLED GUILTY TO FELONY D.W.I. LIKE JUSTIN TYRONE YOUNG! GENTRY WAS SENTENCED TO 99 YEARS IMPRISONMENT. NO HEARING WAS HELD. IN JUSTIN TYRONE'S YOUNG CASE IT WAS A HEARING HELD AN EXTENSIVE HEARING WAS HELD PRIOR TO JUSTIN YOUNG'S GUILTY PLEA. THE 252ND DISTRICT COURT DENIED YOUNG'S SUPPRESSION MOTION.

THE 12TH COURT OF APPEALS RULED THAT THE 241ST JUDICIAL COURT ERRED WHEN IT FAILED TO SUPPRESS.

REASONS FOR GRANTING PETITION

RULE 10, (b) "WARRANTLESS URINE SAMPLES"
THE 252ND DISTRICT COURT OF JEFFERSON
COUNTY, TEXAS HAS DECIDED AN IMPORTANT
FEDERAL QUESTION IN A WAY THAT CONFLICTS
WITH THE DECISION OF ANOTHER STATE COURT.

SEE STATE VS. LAR, 908 N.W. 2d 181 (S.D. - 2018)
SOUTH DAKOTA SUPREME COURT ANNOUNCES SEARCH
INCIDENT TO ARREST EXCEPTION TO WARRANT
SUPREME COURT CASE LAW "STATES LAW ENFORCE-
MENT," MUST SECURE WARRANT PRIOR TO OBTAIN-
ING, A "BLOOD OR URINE SAMPLE FROM AN ARRESTEE.
THE COURT STATED THAT BLOOD AND URINE ARE
ANALOGOUS TO ONE ANOTHER.

THE COURT STATED BOTH CAN REVEAL HEALTH
INFORMATION

RULE 10, (C)

A STATE COURT HAS DECIDED AN IMPORTANT
FEDERAL QUESTION IN A WAY THAT CONFLICTS
WITH RELEVANT DECISIONS OF THIS COURT.

SEE THE CONCURRING OPINIONS OF...

BIRCHFIELD VS. NORTH DAKOTA, 136 U.S. 2160 (2016)

BIRCHFIELD VS. NORTH DAKOTA, 579 U.S. 438, 476, 477 (2026)

RETROACTIVE TO CASE ON COLLATERAL REVIEW

252ND JUDICIAL DISTRICT COURT FAILED TO HONOR

REASONS FOR GRANTING PETITION

A UNITED STATES SUPREME COURT PRECEDENT(S)

RULE 10. (C) 252ND COURT OF JEFFERSON COUNTY, TEXAS
IN CUNNINGHAM VS. CALIFORNIA, 127 S.C.T. 856 (2007)
THE SUPREME COURT INVALIDATED CALIFORNIA'S
ENHANCED SENTENCING PROVISIONS ENACTED UNDER
ITS 1977 DETERMINATE SENTENCING LAW.

WHICH CREATED A PRESUMPTIVE SENTENCING SYSTEM
TO LIMIT JUDGE'S SENTENCING DISCRETION.

THAT STATUTORY SCHEME, AS IMPLEMENTED BY COURT
RULES, PROVIDED FOR JUDGE'S TO SENTENCE CONVICTED
FELONS TO ONE OF THREE TERMS) FOR A GIVEN CRIME.
TEXAS LAWS DO THE SAME THING.

FOLLOWING APPRENDI AND ITS PROGENY, THE COURT
"HELD" THAT CUNNINGHAM HAD BEEN SENTENCED TO
THE UPPER TERM ON THE BASIS OF CONSTITUTIONALLY
IMPERMISSIBLE FACTFINDING BY THE SENTENCING
JUDGE:

BECAUSE THE (CALIFORNIA DETERMINATE SENTENCING
LAW) AUTHORIZES THE JUDGE, NOT THE JURY, TO FIND
FACTS PERMITTING AN UPPER TERM SENTENCE, THE
SYSTEM CANNOT WITHSTAND MEASUREMENT UNDER
OUR SIXTH AMENDMENT "PRECEDENT." *Id* at 871
THE OPINION OF THE 252ND JUDICIAL COURT OF
JEFFERSON COUNTY, TEXAS. OPINION CONFLICTS WITH
THE SUPREME COURT'S OPINION IN THE SUPREME
COURT HOLDINGS IN CUNNINGHAM VS. CALIFORNIA,
127 S.C.T. 856 (2007).

REASONS FOR GRANTING PETITION
TRIAL ATTORNEY GEORGE J. PARNHAM

HAD HIS CLIENT JUSTIN TYRONE YOUNG PLEAD
GUILTY TO A 45 YEAR PRISON SENTENCE, WHEN
THE STATUTORY MAXIMUM WAS AND STILL IS 20
YEARS.

IN COLEMAN VS. THOMPSON, 501 U.S. 722, 729, 730 (1991)
THE SUPREME COURT OF THE UNITED STATES READ
COLEMAN AS CONTAINING AN "EXCEPTION"
ALLOWING A FEDERAL HABEAS COURT TO FIND "CAUSE"
THEREBY EXCUSING A DEFENDANT'S "PROCEDURAL
DEFAULT WHERE (1) THE CLAIM OF INEFFECTIVE
ASSISTANCE OF TRIAL COUNSEL WAS / IS A SUBSTANTIAL",
CLAIM SEE SWORN AFFIDAVIT ATTACHED IN TOW

(2) THE CAUSE CONSISTED OF THERE BEING ONLY
INEFFECTIVE ASSISTANCE OF COUNSEL DURING
THE STATES INITIAL COLLATERAL REVIEW PRO-
CEEDING: APPELLATE ATTORNEY JAMES P. SPENCER
FAILED TO CITE THE CONTROLLING PRECEDENTS
SEE BIRCHFIELD VS. NORTH DAKOTA, 136 U.S. 2260 (2016)
(2016) BIRCHFIELD VS. NORTH DAKOTA, 579 U.S. 438, 476, 477
FAILED TO ARGUE JUSTIN TYRONE YOUNG'S SENTENCE
EXCEEDS THE STATUTORY MAXIMUM AUTHORIZED
BY LAW, OR ALLOWABLE BY LAW.

REASONS FOR GRANTING PETITION

RULE 10. (C) CONFLICT WITH A SUPREME COURT PRECEDENT. IN CAUSE NO. 26-24290-B RESPONSE TO ARTICLE 11.07 WRIT OF HABEAS CORPUS.

STATES RESPONSE FILED JUNE 20, 2022
THE JEFFERSON COUNTY, TEXAS DISTRICT ATTORNEY'S OFFICE, STATED ON THEIR ANSWER THAT JUSTIN TYRONE YOUNG ENTERED A PLEA DEAL? THEY ALSO STATED THE EVIDENCE ADMITTED AGAINST PETITIONER IN SUPPORT OF HIS CONVICTION CONSISTED NOT OF ANY BLOOD EVIDENCE" BUT OF HIS PLEA ALONG WITH THE SUPPORTING JUDICIAL ADMISSION FOUND IN THE "STIPULATIONS, WAIVERS, AND JUDICIAL ADMISSION" DOCUMENTATION.

THIS WAS A D.W.I. CASE? A MANSLAUGHTER CHARGE THEY...ARE SAYING HE WAIVED HIS 5TH AMENDMENT RIGHT TO SELF INCRIMINATION AFTER THE GUILTY PLEA?

PLEA AND WAIVER OF FIFTH AMENDMENT

IN MITCHELL VS. UNITED STATES, 526 U.S. 314 (1999) THE COURT "HELD" THAT.. THE PLEA DOES NOT OPERATE AS.. A WAIVER OF PRIVILEGE AT SENTENCING.

IN MITCHELL THE DEFENDANT PLED GUILTY TO THREE COUNTS OF.. DISTRIBUTING COCAINE NEAR A SCHOOL... GROUND: AND TO CONSPIRACY TO DISTRIBUTE FIVE OR MORE KILOGRAMS OF COCAINE. AT THE PLEA COLLOQUY THE U.S. DISTRICT COURT JUDGE WHILE ASSESSING WHETHER THERE WAS A FACTUAL BASIS FOR THE PLEA

REASONS FOR GRANTING PETITION
IN MITCHELL VS. UNITED STATES, 526 U.S. 314 (1999)
ASKED HER WHETHER SHE HAD DONE THE THINGS TO
WHICH SHE WAS PLEADING GUILTY.

SHE ADMITTED TO DOING "SOME OF IT" BUT JUST
LIKE JUSTIN TYRONE YOUNG, WHO RESERVED THE RIGHT
TO CONTEST THE BLOOD AND URINE SAMPLE AT SENTENCING
BUT MITCHELL RESERVED THE RIGHT TO CONTEST THE
DRUG QUANTITY UNDER THE CONSPIRACY CHARGE AT
SENTENCING. AT SENTENCING, SHE DID NOT TESTIFY
REGARDING THE QUANTITY OF DRUGS. THE SENTENCING
JUDGE CONCLUDED THAT HER GUILTY PLEA WAIVED HER
"FIFTH AMENDMENT SELF INCRIMINATION" PRIVILEGE
AND THEREFORE THE JUDGE COULD DRAW AN ADVERSE
INFERENCE FROM HER SILENCE AT THE SENTENCING
HEARING. THE 252ND DISTRICT COURT OF JEFFERSON
COUNTY, TEXAS ON JUNE 20, 2022 STATED THAT JUSTIN
TYRONE YOUNG WAIVED HIS FIFTH AMENDMENT CLAIM.

IN REVERSING, THE UNITED STATES SUPREME COURT
EXPLAINED. THE FIFTH AMENDMENT BY ITS TERMS
PREVENTS A PERSON FROM BEING COMPELLED IN ANY
CRIMINAL CASE TO BE A WITNESS AGAINST "HIMSELF"
TO MAINTAIN THAT SENTENCING PROCEEDINGS ARE NOT
PART OF ANY CRIMINAL CASE IS (CONTRARY) TO THE LAW
AND COMMON SENSE.

PETITIONER FACED IMPRISONMENT FROM ONE YEAR
UPWARDS TO LIFE, DEPENDING ON THE CIRCUMSTANCES, OF
THE CRIME. TO SAY SHE HAD NO RIGHT TO REMAIN SILENT,
BUT INSTEAD COULD BE COMPELLED TO COOPERATE IN THE
DEPRIVATION OF HER LIBERTY WOULD IGNORE THE

REASONS FOR GRANTING PETITION

RULE 10.(C)

FIFTH AMENDMENT PRIVILEGE AT THE PRECISE STAGE WHERE FROM MITCHELL'S POINT OF VIEW, IT WAS MOST IMPORTANT. SAME FOR JUSTIN TYRONE YOUNG

THE COURT ALSO CONCLUDED THAT BY DRAWING AN ADVERSE INFERENCE FROM MITCHELL'S AND ALSO YOUNG'S SILENCE THE SENTENCING JUDGE IMPOSED AN IMPERMISSIBLE BURDEN ON HER'S AND YOUNG'S ATTEMPT TO EXERCISE THEIR PRIVILEGE AGAINST SELF INCRIMINATION.

IN THE 252ND DISTRICT COURT OF JEFFERSON COUNTY TEXAS, ON COLLATERAL REVIEW ARTICLE 11.07 WRIT OF HABEAS CORPUS,

ALL THESE CLAIMS WERE PRESENTED FAIRLY TO THE STATE OF TEXAS. THEY DENIED ALL OF THESE CLAIMS, AND ALSO IGNORED THE SUPREME COURT OF THE UNITED STATES "PRECEDENTS" THAT WERE PRESENTED FAIRLY TO THEM.

ALL THESE CLAIMS ARE SUPPORTED BY THE RECORDS IN TOW.

(A) THE CLAIM RELIES ON...

(i) A NEW RULE OF CONSTITUTIONAL LAW MADE RETROACTIVE TO CASES ON COLLATERAL REVIEW BY THE SUPREME COURT, THAT WAS PREVIOUSLY UNAVAILABLE.

BIRCHFIELD VS. NORTH DAKOTA, 136 U.S. 2160 (2016)

BIRCHFIELD VS. NORTH DAKOTA, 579 U.S. 438, 476, 477 (2016)

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Justin S. Young
Date: 8-29-22