22-5719

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

SHANNON D. REECE — PETITIONER
(Your Name)

vs.

COURT OF CRIM. APP. TX. — 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

SHANNON DEWAYNE REECE
(Your Name)

JESTER III UNIT 3 JESTER RD.
(Address)

RICHMOND, TEXAS 77406
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

CAN A PERSON BE CONVICTED OF AN OFFENSE, "EVEN AFTER THE VICTIM TESTIFIES THAT THE DEFENDANT IS NOT THE PERSON THAT ASSAULTED OR ROBBED THEM?

IS-IT A CONFLICT OF INTEREST IF TRIAL COUNSEL IS ALSO THE APPEAL COUNSEL? AND FAILS TO FILE INEFFECTIVE ASSISTANCE ON HIMSELF?

CAN A PERSON BE CONVICTED OF AGGRAVATED ROBBERY AND SENTENCED TO 50 YEARS IN PRISON AND ASSESSED A $10,000 FINE? ARE IS THIS DOUBLE JEOPARDY?

CAN A PETIT JURY ADD "AGGRAVATORS," THAT ARE NOT PROVEN IN THE TRIAL PROCESS:?

CAN A STATE COURT IGNORE A VALID SUPREME COURT PRECEDENT THAT APPLIES TO A PETITIONER'S CASE?

HOW IS IT POSSIBLE FOR AN INNOCENT PERSON TO BE LOCKED UP IN PRISON FOR ALMOST 24, YEARS?

IS IT DEFECTIVE, REPRESENTATION WHEN A LAWYER FAILS TO CHALLENGE ERRONEOUS JURY INSTRUCTIONS?

DOES A PROSECUTOR HAVE THE AUTHORITY TO AMEND AN INDICTMENT?

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

FIRST COURT OF CRIMINAL APPEALS) AFFIRMED APPLICANT'S CONVICTION, SEE REECE V. STATE, 01-98-01293-CR,(2000) WL 553197 (TEXAS APPEALS, HOUSTON (1ST DISTRICT) MAY 04, 2000); ON DECEMBER 06, 2000, FIRST COURT OF CRIMINAL APPEALS ISSUED, A MANDATE: OF AFFIRMANCE).

ON FEBRUARY 19, 2003 THE COURT OF CRIMINAL APPEALS DENIED, THE APPLICANT'S INITIAL WRIT APPLICATION). CAUSE NO. 0787383-(A) THE COURT OF CRIMINAL APPEALS (DISMISSED) CAUSE NO. 0787383 (B) ON MAY 08, 2013: AND DISMISSED 0787383-(C) FEBRUARY 16, 2022 RESPECTIVELY.

IN CAUSE NO. 0787383(D) STATE'S ANSWER WAS DUE ON MAY 11, 2022). STATE'S ORIGINAL ANSER: GENERAL DENIAL);

CONVICTED ON SEPTEMBER 17, 1998) (OFFENCE OF AGGRAVATED ROBBERY), IN THE 180TH DISTRICT COURT OF HARRIS COUNTY TEXAS); 50 YEARS IN T.D.C.J.-C.I.D. AND $10,000 DOLLAR FINE.

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TABLE OF AUTHORITIES CITED

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 APPENDIX - B; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the 180TH DISTRICT COURT HARRIS CO. TEXAS court appears at Appendix A to the petition and is

[✓] reported at APPENDIX - A; 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).

[ ] 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.

[✓] 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 5TH) DUE PROCESS OF LAWS
(AMENDMENT 5TH) SELF INCRIMINATION
(AMENDMENT 5TH) DOUBLE JEOPARDY CLAUSE GUARANTEE

(AMENDMENT 6TH) EFFECTIVE ASSISTANCE OF COUNSEL
(AMENDMENT 6TH) IMPARTIAL JUDGE AND JURY
(AMENDMENT 6TH) SPEEDY AND PUBLIC TRIAL GUARANTEE
(AMENDMENT 6TH) TO BE INFORMED OF THE NATURE AND CAUSE OF THE ACCUSATION
(AMENDMENT 6TH) TO HAVE THE ASSISTANCE OF COUNSEL

(AMENDMENT 8TH) NO EXCESSIVE FINES IMPOSED NOR CRUEL AND UNUSUAL PUNISHMENT INFLICTED

(AMENDMENT 14TH) NO STATE SHALL DEPRIVE ANY PERSON WITHIN ITS JURISDICTION... DEPRIVE ANY PERSON OF "LIFE, LIBERTY, OR ... PROPERTY, WITHOUT DUE PROCESS OF LAW; NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAW

(AMENDMENT 14) EFFECTIVE ASSISTANCE OF COUNSEL AS GUARANTEED BY THE AUTHORITIES FROM THE SUPREME COURT OF THE UNITED STATES, AND THE CONSTITUTION, AND DUE PROCESS OF LAWS.

STATEMENT OF THE CASE

On JUNE 19, 1998 SHANNON DEWAYNE REECE, WAS CHARGED WITH THE OFFENSE OF AGGRAUATED ROBBERY: A GRAND JURY INDICTED REECE FOR THE OFFENSE, THAT OCCURRED ON JUNE 19, 1998:

SHANNON REECE CHOSE TO HAUE A JURY TRIAL FOR GUILT, AND INNOCENCE AND ALSO FOR SENTENCING.

THE GOUERNMENT SAID THEY WERE GOING TO PROVE AT TRIAL THAT SHANNON DEWAYNE REECE, ASSAULTED AND HE ALSO ROBBED THE UICTIM: THE UICTIM TESTIFIED THAT REECE WAS NOT THE ONE THAT ROBBED HIM OR ASSAULTED HIM.

THE GRAND JURY INDICTMENT STATED THAT'S WHAT THE PROSECUTION WOULD PROUE, BUT THEY FAILED TO PROVE ALL ESSENTIAL ELEMENTS OF THE CRIME THAT WAS CHARGED IN THE GRAND JURY INDICTMENT.

THIS IS A "FATAL UARIANCE".

SHANNON REECE WAS PUT ON NOTICE THAT-THE STATE OF TX. WOULD PROUE ITS CASE ACCORDING TO THE SPECIFICS OF THE CHARGING "DOCUMENT," BUT THE PROOF AT TRIAL WAS AT UARIANCE WITH THE FACTS ALLEGED IN THE INDICTMENT.

SEE UNITED STATES VS. ATTANASIO, 870 F.2d 809 (2d CIR 1989); NOTING THAT THE "GRAND JURY" FIFTH AMENDMENT GRAND JURY GUARANTEE IS UIOLATED WHEN EUIDENCE AT TRIAL AND GRAND JURY INSTRUCTIONS MODIFY THE ESSENTIAL ELEMENTS SET FORTH IN THE INDICTMENT TO SUCH AN EXTENT THAT-THE CONUICTION OFFENSE IS DIFFERENT FROM THAT CHARGED IN THE INDICTMENT.

REASONS FOR GRANTING THE PETITION

RULE 10. (b)

A STATE Court OF LAST Resort has decided an Important Federal question in a way that Conflicts with the decision of another state Court of last resort And ALSO A united States Court OF APPEALS.

See BELL VS. STATE, 693 S.W. 2d 434 TEXAS CRIMINAL APPEALS (1985); AGGRAVATED ASSAULT WITH A DEADLY WEAPON REQUIRES PROOF OF ACTUAL PHYSICAL FORCE. CONTROLLING STANDARD THE STATE FAILED TO PROVE PHYSICAL FORCE IN CAUSE NUMBER-787383: THE VICTIM TESTIFIED THAT REECE WAS NOT THE ONE THAT ROBBED HIM OR ASSAULTED HIM. THESE CLAIMS WERE PRESENTED FAIRLY TO THE 180TH DISTRICT COURT OF HARRIS COUNTY, TEXAS. ALSO TO THE CRIMINAL COURT OF APPEALS OF TEXAS. THEY HAVE NEVER RULED ON THE MERITS OF THIS CASE:

NOTE

A HABEAS CORPUS PETITION FILED AFTER AN EARLIER SUCH PETITION WAS DISMISSED: WITHOUT ADJUDICATION," ON THE MERITS BECAUSE OF A FAILURE TO EXHAUST STATE REMEDIES IS NOT A "SECOND OR SUCCESSIVE" PETITION. SLACK VS. MCDANIEL, 529 U.S. 473 (2000) REECE, WAS ALREADY IN DIRECT APPEAL WHEN THIS RULING CAME DOWN. TRIAL COURT COURT STATED HE DID-NOT PROVE BY A PREPONDERANCE OF EVIDENCE; THAT-THE RESULT OF THE CRIMINAL PROCEEDING WOULD HAVE BEEN DIFFERENT: CONTRARY TO CLAUSE:

SEE STRICKLAND VS. WASHINGTON, 466 U.S. 668, 694 (1984)

REASONS FOR GRANTING PETITION

STANDARD FOR GRANTING RELIEF

RULE 10. (C)

A STATE COURT 180TH DISTRICT COURT OF HARRIS COUNTY, TEXAS:

Has decided an important federal question in a way that Conflicts with relevant decisions of this Court. SUPREME COURT OF THE UNITED STATES

In WILLIAMS VS. TAYLOR, 529 U.S. 362, 409, 410 (2000)

In addition to the situation where a State Court decision is "Contrary" to or an "UNREASONABLE APPLICATION" OF CLEARLY ESTABLISHED CONSTITUTIONAL LAW.

28 U.S.C. (d)(2) Provides that a state Court decision, must be "REVERSED AND RELIEF MUST BE GRANTED."

IF the State Court Proceeding resulted in a decision that was based on an "UNREASONABLE" DETERMINATION OF THE "FACTS" IN LIGHT OF THE "EVIDENCE PRESENTED" in the State Court "PROCEEDING" THE GOVERNMENT PRESENTED NO EVIDENCE.

(IN CAUSE NUMBER - 787383), But SHANNON REECE ENDED UP GETTING 50 YEARS IMPRISONMENT" EVEN AFTER THE "VICTIM TESTIFIED," REECE WAS NOT THE ONE THAT ASSAULTED HIM OR ROBBED HIM.

SHANNON DEWAYNE REECE WAS SENTENCED TO 50 YEARS ON SEPTEMBER 17, 1998

MISCARRIAGE OF JUSTICE!

REASONS FOR GRANTING PETITION

SHANNON DEWAYNE REECE WAS CHARGED BY A GRAND JURY INDICTMENT FOR THE OFFENSE OF AGGRAVATED ROBBERY: CHARGING STATUTE(PENAL CODE-029030). SERIOUS BODILY INJURY IS-AN ELEMENT. THE VICTIM TESTIFIED THAT SHANNON DEWAYNE REECE IS NOT THE ONE THAT ASSAULTED HIM OR ROBBED HIM. MUST PROVE ALL OF THE ESSENTIAL ELEMENTS CHARGED IN THE INDICTMENT: (IN CAUSE NUMBER-787383)

THE SUPREME COURT OF THE UNITED STATES HAD NOT ISSUED SEVERAL OPINIONS WHILE SHANNON REECE WAS IN HIS DIRECT APPEAL ONE OF WHICH... FOR EXAMPLE, IN JONES VS. STATE, 526 U.S. 227 (1999) JUSTICE SOUTER'S OPINION FOR THE COURT LOOKED AT THE ABOVE FACTORS AND "HELD" THAT "SERIOUS BODILY INJURY" WAS AN ELEMENT RATHER THAN MERELY A SENTENCING, CONSIDERATION. IN CAUSE NO. 787383 THE CHARGE OF AGGRAVATED ROBBERY REQUIRES THE STATE TO PROVE SOME TYPE OF INJURY AND THAT A CRIME REALLY DID HAPPEN AND THE PERSON IS THE ONE THAT COMMITTED THE OFFENSE OF AGGRAVATED ROBBERY:

SEE

SEE BELL VS. STATE, 693 S.W. 2d 434) (TEXAS CRIMINAL APPEALS (1985); BELL RULED THAT AGGRAVATED ASSAULT WITH A DEADLY WEAPON A "FIREARM" REQUIRES THE GOVERNMENT TO PROVE ACTUAL PHYSICAL FORCE.

THIS DID NOT HAPPEN IN THIS CASE!

IN CAUSE NUMBER-787383

REASONS FOR GRANTING PETITION
TRIAL WAS CONSTITUTIONALLY DEFICIENT
IN CAUSE NUMBER-787383
CHARGED OFFENSE AGGRAVATED ROBBERY

(IN CAUSE NUMBER-787383) VICTIM TESTIFIED THAT SHANNON DEWAYNE REECE, IS NOT THE ONE THAT... ASSAULTED HIM OR ROBBED HIM. BUT REECE STILL ENDED UP GETTING 50 years in Prison and A $10,000 Fine. MISCARRIAGE OF JUSTICE

IN HERRERA VS. COLLINS, 506 U.S. 390, 404, 405 (1993)'
The Rule, or Fundamental miscarriage of Justice ... "EXCEPTION" is grounded in the equitable discretion of habeas Courts to see that Federal Constitutional "ERRORS" do not result in the incarceration of innocent persons."

THE MISCARRIAGE OF JUSTICE EXCEPTION

our decisions bear out, survived (AEDPA'S) Passage IN CALDERON VS. THOMPSON, 523 U.S. 538 (1998).
we applied the "EXCEPTION" to hold that a federal Court may, Consistent with (AEDPA'S) RECALL ITS MANDATE in "ORDER, to "reuisit" the "MERITS" of a decision. Id at 558.

The MISCARRIAGE OF JUSTICE STANDARD IS ALTOGETHER CONSISTENT... WITH (AEDPA'S) CENTRAL CONCERN THAT THE "MERITS" OF A "CONCLUDED" CRIMINAL PROCEEDING NOT TO BE REUISITED IN THE ABSENCE OF A STRONG SHOWING OF "ACTUAL INNOCENCE.

REASONS FOR GRANTING PETITION

MISCARRIAGE OF JUSTICE

IN BOUSLEY VS. UNITED STATES, 523 U.S. 614, 622 (1998) WE HELD IN THE CONTEXT OF 2254 OR 2255.... THAT ACTUAL INNOCENCE MAY OVERCOME A "PRISONER'S" FAILURE TO RAISE A "CONSTITUTIONAL OBJECTION ON DIRECT REVIEW).

MOST RECENTLY IN HOUSE WE reiterated that a "PRISONERS PROOF OF "actual INNOCENCE" may provide a gate way for federal habeas review of a procedurally defaulted Claim of Constitutional "ERROR"

547 U.S. at 537, 538 (2006)

See 28 U.S.C. 2254 RULE-4, focusing on the "MERITS OF A petitioner's "ACTUAL INNOCENCE" CLAIM, and taking account of delay in that "Context, rather than treating "TIMELESSNESS" TIMELINESS" as a "threshold" INQUIRY" is tuned to the "rationale" underlying the "MISCARRIAGE OF JUSTICE" "EXCEPTION" ensuring" that "federal CONSTITUTIONAL" ERRORS" do not result in the incarceration of "INNOCENT PERSONS,

SEE

HERRERA VS. COLLINS, 506 U.S. 404 (1993)

SHANNON DEWAYNE REECE WAS CHARGED BY GRAND JURY INDICTMENT:

CHARGING STATUTE - 029030 OFFENSE - AGGRAVATED ROBBERY

PROOF AT JURY TRIAL NONE!

VICTIM OF THE CRIME STATED ON THE WITNESS STAND SHANNON REECE IS NOT THE PERSON THAT ASSAULTED ME OR ROBBED ME! 50 YEARS IMPRISONMENT AND $10,000 FINE!

REASONS FOR GRANTING PETITION
EX POST Facto Guarantee

e.g.) In Carmell VS. Texas, 529 U.S. 513 (2000) a Texas Statute authorized Conviction of Certain Offenses on the Victim's testimony alone. The previous Statute however, required both the Victim's testimony and other Corroborating Evidence to Convict. Carmell'S trial, OCCURRED after the effective date of the "new" Statute, but the offense occurred before the effective date.

QUOTING FROM...

CALDER VS. BULL, 3 Dall. 386, 390 (1798)

The Supreme Court recognized that the EX POST FACTO PROHIBITION applies to "Every law that alters the legal rules of evidence, and receives, less, or different, testimony, than the law required at the time of the COMMISION" of the offense in order to Convict the offender SHANNON DEWAYNE REECE", Finding that this Provision Plainly applies to Carmell, and SHANNON REECE and that "Fundamental Justice" requires the Government to abide by its own rules, the Court held that Carmell's Convictions using the new rules Could not be sustained under the EX POST FACTO CLAUSE.

SHANNON DEWAYNE REECE WAS IN DIRECT APPEAL BEFORE THE SUPREME COURT DECIDED THIS CASE AND ISSUED ITS OPINION.

THE VICTIM IN CAUSE NUMBER- 787383 TESTIFIED REECE WAS NOT THE ONE THAT ASSAULTED HIM OR ROBBED HIM.

REASONS FOR GRANTING PETITION
MISCARRIAGE OF JUSTICE

THE VICTIM TESTIFIED THAT SHANNON REECE IS NOT THE ONE THAT ASSAULTED HIM OR ROBBED HIM. IN CAUSE NUMBER-787383); CHARGING STATUTE TEXAS, PENAL CODE -029030:

This was the prosecution'S star witness the actual victim: From the witness stand. The Prosecution still argued SHANNON REECE, is Guilty.

e.g.) In MILLER VS. PATE, 386 U.S. 1 (1967);
There the UNITED STATES SUPREME COURT "REVERED" a Conviction because the Prosecutor had argued that a Pair of the defendant'S Shorts, which he KNEW were Stained with Paint were actually Stained with "BLOOD"
The Court held almost 55 years ago" this Court held more than 55 years ago that, the "FOURTEENTH AMENDMENT cannot tolerate a State Criminal-Conviction obtained, By the knowing use of Paise "EVIDENCE".

HARRIS COUNTY, TEXAS PROSECUTOR'S OFFICE TOLD THE PETIT JURY THAT SHANNON REECE, Could be found GUILTY OF "AGGRAVATED ROBBERY" WITHOUT Proving he was the one that assaulted his alleged victim, or Prove that he robbed the victim.

THE 180TH JUDICIAL DISTRICT COURT OF HARRIS COUNTY, TEXAS) (DIRECTED A VERDICT);
i.e.) IN NEDER VS. UNITED STATES, 527 U.S. 1 (1999) Reaffirms the rule that it would be "STRUCTURAL ERROR" not susceptible of "HARMLESS ERROR ANALYSIS" to vitiate all the "Jury'S Findings.

REASONS FOR GRANTING PETITION

COURT OR JUDGE CANNOT DIRECT A VERDICT IN NEDER VS. UNITED STATES, 527 U.S. 1 (1999)

Quoting SULLIVAN VS. LOUISIANA, 508 U.S. 275, 281, 282 (1993);

A Court Cannot, no matter how Clear the defendant's CulPABility direct a guilty verdict.

See Carpenters VS. UNITED STATES, 330 U.S. 395, 410 (1947)

See Rose VS. Clark, 478 U.S. 570, 578 (1986)

ARIZONA VS. FULMINANTE, 499 U.S. 279, 294 (1991);

The question that this raises is why denying the right to Conviction by Jury is "STRUCTUAL ERROR" taking one of the "ELEMENTS" of the Crime away from the "JURY" Should be treated differently from taking all of them away since failure to one, no less than failure to all, "utterly prevents Conviction.

e.g.,)

IN DUNCAN VS. LOUISIANA, 391 U.S. 155 (1968);

IN CAUSE NO. 787383 HARRIS COUNTY "PROSECUTOR'S STRUCK ALL BUT ONE BLACK PERSON FROM THE PETIT JURY."

e.g.,) IN BATSON VS. KENTUCKY, 476 U.S. 79 (1986);

SEE SWAIN VS. ALABAMA, 380 U.S. 202 (1965);

DEFENDANT, DENIED EQUAL PROTECTION THROUGH THE STATES USE OF PEREMPTORY CHALLENGES TO EXCLUDE MEMBERS OF HIS RACE FROM THE PETIT JURY).

REASONS FOR GRANTING PETITION

IN COLEMAN VS. THOMPSON, 501 U.S. 722, 729, 730, (1991). we Consequently Read Coleman as containing An ... "EXCEPTION" allowing a Federal habeas Court to find "Cause". Thereby excusing a defendant's "PROCEDURAL-DEFAULT" were—

(1) THE CLAIM OF "INEFFECTIUE-ASSISTANCE OF TRIAL COUNSEL WAS A "SUBSTANTIAL CLAIM";

(2) THE CAUSE" Consisted of there being "INEFFECTIUE COUNSEL DURING THE STATE COLLATERAL REUIEW PROCEEDING; ATTORNEY IN DIRECT APPEAL CONNIE B. WILLIAMS

TRIAL COUNSEL CONNIE B. WILLIAMS FAILED TO ADUOCATE FOR SHANNON DEWAYNE REECE. HE LET THE PETIT JURY FIND HIS CLIENT GUILTY OF AGGRAUATED ROBBERY. AFTER THE UICTIM STATED ON THE WITNESS STAND, THAT'S NOT THE PERSON THAT ASSAULTED ME OR ROBBED ME! TRIAL ATTORNEY CONNIE B. WILLIAMS FAILED TO LAUNCH ANY KIND OF DEFENSE," DURING TRIAL.

IN ARIZONA VS. FULMINANTE, 499 U.S. 299 (1991) LISTED A NUMBER OF DECISIONS HOLDING THAT THE "CONSTITUTIONAL ERROR WERE SO FUNDAMENTAL THAT THEY WERE NOT "SUBJECT" TO THE HARMLESS ERROR APPROACH

(1) TOTAL DEPRIUATION OF TRIAL COUNSEL

(2) THE EXCLUSION OF MEMBERS OF THE DEFENDANT'S RACE.

REASONS FOR GRANTING PETITION

THE EUIDENCE," WAS INSUFFICIENT TO PROVE BEYOND A REASONABLE DOUBT, THAT SHANNON REECE WAS THE "ASSAILLANT OR THE ROBBER! AS TESTIFIED TO BY THE UICTIM. ON THE WITNESS STAND.

i.e. IN Jackson vs. Virginia, 443 U.S. 307 (1979); as The Standard for reuiewing the sufficiency of the... euidence. In determining whether the euidence is, legally sufficient to support a conuiction, a reviewing Court must Consider all of the euidence in the light most favorable to the uerdict and determin whether, based on that euidence and reasonable inferences there from, a rational fact finder Could have found the essential elements of the "CRIME BEYOND A REASONABLE DOUBT.

CITING JACKSON VS. UIRGINIA, 443 U.S. 318, 319 (1979).

TESTIMONY AT THE JURY TRIAL, SHOW THAT- THE PETITIONER SHANNON DEWAYNE REECE IS NOT GUILTY OF THIS CRIME.

HARRIS COUNTY PROSECUTORS AMENDED THE INDICTMENT THE PROSECUTOR DOES NOT POSSESS THAT AUTHORITY. THIS INTERPRETATION IS BASED ON THE EARLY CASE OF... EX PARTE BAIN, 121 U.S. 1 (1887), PROHIBITING AMENDMENT OF AN INDICTMENT EXCEPT BY RESUBMISSION TO THE... GRAND JURY.

REASONABLE DOUBT INSTRUCTION

THE REASONABLE DOUBT INSTRUCTION GIVE AT THE JURY TRIAL IN CAUSE NUMBER-787383). THE STATE OF TEXAS VS. SHANNON DEWAYNE REECE, AGGRAVATED ROBBERY PROSECUTION FAILED TO PROVE ALL ESSENTIAL ELEMENTS OF THE CRIME CHARGED IN THE GRAND JURY INDICTMENT". AS REQUIRED BY THE UNITED STATES CONSTITUTION"), FIFTH AND FOURTEENTH AMENDMENTS:

e.g.) THE COURT HOLDS TODAY THAT THE "REASONABLE DOUBT INSTRUCTION GIVEN AT, SULLIVAN'S TRIAL WHICH IT, CONCEDED VIOLATES DUE PROCESS UNDER THE DECISION IN CAGE VS. LOUISIANA, 498 U.S. 39 (1990) PER CURIAM, AMOUNTS TO (STRUCTURAL ERROR), AND THIS CANNOT BE HARMLESS REGARDLESS OF HOW OVERWHELMING THE EVIDENCE OF SULLIVAN'S GUILT.

IT GROUNDS THIS CONCLUSION IN ITS DETERMINATION THAT "HARMLESS ERROR ANALYSIS" CANNOT BE CONDUCTED," WITH RESPECT TO ERROR OF THIS SORT CONSISTENT WITH THE "SIXTH AMENDMENT" PROHIBITS THE APPLICATION, OF "HARMLESS ERROR ANALYSIS" IN DETERMINING WHETHER CONSTITUTIONAL ERROR HAD A PREJUDICIAL IMPACT ON THE OUTCOME OF THE CASE.

SEE SULLIVAN VS. LOUISIANA, 508 U.S. 275, 280, 281 (1993);

ALSO SEE SCHLUP VS. DELO, 513 U.S. 298 (1995)

EXAMPLES OF ACTUAL INNOCENCE" INCLUDES THE CONVICTION OF THE WRONG PERSON;

REASONS FOR GRANTING PETITION
SIXTH AMENDMENT ASSISTANCE OF COUNSEL

THE Jury Instructions" used to define "AGGRAVATED ROBBERY" NO argument was made as to the propriety of the instruction". TRIAL ATTORNEY CONNIE B. WILLIAMS made an "EGREGIOUS" MISTAKE,

He failed to challenge the "AGGRAVATED ROBBERY"... Instruction at "TRIAL AND ON APPEAL"

The Crime of "AGGRAVATED ROBBERY" UNDER Texas PENAL CODE: 029030, Requires the Jury to find that the Defendant (ACTUALLY USED PHYSICAL FORCE.

i.e., IN BELL VS. STATE, 693 S.W. 2d 434) TEXAS CRIMINAL, APPEALS. BELL RULED AS A MATTER OF LAW, THE CRIME OF "AGGRAVATED ASSAULT" by the use of a "Deadly... weapon: REQUIRES "ACTUAL PHYSICAL FORCE. AGAINST, The "VICTIM". The Jury Instructions on "AGGRAVATED ROBBERY" Advised the "JURORS" that to establish force the government need not demonstrate that the "Defendant used actual force or violence and that the requirement of force may be satisfied by a Showing of... the use of threat or harm sufficient to "coerce or compel" submission, by the victim. The Jury instructions further Stated that force", MAY also be implied from a disparity" in coercive Power or in size between the "Defendant," SHANNON DEWAYNE REECE and the "ROBBERY AND ASSAULT VICTIM THE INSTRUCTIONS VIOLATED THE RULES SET FORTH IN BELL VS. STATE, 693 S.W. 2d 434) TEXAS CRIMINAL APPEALS) CONTROLLING STANDARD FOR THE OFFENSE OF "AGGRAVATED ASSAULT).

REASONS FOR GRANTING PETITION
14TH AMENDMENT EFFECTIVE ASSISTANCE OF COUNSEL GUARANTEE

CONNIE B. WILLIAMS, TRIAL LAWYER AND APPELLATE LAWYER, The JURY INSTRUCTIONS at SHANNON REECE'S JURY TRIAL IN CAUSE NO. 787383; THE Jury INSTRUCTIONS Given At TRIAL Allowed the Jury to find "SHANNON REECE, guilty OF "AGGRAVATED ROBBERY" without actually finding "PHYSICAL FORCE." Trial And APPELLATE ATTORNEY CONNIE B. WILLIAMS Failed TO Render, EFFECTIVE ASSISTANCE OF COUNSEL," when he missed This OBUIOUS" ERROR. i.e., STRICKLAND VS. WASHINGTON, 466 U.S. 668 (1984 Requires a Showing OF "Deficient" performance and .... "PREJUDICE" to make out an "INEFFECTIVE ASSISTANCE OF COUNSEL CLAIM. The JURY Instructions misstated the Law and TRIAL AND APPELLATE LAWYER CONNIE B. WILLIAMS, Failed to do Some-THing about it, THAT WAS A MIS-TAKE," OF LAW. PREJUDICE IS PROVED EASILY.

SHANNON DEWAYNE REECE, WAS GIUEN 50 YEARS IN PRISON, AND A $10,000 FINE. "BELL VS. STATE, 693 S.W. 2d 434 (1985); IS THE CONTROLLING STANDARD FOR "AGGRAVATED ASSAULT BY THE USE OF A DEADLY WEAPON A "FIREARM REQUIRES THE GOUERNMENT TO PROVE ACTUAL PHYSICAL FORCE: BY CONTACT.

e.g.,

IN RICHMOND VS. LEWIS, 506 U.S. 40 (1992); IN THE STATE OF TEXAS, THE JURY MUST "WEIGH" OR BALANCE "AGGRAVATING AND MITIGATING FACTORS" TO DETERMINE WHICH "PREVAIL".) IT IS CONSTITUTIONAL ERROR TO GIVE WEIGHT TO UNCONSTITUTIONALLY VAGUE... AGGRAVATING FACTOR, EVEN IF OTHER VALID FACTORS, ARE PRESENT.

REASONS FOR GRANTING PETITION
SIXTH AMENDMENT STANDARD
RENDERING EFFECTIVE ASSISTANCE OF COUNSEL

IN EUITTS VS, LUCEY, 469 U.S. 387 (1985); The court em-
BELLISHED, the right to Counsel, on direct appeal. By
holding that the "DUE PROCESS CLAUSE" MANDATES that
Counsel on "DIRECT APPEAL" SATISFY. The SIXTH AMENDMENT'S
STANDARD OF Rendering "EFFECTIVE ASSISTANCE OF COUNSEL.

IN EUITTS THE DEFENDANT WAS CONVICTED OF A DRUG....
OFFENSE AND LIKE SHANNON DEWAYNE REECE, HE AUTHORIZED
HIS RETAINED COUNSEL TO APPEAL. APPELLATE COUNSEL, CONNIE
B. WILLIAMS FAILED TO GET HIMSELF FOR BEING, INEFFEC-
TIVE, ON THE CONTRARY HE FILED NO FEDERAL CONSTITU-
TIONAL," CLAIMS WITH ANY MERITS AT ALL. SHANNON REECE
WAS DENIED THE EFFECTIVE ASSISTANCE OF COUNSEL...
GUARANTEED BY THE FOURTEENTH AMENDMENT.

THE UNITED STATES SUPREME COURT IN EVITTS GRANTED
RELIEF, AND AGREED THAT-THE "DUE PROCESS GUARANTEE
PROVIDE THAT A CRIMINAL ACCUSED IS ENTITLED TO THE
EFFECTIVE ASSISTANCE OF COUNSEL ON THE FIRST...
DIRECT APPEAL IN A CRIMINAL CASE.

e.g., SEE PENSON VS. OHIO, 488 U.S. 75, 88, (1988)
APPELLATE COUNSEL FILED NOTICE OF TIMELY APPEAL, BUT
THEN FILED A CERTIFICATION OF MERITLESS APPEAL
AND PARTICIPATED NO FURTHER IN THE APPEAL. A LAWYER
CANNOT FILE A "FRIVOLOUS" APPEAL. ACCORDING TO THE
UNITED STATES SUPREME COURT.

SEE i.e.,

IN MCCOY VS, COURT OF APPEALS, 486 U.S. 429, 438, -439
(1988). THE SUPREME COURT HELD LAWYER'S TO A HIGH
STANDARD:

REASONS FOR GRANTING PETITION
TRIAL AND APPELLATE COUNSEL
CONNIE B. WILLIAMS
CONTRARY TO CLAUSE "INEFFECTIVE ASSISTANCE,
IN
WILLIAMS VS. TAYLOR, 529 U.S. 362 (APRIL 18, 2000);
[CRIMINAL JUSTICE] COUNSEL'S FAILURE TO PRESENT
MITIGATING-EVIDENCE DURING SENTENCING:..
CONSTITUTED INEFFECTIVE ASSISTANCE OF COUNSEL.

JUSTICE STEVENS, NOT ONLY MAKE NO ATTEMPT TO
DO-SO, BUT ALSO CONSTRUES... CONTRARY TO CLAUSE
IN A MANNER, THAT THE UNREASONABLE APPLICATION
CLAUSE WILL HAVE NO.. INDEPENDENT MEANING.

IF A HABEAS CAN UNDER THE CONTRARY TO CLAUSE
ISSUE A WRIT WHENEVER IT CONCLUDES THAT-THE
STATE COURT'S APPLICATION OF A CLEARLY ESTABLISHED,
FEDERAL LAW WAS INCORRECT.

CONNIE B. WILLIAMS, FAILED TO CHALLENGE
THE ERRONEOUS JURY INSTRUCTIONS.
CONNIE B. WILLIAMS, FAILED TO CHALLENGE THE
MISSTATEMENT BY THE PROSECUTION ON THE ELEMENTS,
OF THE CRIME OF "AGGRAVATED ROBBERY,
CONNIE B. WILLIAMS, LET SHANNON DEWAYNE REECE
GET 50 YEARS IMPRISONMENT FOR A CRIME THE...
VICTIM SAID THAT HE WAS NOT THE PERSON THAT
ASSAULTED HIM OR ROBBED HIM!
REECE IS FACTUALLY INNOCENT.

REASONS FOR GRANTING PETITION

IN STRICKLAND VS. WASHINGTON, 466 U.S. 668 (1984) COUNSEL'S DEFECTIVE REPRESENTATION THAT RESULTS IN-AN INCREASE IN A PRISON TERM IS "PREJUDICIAL UNDER STRICKLAND AND UNDER..."

GLOUER VS. UNITED STATES, 531 U.S. 198 (2001);

SEE LACKAWANNA COUNTY DISTRICT ATTORNEY VS. COSS, 532 U.S. 394 (2001); UNCONSTITUTIONAL INVALID PRIOR SENTENCE TO ENHANCE A LATER SENTENCE REECE IS-IN CUSTODY FROM THESE TWO PRIOR SENTENCES." 1989 CONVICTED OF LESS THAN ONE GRAM OF "CRACK COCAINE." IN 1993 MISDEMEANOR GUN CHARGE: BECAUSE THE TEXAS LEGISLATURE AMENDED THE TEXAS PENAL CODE ANN. 12.42 AFTER SHANNON REECE'S CONVICTION FROM 1989. THE SENTENCE IMPOSED UPON REECE EXCEEDED STATUTORY AUTHORITY IN EFFECT AT THE TIME: REECE'S SENTENCE COULD NOT HAVE BEEN ENHANCED: 1989'S CONVICTION IS A PREDICATE OFFENSE CHARGED IN THE INDICTMENT: POSSESSION OF LESS THAN 1, GRAM, IS-A STATE JAIL FELONY 2 YEARS MAXIMUM, IN STATE JAIL. SEE TEXAS PENAL CODE SECTION 12.42, STATE JAIL FELONY CANNOT BE FURTHER ENHANCED AS-A REGULAR FELONY AND IF TRIAL AND APPELLATE COUNSEL CONNIE B. WILLIAMS WOULD HAVE FILED MOTION TO QUASH INDICTMENT" MOTION SHOULD HAVE BEEN GRANTED. SECTION 12.42 (E) TEXAS PENAL CODE C. SUPP. (2012) ONLY REGULAR FELONIES CAN BE USED TO ENHANCE OFFENSES DESIGNATED BY "SECTION 12.42" (B)(C) OR (D)": AN OFFENSE DESIGNATED A FELONY IN THIS CODE WITH SPECIFICATION AS TO CATEGORY IS A STATE JAIL FELONY."

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Shannon Reece

Date: 9-20-22