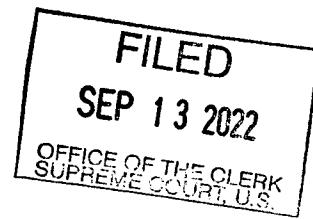


No. 22-5813 ORIGINAL

IN THE



**SUPREME COURT OF THE UNITED STATES**

KATHERINE ELIZABETH LANGHORST ~~APPLICANT~~ **PETITIONER**  
(Your Name)

vs.

STATE OF TEXAS \_\_\_\_\_ — RESPONDENT(S)

**ON PETITION FOR A WRIT OF CERTIORARI TO**

COURT OF CRIMINAL APPEALS OF TEXAS - WR-93,703-01

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

**PETITION FOR WRIT OF CERTIORARI**

KATHERINE ELIZABETH LANGHORST  
(Your Name) TDCJ ID # 02006265

## WILLIAM P. HOBBY UNIT

742 F.M. 712

(Address)

MARLIN, TEXAS 76661

(City, State, Zip Code)

2 / A

(Phone Number)

**QUESTION(S) PRESENTED**

1. Was the evidence seized in this cause/case "Fruits of The Poisonous Tree"?
2. Was this conviction obtained by way of illegal search and seizure?
3. Did Trial Counsel render ineffective assistance during the plea process?
4. Was Trial Counsel ineffective for not filing a Writ when the suppression was denied by the trial court?
5. Did the trial court abuse its discretion by denying petitioner's suppression hearing?
6. Is this conviction illegal obtained?

## 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

MOORE V. STATE 2014 Tex App LEXIS 12604  
MORENO V. STATE 124 S.W. 3d 339

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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 is unpublished.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 is unpublished.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 A to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished. *NO OPINION ISSUED*

The opinion of the \_\_\_\_\_ 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.

## 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   A  .

A timely petition for rehearing was thereafter denied on the following date: 08/02/2022, and a copy of the order denying rehearing appears at Appendix   A  .

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**

USCA FOURTH AMENDMENT.....ILLEGAL SEARCH & SEIZURE

USCA SIXTH AMENDMENT.....INEFFECTIVE COUNSEL

USCA FOURTEENTH AMENDMENT.....DUE PROCESS OF LAW

## STATEMENT OF THE CASE

This evidence from trial court cause # CR-15-0010, was obtained illegally making it " Fruits of a Poisonous Tree "

There was no proably cause to search the vehicle or the person whom was operating the vehicle, Ketherine Langhorst, Petitioner.

When Petitioner was pulled over for not displaying a front license plate and giving a warning; there was no futher reason in detaining Petitioner, but the officer involved in the traffic stop did not allow Petitioner to leave.....there was no reason to search, there was not a thing in plainview, the officer abused his authority and intimidated Petitioner to believe she was not free to go.

The rule that evidence derived from an illegal search, arrest, and any interrogation's inadmissable because the evidence was tainted by illegality.

Evidence that was illegally seized should have been excluded.

The Fourth Amendment of the U.S.C.A. protects against unreasonable search and seizures. This is to protect the sanctity of a man's property and privacies of life.

Standing to invoke the exclusionary rule-a rule that excludes or suppresses evidence obtained in violation in which this rule was not followed in the Petitioner's case, the court abused it's discretion by allowing the evidence,,perjuried testimonies of law enforcement officials, and withholding information from the Petitioner(Brady violation) the GPS tracking devi  e that was placed on her vehicle and the state withholding these records along with the warrant for such tracking device to her vehicle.

The Sixth Amendment guarantees the Effective Assistance of Counsel but where counsel is unaware of the GPS tracking device, warrant and other vital information to her case how is she to provide adequate representation? This is an out come of a miscarriage of justice " The imperativerof judicial integrity " namely that the courts do not become ACCOMPLICIES in the willful disobediance of the U.S.C.A. that they are sworn to uphold.

In MAPP V. OHIO 367 U.S. 643; 6 L Ed 1081; 81 S.Ct 1684 and in KAUFFMAN V. U.S. 394 U.S. 217; 22 L Ed 227;389 S.Ct.1068

Until these two cases the court has had no occassion fully to examine the validity of the assumptionsmade in KAUFFMAN that

the effectuation of the ~~Fourthe~~Amendment, as applied to the states through the Fourteenth Amendment requires the granting of Habeas Corpus relief. But the trial court abused it's discretion by denying Petitioner any relief. Petitioner can show proof of the information that was withheld, which was discovered later after she had pled out in open court. The withheld information prejudiced Petitioner.

In UNITED STATES V. BUNDY 968 F.3d 1019 the indictment was properly dismissed because given that the government acted reckless.

Petitioner was arrested and charged with Possession with Intent a violation of Texas Health & Safety Code 481.112.

The officer's involved in Petitioner's case was deliberate.

## **STATEMENT OF THE CASE**

## REASONS FOR GRANTING THE PETITION

Trial/Plea counsel was ineffective in her representation by way of not filing a writ when the suppression hearing was denied, by not doing this it prejudiced the outcome of Petitioner's case. STRICKLAND V. WASHINGTON 104 S. Ct 2052% In MORENO V. STATE 124 S.W. 3d 339 there was reason to search the vehicle; the window tint was illegal, driver was driving below the posted speed limit by 20 mph, defective brake light, and the driver's license was suspended/invalid. and there was no proof of insurance; along with the passenger having outstanding warrants. The search was legal because the driver had jailable offenses and the search was incident to a lawful custodial arrest. In MOORE V. STATE 2014 Tex App LEXIS 12604 was a traffic stop arrest.

Search & Seizures and the Interpretation of Texas C.C.P. article 38.23 prohibits the use of evidence that an officer obtained in violation of the United States Constitution and the Texas Constitution or the laws of Texas. The purpose of the "EXCLUSIONARY RULE" is to deter police activity that could have not been reasonably believed to be lawful by the officers committing the conduct. This is important for the traffic stop that does not involve any arrest. this very important to the Petitioner's case because she was not under arrest at any point for the traffic stop until law enforcement abused their authority along with the laws of Texas, The Texas Constitution and Mainly the United States Constitution of America which defendant/petitioner is protected by.

We ask this Honorable Supreme Court of The United States of America to remand this case back to the courts and vacate the sentence.

### **CONCLUSION**

This case should be remnded back to the courts and the sentence ✓ should be vacated, the evidence is that of the "Fruits of a Poisionous Tree" Illegally obtained.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Katherine Langbein

Date: 9-13-22