

22-6401
NO.

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

SEP 14 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

WILLIAM CLYDE CULBERSON JR. PETITIONER

VS.

THE STATE OF TEXAS

ON PETITION FOR A WRIT OF CERTIORARI TO

COURT OF CRIMINAL APPEALS AT AUSTIN TEXAS

PETITION FOR WRIT OF CERTIORARI

WILLIAM CLYDE CULBERSON JR.
TDCJ# 01713749
777 FM 3497
WOODVILLE TX.75990

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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

A. IS MEDICAL RECORDS CONSIDERED AS CONFRONTATION CLAUSE
COVERED UNDER CRAWFORD VS. WASHINGTON

LIST OF PARTIES

A. THE STATE OF TEXAS

B. WILLIAM CLYDE CULBERSON JR.

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TABLE OF AUTHORITIES CITED

CRAWFORD VS. WASHINGTON 124 S.CT. 1354(2004)

STATUTES AND RULES

28 usc sub sec. 1651

28 usc sub sec. 1257 (A)

ARTICLE 11.07

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

28 USC SUB SEC. WHICH STATES:

(A) THE SUPREME COURT AND ALL COURTS ESTABLISHED BY ACT OF CONGRESS MAY ISSUE ALL WRITS NECESSARY OR APPROPRIATE IN AID OF THESE RESPECTIVE JURISDICTIONS AND AGREEABLE TO THE USAGE AND PRINCIPLES OF LAW.

(B) AN ALTERNATIVE WRIT OR RULE NISI MAY BE ISSUED BY A JUSTICE OR JUDGE OF A COURT WHICH HAS JURISDICTION

UNDER DCR THE COURT GETS ITS JURISDICTION FROM 28 USC SUB SEC. 1257(A)

JURISDICTIONAL STATEMENT 28 USC SUB SEC 1254(I)

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☐ is unpublished.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☐ is unpublished.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 5-18-2022; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

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☐ is unpublished.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 _____.
A copy of that decision appears at Appendix _____.

[] A timely petition for rehearing was thereafter denied 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. § 1257(a).

STATEMENT OF THE CASE

DURING THE DEFENDANT TRIAL THE TRIAL ATTORNEY OBJECTED TO THE MISSING PAGES OF THE MEDICAL RECORDS. HE WAS ONLY GIVEN (8) PAGES OUT OF (10). THE STATE STATED THAT ON THE WRIT OF HABEAS CORPUS THAT THE MISSING PAGES WAS NOT PART OF THE MEDICAL RECORDS THAT IT WAS ONLY THE OUT PATIENT CASE SUMMARY. DEFENDANT BELIVES THAT THIS HAS VIOLATED THE CONFRONTATION CLAUSE UNDER CRAFORD VS, WASHINGTON.

REASONS FOR GRANTING THE PETITION

DIRECT COLLATERAL REVIEW CREATES A PATH AROUND AEDPA HURDLES FOR STATE PRISONERS SEEKING POSTCONVICTIONS RELIEF, THE COURT GETS ITS JURISDICTION FROM 28 USC SUB SEC, 1257(A)

THE DEFENDANT FILE AN POSTCONVICTION WRIT FOR RELIEF

GROUND ONE

THE STATE VIOLATED THE CONFRONTATIONAL CLAUSE UNDR CRAWFORD VS. WASHINGTON ON HAVING THE MISSING PAGES OF THE MEDICAL RECORDS.

(QUESTION ONE) DOES OR IS MEDICAL RECORDS AS CONFRONTATION C CLAUSE COVERED UNDER CRAWFORD VS. WASHINGTON

DURING TRIAL APPLICANTS TRIAL COUNSEL OBJECTED STATING THAT HE ONLY HAD EIGHT PAGES OF MEDICAL RECORDS SEE. VOL. 3 AT 63 THE MISSING WERE LATER DETERMINE TO BE A TWO- PAGE OUT PATIENT CASE SUMMARY. DATED MARCH 13. 2009.

THE STATE STATED THAT THE MISSING PAGES WERE NOT SUBSTANTIVE OR EXCULPATORY.

ARGUMENT AND AUTHORITIES

THE CONFRONTATION CLAUSE OF THE SIXTH AMENDMENT TO THE UNITED STATES CONSTITUTION, APPLICABLE TO THE STATES THE FOURTEENTH AMENDMENT PROVIDES THAT IN ALL CRIMINAL PROSECUTONS THE ACCUSED SHALL ENJOY THE RIGHT TO BE CONFRONTED WITH THE WITNESSES AGAINST HIM. SEE CRAWFORD V. WASHINGTON 124 S.CT 1354 (2004)

THE MISSING TWO PAGES OF THE MEDICAL RECORDS WAS IN FACT A CLEAR VIOLATION TO CONFRONT THE WITNESS, THE CONFRONTATION CLAUSE WAS IN FACT VIOLATED.

THIS PETITION SHOULD BE GRANTED.

CONCLUSION

THE PETITIONER PETITION FOR A WRIT OF CERTIORARI SHOULD BE GRANTED, .

RESPECTFULLY SUBMITTED,

WILLIAM CLYDE CULBERSON JR.
07-18-2022

EXHIBIT A

(1) STATES OPINION