

22-6449

No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
DEC 09 2022
OFFICE OF THE CLERK

CARL ANTHONY WILSON PRO SE
— PETITIONER
(Your Name)

vs.

C.C. APPEALS OF TEXAS — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

CRIMINAL COURTS OF APPEALS OF TEXAS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

CARL ANTHONY WILSON
(Your Name)

JESTER III UNIT 3 JESTER Rd,
(Address)

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

(Phone Number)

QUESTION(S) PRESENTED

On May 03, 2015 at 10:24 PM I was taken to SMITH County Jail in Tyler, Texas at 12:27 AM. On May 4, 2015, my blood was drawn without a search warrant or Court order. THERE WAS NO ACCIDENT INVOLVED!

① IS THIS A FOURTH AMENDMENT VIOLATION? U.S. CONST. IV. AMENDMENT, UNREASONABLE SEARCH AND SEIZURE?

② ON MARCH 15, 2022 I FILED THE INSTANT PETITION. MY APPEAL LAWYER AUSTIN REEVES JACKSON IS NOW THE JUDGE AT MY HABEAS PROCEEDING. ART. 11.07. STATE. I FILED INEFFECTIVE ASSISTANCE OF APPELLATE COUNSEL, ON HIM. SEE PDR-1263-16) TEX. CRIM. APP. 02-15-2017 IS THIS A DUE PROCESS VIOLATION, OR CONFLICT OF INTEREST? IN 114TH JUDICIAL COURT SMITH COUNTY, TEX.

③ AM I FACTUALLY INNOCENT?

④ I WAS FOUND GUILTY ON JANUARY 13, 2016 AND I APPEALED THE SENTENCE THE SAME DAY. WHEN THE BIRCHFIELD RULING CAME DOWN I WAS IN DIRECT APPEAL. DOES THE BIRCHFIELD OPINION APPLY TO MY CASE? IMPLIED CONSENT

⑤ CAN A STATE COURT REFUSE TO HONOR A UNITED STATES SUPREME COURT PRECEDENT? ARE IS THIS CONTRARY.

⑥ I FILED MY MARCH 15, 2022 PETITION. THE STATE'S ANSWER WAS FILED JULY 24, 2022; FOUR MONTHS LATER THEY LIED AND SAID THEY WERE NOT SERVED WITH THE APPLICATION, UNTIL JUNE 21, 2022. FINDINGS AND FACT AND CONCLUSIONS OF LAW, JULY 22, 2022. (i) IS THIS FRAUD ON THE COURT? ARE THE STATE OF TEXAS TIME BARRED?

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:

NO. 12-16-00014 RELATED CASES
Court of Appeals of Texas Twelfth District,
TYLER: Judgment affirmed. SEPTEMBER 21, 2016
TEX. Court of Criminal Appeals, February 15, 2017
P.D.R. - 1263-16: review refused
U.S. District Court for the EASTERN DISTRICT OF
TEXAS, Tyler Division, writ of habeas corpus
denied, DISMISSED by, C.O.A. denied, motion denied
JUNE 9, 2020: MIXED PETITION. NO. 6:18 CV 492
C.O.A. denied (5th Cir. Tex. June 24, 2021. NO. 20-40559
NOVEMBER 01, 2021
Supreme Court of the United STATES NO. 21-5568
Petition for writ of certiorari to 5th Cir. Denied.
Court of CRIMINAL APPEALS OF TEXAS. WR-88,746-02
TR. Ct. NO. 114-0948-25-B: dismissed without
written order this SUBSEQUENT APPLICATION FOR
WITNESS OF HABEAS CORPUS. TEX. CODE CRIM. PROC. ARTICLE
11.07, SEC. 4(a) - (C). NOVEMBER 10-26-2022
(ii)

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APPENDIX B	Court of Criminal Appeals of Texas 2-25-2017 PDR-1263-16: REFUSED; WR-88,746	
APPENDIX C	U.S. DISTRICT COURT EASTERN DIST. OF TEXAS TYLER, TX, DIVISION. NO. 6:18CV492 WRIT OF HABEAS CORPUS DISMISSED-04-21-2020; MIXED PETITION;	
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TABLE OF AUTHORITIES CITED

CASES CERT. GRANTED IN ALL THESE CASES

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STATE V. VILLARREAL, 475 S.W. 3d 784, (2014)	(i) (i)
SUPPRESSED the results from an unCONSENTed warrant- LESS blood draw. TEX. CRIM. APP. NOV. 26, 2014) TEXAS, CASE BATSON VS. KENTUCKY, 476 U.S. 79 106 S.C.T. 1712, 190 L.ED. (i) (i)	
ARRIL 30, 1986: REVERSED and REMANDED: ALL WHITE JURY SLACK V. McDANIEL, 529 U.S. 473, 486 - 488, 120 S.C.T. 1595 146 L.ED. 2d. 542) ARRIL 26, 2000: REVERSED and REMANDED. (i) (i)	
TREVIN VS. THALER, 569 U.S. 43*133 S.C.T. 1911*185 L.ED. 2d, 1044 (MA 28) STATUTES AND RULES 28 U.S.C. (e) (2)	(i) (i)
U.S. CONSTITUTION AMENDMENT IV, UNREASONABLE (i) (i) SEARCHES AND SEIZURES, MUST OBTAIN WARRANT BEFORE (i) (i) BLOOD CAN BE DRAWN; IF NO EXIGENT CIRCUMSTANCES: (i) (i)	
TEX. CONST. Art. 1, @ 9 Obtaining a warrant; (i) (i) warrantless blood draw where no exigent CIR- (i) (i) CUMSTANCES prevented the OFFICER getting a... (i) (i) warrant; NO evidence obtained in violation of TEXAS Constitution or UNITED STATES CONSTITUTION SHALL BE ADMITTED AT TRIAL. 28 U.S.C. 2253 (C)	
TEX. Penal Code SEC. 49.04: IMPLIED Consent and (i) (i) Mandatory blood draw. MUST HAVE WARRANT.	

OTHER

1 Criminal Constitutional Law @ 205 Required (i) (i)
SUPPRESSION of the (a) Warrantless, nonConsensual Blood draw, even though defendant had been convicted TWO Previous times for DWI.
STATE V. VILLARREAL, 475 S.W. 3d 784 NOV. 26, 2014 28 U.S.C. 2244 (A) (i) (i) 28 U.S.C. 2254 28 U.S.C. 2253 (8) (2) 28 U.S.C. 2254 (d) (1) (i) (i) 28 U.S.C. 2254 (e) (2) (A) (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 F to the petition and is

reported at Trial Ct. No. 114-0948-15-B; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the 12TH COURT OF APPEALS TEXAS court appears at Appendix A to the petition and is

reported at Number-12-26-00024 CR:; 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 10-26-2022. A copy of that decision appears at Appendix F.

A timely petition for rehearing was thereafter denied on the following date: OCTOBER 26, 2022, and a copy of the order denying rehearing appears at Appendix F.

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

28 U.S.C. (2254)(e)(2) NEW RULE CONST. LAW S.C.O.T.U.S,
(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;

Amendment IV.; UNREASONABLE SEARCHES AND SEIZURES,
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 searched, and the persons
or thing to be seized. No warrant was issued.

Tex. Const. Art. 1 @ 9 Sec. 9 Searches and seizures
The people shall be secure in their persons, houses,
papers and possessions, from all unreasonable
seizures or searches, and no warrant to search any
place, or to seize any person or thing, shall issue
without describing them as near as may be, nor
without probable cause, supported by oath or
affirmation. May 4, 2015 my blood was taken: NO warrant

SEE STATE V. VILLARREAL, 475 S.W.3d 784, 2014 TEX. CRIMINAL APPEALS (NOV. 26, 2014); STANDARD CASE LAW

28 U.S.C. 2254 (d)(1) CONTRARY TO CLAUSE

STATUTE: TEXAS Penal Code section 49.04: IMPLIED CONSENT, AND MANDATORY BLOOD DRAW PROVISION.

28 U.S.C. 2253-APPEAL(3)(a)(C)(B)(2) REQUEST FOR C.O.A!

ANNOTATED STATUTES

Texas Constitution article 1 section 9
Obtaining a warrant; the constitutionality
of that provision must be based on the...
Previously recognized exceptions to the warr-
ant requirement. *State v. Villarreal*, 475 S.W.3d 784,
2014 Tex. Crim. App. LEXIS 1898 (Tex. Crim. App., Nov. 26, 2014)

ANNOTATED STATUTES

Texas Code of Criminal Procedure Art. 28.01

Even when the Repeat Offender Provision of
The mandatory Blood Draw Law requires an
Officer to obtain a breath or blood sample,
it does not require the officer to do so...
without first obtaining a warrant.

Texas Penal Code Section 107

Did not Justify a warrantless Blood DRAW
from a Repeat Offender where the STATE
stipulated that - there was "no Consent" there
was nothing to stop the officer from getting
a warrant, and there were no exigent...
circumstances. The Repeat Offender
Provision Required The Blood Draw, but not with-
out a warrant. See *STATE v. VILLARREAL*, 475 S.W.
3d 784, 2014 Tex. Crim. Appeals. Nov. 26, 2014
Suppressed the results from an unconsented
warrantless blood draw where no exigent circumstan-
ces prevented the officer getting a warrant.

CONSTITUTIONAL PROVISIONS
TEXAS TRANSPORTATION CODE 724.011 STATUTE:
CONSENT TO TAKING OF SPECIMEN

(a) IF A PERSON IS ARRESTED FOR AN OFFENSE ARISING OUT OF ACTS ALLEGED TO HAVE BEEN COMMITTED WHILE THE PERSON WAS OPERATING A MOTOR VEHICLE IN A PUBLIC PLACE, OR WATERCRAFT, WHILE INTOXICATED, OR AN OFFENSE UNDER SECTION 106.041, ALCOHOLIC BEVERAGE CODE, THE PERSON IS DEEMED TO HAVE CONSENTED, SUBJECT TO THIS CHAPTER, TO SUBMIT TO THE TAKING OF ONE OR MORE SPECIMENS OF THE PERSON'S BREATH OR BLOOD FOR ANALYSIS TO DETERMINE THE ALCOHOL CONCENTRATION OR THE PRESENCE IN THE PERSON'S BODY OF A CONTROLLED SUBSTANCE, DRUG, DANGEROUS DRUG, OR OTHER SUBSTANCE. VIOLATES FOURTH AMEND.

TEXAS COURT'S FAILED TO HONOR A UNITED STATES SUPREME COURT PRECEDENT, CONTRARY TO CLAUSE ON OCTOBER 26, 2022, COURT OF CRIMINAL APPEALS OF TEXAS, 28 U.S.C. 2254 (d)(1) CONTRARY TO CLAUSE, 28 U.S.C. 2254 (e)(2)

(A) THE CLAIM RELIES ON - BY THE SUPREME COURT (i) A NEW RULE OF CONSTITUTIONAL LAW, MADE RETROACTIVE, TO EASES ON COLLATERAL REVIEW, BY S.C.O.T.U.S.

CONSTITUTIONAL AND STATUTORY PROVISIONS

TEXAS TRANSPORTATION CODE - 724-012
CHAPTER 724 IMPLIED CONSENT SUBCHAPTER, A-E);
SUBCHAPTER B TAKING AND ANALYSIS OF SPECIMEN
(724.011 - 724.019); (SECTION - 724, 012)
TAKING OF SPECIMEN

(a) one or more specimens of a persons breath or blood may be taken if the person is arrested and at the request of a peace officer having REASONABLE, Grounds To believe the person:

(1) while intoxicated was operating a motor... vehicle in a public place or

(2) was in violation of SECTION 106.041, ALCOHOLIC BEVERAGE CODE

(e) A peace officer may not require the taking of a Specimen UNDER THIS SECTION UNLESS THE OFFICER

(1) OBTAINS a warrant directing that the... SPECIMEN BE TAKEN; OR

(2) HAS PROBABLE CAUSE TO BELIEVE THAT EXIGENT CIRCUMSTANCES EXIST.

ANNOTATED STATUTES
TEXAS PENAL CODE SECTION 49.04

IMPLIED - CONSENT AND MANDATORY BLOOD-DRAW
PROVISIONS do-not establish a Constitutionally
Valid basis for Conducting such a Blood Draw;

(2) Such testing Cannot be Justified based on
IMPLIED CONSENT, the automobile exception,
The SPECIAL NEEDS DOCTRINE, OR the search
INCIDENT TO ARREST EXCEPTION; AND

(3) The GENERAL FOURTH AMENDMENT BALANCING
TEST did not APPLY. SEE STATE V. VILLARREAL, 475
S.W.3d 784 TEX. CRIMINAL APPEALS NOV. 26, 2014
CONTROLLING STANDARD, WARRANTLESS BLOOD
DRAWS.

TEXAS CODE CRIMINAL PROCEDURE ARTICLE-38,23
ARTICLE 38,23. EVIDENCE NOT TO BE USED

(a) NO evidence obtained by an OFFICER or other
Person in violation OF any PROVISIONS of the
Constitution or Laws of the STATE of TEXAS, or of
the Constitution or Laws of the UNITED STATES OF
AMERICA, Shall be admitted in evidence AGAINST
the accused on the trial of any CRIMINAL CASE.

TREATISE CITATIONS

1 CRIMINAL CONSTITUTIONAL LAW @ 2.05
2021-2022 Academic Year

TREATISES CITATIONS

1 CRIMINAL CONSTITUTIONAL LAW @ 206

OVERVIEW: ARRESTING OFFICER who Relied ON
TEXAS'S MANDATORY blood draw statute,
TEXAS TRANSPORTATION CODE ANNOTATION 724.012
(b)(1) to take defendant's blood without Her
Consent following a Collision violated defen-
dant'S FOURTH AMENDMENT EXPECTATION OF
priuacy; there was a MAGISTRATE on duty but
the Officer made no attempt to obtain a
warrant. STATE OF TEXAS'S PETITION FOR DISCRETIONARY,
review REFUSED: IN RE ROOP, 2016 TEXAS
CRIMINAL APPEALS; LEXIS 184 (TEX. CRIM. APP.
JUNE 8, 2016) DISPOSITION REVERSED AND RE-
MANDED. STATE V. VILLARREAL, 2014 TEX. CRIM.
APP. LEXIS 1898 at *2 (NOV. 26, 2014) (S.I.P. OP.)

1 Criminal Constitutional Law @ 208
... Required suppression of the (a) warrantless,
nonconsensual blood draw, even though
defendant had been convicted two previous
times for DWI. STATE V. VILLARREAL, 2014 Tex.
Crim. APP. LEXIS 1898 (NOV. 26, 2014) (S.I.P. OP.)

(TEXAS 'IMPLIED - CONSENT STATUTE, TEX. TRANSP.
CODE 724.021(a), ...) - (1 CRIMINAL CONSTITUTIONAL
Law @ 302 (S.I.P. OP.) (holding that forcible blood draw
"not reasonable unless performed pursuant to a...
warrant or to an exception to the warrant require-
ment" and "the implied consent law does not in itself
create an exception. Texas's implied consent law, 4TH AMEND VIOL.)

TREATISES

1 Defense of Drunk Driving @ 6.05
... • NOTE: Subsequently, suppression
of the test evidence was reversed, as
the blood draw was found not to have been
unreasonable under the circumstances,
STATE v. JOHNSTON, 336 S.W.3d 649 (Tex. Crim
APP. 2011).

The United States Supreme Court's decision
IN: BIRCHFIELD v. NORTH DAKOTA,
17 BIRCHFIELD VS. NORTH DAKOTA, 579 U.S. 438,
136 S.Ct. 2160, 2184-2185 195 L.Ed.2d 560,
587-589 (2016). has significantly changed
the landscape with regard to IMPLIED CON-
SENT, and Criminal refusal.

Texas R. APP. PROC. RULE 44

(a.) (44.2) REVERSIBLE ERROR in a Criminal Case:
(a) Constitutional ERROR: 4TH AMEND. Search/Seizure

IF the APPELLATE RECORD in a Criminal Case
Reveals Constitutional Error that is SUBJECT
to HARMLESS ERROR review the Court of Appeals
MUST REVERSE Judgment of Conviction OR...
Punishment. UNLESS the Court determines
Beyond a reasonable doubt that the error did
not contribute to the Conviction OR Punishment,
60 years IMPRISONMENT. 4 different numbers on test?

SUPREME COURT OF THE UNITED STATES
Decided APRIL 3, 1950

The state courts denied Habeas Corpus
after obviously careful consideration.

If that denial violated Federal Constitutional
Rights, the remedy was in the SUPREME
Court, not in district Court.

The Court ruled that a Petition for Certiorari
should be made before an application may be
filed in another federal court by a state
prisoner. *Darr v. Burford*, 339 U.S. 200, 70 S.Ct. 587
Decided: APRIL 3, 1950

TREATISES

23 MOORE'S Federal Practice - Civil Sec. 520.08
When relief is sought from the judgment of a state
Court, the petition must specifically state how
and where the petitioner has exhausted all
available state court remedies. In one case the
Court stated as follows: The petition must state
exhaustion of other remedies. *Darr v. Burford*,
339 U.S. 200, 204-206, 70 S.Ct. 587, 94 L.Ed. 761 (1950)

ALL MY STATE REMEDIES ARE EXHAUSTED.

1 CRIMINAL CONSTITUTIONAL LAW @ 3:02
Texas's IMPLIED - CONSENT LAW VIOLATED FOURTH
AMENDMENT. See *STATE v. VILLARREAL*, 475 S.W. 3d 784
2015 Tex. Crim. App., LEXIS 1402 (Tex. Crim. App. 2015)

ROSE V. LUNDY, 455 U.S. 509 S.Ct. MARCH 3, 1982
102 S.Ct. 1198, 71 L. Ed. 2d 379 (1982)

OVERVIEW: Because a total exhaustion rule promoted Comity and did not unreasonably impair the Prisoner's right to relief a District Court was Required to dismiss Petitions containing both unexhausted and exhausted Claims. CIVIL ACTION Number- 6:18 CV 492, writ of Habeas Corpus. DISMISSED MIXED petition leaving me the Prisoner CARL ANTHONY WILSON with the choice of returning to State Court to exhaust ALL of my Claims, OR OF amending OR resubmitting the habeas petition to present only exhausted claims to the District Court.

on march 15, 2022 I FILED A NEW PETITION FOR writ of habeas corpus. And EXHAUSTED ALL STATE Remedies, which was dismissed without written order: Subsequent application for writ of habeas corpus. under state constitutional law, TEXAS Code CRIMINAL procedure Article 11.07 section 4(a)-(c): The Texas Court of Criminal Appeals when presented with applicant's CARL ANTHONY WILSON'S claim of error under the UNITED STATES CONSTITUTION'S IV AMENDMENT claim, understandably confined its ANALYSIS to the application of state law. WARRANTLESS BLOOD DRAW ON MAY 4, 2015 IN Tyler, Texas at 10:24 PM At the Smith County Jail at 12:27 AM MAY 4, 2015 2 hours later my blood was taken without a search warrant, in violation of the IV, AMENDMENT, TO the U.S. Constitution.

SLACK VS. McDANIEL, 529 U.S. 473, 120 S.Ct. 1595,
Decided APRIL 26, 2000

OVERVIEW: Habeas Petition that was filed after an "Initial Petition" was dismissed without... adjudication for failure to exhaust state remedies, was not a "successive" petition; Case Remanded to determine if petitioner entitled to a... Certificate of Appealability.

TREATISES

It should be noted that the single application requirement refers to dispositions on the merits of the habeas claims, so that if a habeas application is dismissed for failure to exhaust remedies or because it is procedurally defective, another application raising the same or new claim is... deemed a first application, not a second or

SUCCESSIVE APPLICATION. SLACK V. McDANIEL, 529 U.S. 473, 486-488, 120 S.Ct. 1595, 146 L.Ed.2d 542 (2000)

In some cases, however, newly discovered... discovered evidence or new legal grounds for challenging a conviction may only arise or become apparent after the prisoner has already brought one habeas corpus application.

In recognition of this, 2244(b)(2) permits new claims to be raised in a second or successive habeas petition, see 28 MOORE'S FEDERAL PRACTICE (Mathew Bender 3d ed.) 671.10 [22(b)(2)]

CITING: 4 Moore's Federal Rules Pamphlet @ 2244, 2

~~Habeas Petition that was filed after an initial... petition was dismissed without adjudication for failure to exhaust state remedies was not a successive petition. CASE REMANDED. See if entitled to C.O.A.~~

STATEMENT OF THE CASE

On MAY 03, I CARL ANTHONY WILSON was Pulled over for Allegedly speeding.

I was taken to SMITH COUNTY JAIL at 10.24 PM for DWI..., I sit at SMITH County Jail until 12.27 AM when a bunch of Sheriff Deputies took me to the jail Infirmary and surrounded me OFFICER JASON RAILSBACK OF THE whitehouse, me CARL ANTHONY WILSON ON may 4, 2015 2 hours and 3 minutes after we got to the SMITH County Jail. OFFicer JASON RAILSBACK told the petit JURY that he read the Texas IMPLIED CONSENT WARNINGS The DIC 24 WARNINGS prior to the taking of my Blood that I therefore consented to the Blood Draw. I DID not Consent to the Blood Draw. The Blood DRAW was UN- reasonable under the Texas CONSTITUTION. ARTICLE 1 @ section 9 Any Evidence Obtained in VIOLATION of the Texas CONSTITUTION or THE UNITED STATES CONSTITUTION SHALL NOT BE... ADMITTED AT TRIAL. SEE VILLARREAL V. STATE; STATE V. VILLARREAL, 475 S.W.3d 784) Criminal Court OF APPEALS OF TEXAS. 4 STANDARD CASE!

STATEMENT OF THE CASE

I CARL ANTHONY WILSON, was found guilty of Felony DWI, a 3rd degree Felony, that was then enhanced to a first degree felony. I was sentenced to 60 years imprisonment, no accident involved. On January 13, 2016. By an all white JURY! On January 13, 2016.

I APPEALED my Case on January 13, 2016. Judge CHRISTI KENNEDY appointed AUSTIN REEUE... JACKSON, as my APPELLATE ATTORNEY ON JANUARY 13, 2016. I wrote MR. JACKSON A LETTER from Prison I instructed him that -there was no Consent or warrant for them to take my Blood!

I ASKED MR. JACKSON to file a FOURTH AMENDMENT Claim on Direct APPEAL he did -not!

on the Initial writ of Habeas Corpus Article 21.07 I filed Ineffective assistance of Counsel on MR. JACKSON.

The Indictment the Charging STATUTE "49,04" ARTICLE: 49,04 ANNOTATED STATUTE, TEX. Penal Code Section 49,04, IMPLIED - Consent and mandatory Blood DRAW PROVISIONS, WARRANTLESS BLOOD DRAWS!

VIOLATES the BIRCHFIELD VS. NORTH DAKOTA, 579 U.S. 438 OPINION JUNE 23, 2016. I was already in DIRECT APPEAL, my Case applies to BIRCHFIELD, 579 U.S. 438 * 136 S.Ct. 2160, 195 L.Ed. 2d 560 (2016 U.S. LEXIS 4058); CERT. GRANTED CASE REVERSED. VACATED

REASONS FOR GRANTING THE PETITION

JURISDICTION, OR THE WRIT OF CERTIORARI
SUPREME COURT RULE-10 (C)

TEXAS COURT OF CRIMINAL APPEALS OF TEXAS has decided an important Federal Question in a way that conflicts with RELEVANT decisions of the UNITED STATES SUPREME COURT, Contrary to Clause

See BIRCHFIELD VS. NORTH DAKOTA, 579 U.S. 438* 136 S.Ct. 2160, 195 L.Ed. 2d 560 JUNE 23, 2016

IMPLIED Consent. A Breath test may be taken incident to Lawful arrests for suspected DRUNK DRIVING. But not warrantless BLOOD tests incident to Lawful arrests for suspected drunk driving. My Blood was taken at 12.27 AM 2 Hours and 3 minutes after I was taken to the SMITH County Jail in TYLER, TEXAS.

My Conviction was not Final when the SUPREME COURT OF THE UNITED STATES ANNOUNCED the OPINION

IN BIRCHFIELD, 28 U.S.C. 2254 (e)(2) (A)(i)
The Court Shall not hold an evidentiary hearing, on the claim unless the applicant shows that -

(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;

On MARCH 15, 2022 the CLAIMS where presented to the Convicting Court, the decision of the Court, State Court violates Federal Statutes and SUPREME COURT

(S) PRECEDENTS the 114TH District Court said I did not meet the burden. 5 Presiding JUDGE AUSTIN JACKSON,

ON APRIL 20, 2020 while still in appeal, I was diagnosed as an ANEMIC, at the O.B. ELLIS UNIT

ANEMIA: I have a reduction in the Hemoglobin of Red Blood Cells with Conseq. DEFICIENCY OF oxygen, leading to WEAKNESS and PALLOR, SKIN.

ON MAY 3, 2015 before doing the walk and turn

I TOLD OFFICER RAILSBACK that I was in a MEDICAL, STATE that I had had SURGERY on my HEAD

THIS is the testimony provided by RAILSBACK on the witness stand he stated that I told him but he said that the SOBRIETY TEST was his subjective! he said that I failed it but you

can't see where I failed the test, OFFICER...

RAILSBACK stated on the witness stand that he did not detect INTOXICATION IN MY EYES,

he stated also on the witness that I TOLD him I said I would take a BREATH LYZER TEST,

but he said that he wanted a BLOOD SAMPLE

I TOLD HIM THEY'RE NOT going to STICK ME

with a NEEDLE! But they did STICK me and took TWO VIALS OF MY BLOOD, THEY VIOLATED MY BODY AND MY CIVIL AND MY CONSTITUTIONAL RIGHTS

WHERE VIOLATED, ALL THESE CLAIMS ARE SUPPORTED,

BY the trial RECORD. See trial Record;

I wanted NOBODY to know that I'm AN ANEMIC, OR have ANEMIA, I'm the only one that knew that I'm ANEMIC. NOT NOW THOUGHT!

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul Anthony Wilson". The signature is written in a cursive style with a large, stylized "P" and "A".

Date: DECEMBER 9, 2022