22-7119

No. 22A334

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Vincent Alonzo Corson — PETITIONER
(Your Name)

vs.

The State of Texas — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Court of Criminal Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Vincent Alonzo Corson
(Your Name)

Connally Unit, 899 FM 632
(Address)

Kenedy, tx 78119
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1. If a State Post-Conviction proceeding is conducted in a manner that does not afford an Applicant a full & fair hearing--Due Process--leaving the Court's judgement Constitutionally infirm, should that State Court still be entitled to give such a judgement preclusive effect to be used to bar the Applicant from relitigating his cause.
2. Pursuant to the McCleskey Abuse of Writ Doctrine, should the Cause & Prejudice Carrier standard be made applicable to State Court proceedings, modified to allow subsequent State applications.
3. Pursuant to the Carrier standard, should this standard be sufficient to prevent a State from refusing to consider subsequent applications.
4. Pursuant to the Carrier standard, should State &/or Judicial misconduct that rises to the level of depriving an applicant of Due Process of Law during a habeas corpus hearing, constitute Cause.
5. Pursuant to the Carrier standard, should any conduct during a habeas corpus hearing that deprives an applicant of Due Process of Law Constitute Cause.
6. Should whatever remedy this Court permits be made retroactive to the States.
7. Where there is no appeal, nor an opportunity available for further consideration of the issues on the merits, should the principles of Res Judicata apply to the State Court's judgement.
8. Where there is no federal remedy to a Constitutionally infirm State Court judgement decided after the federal Court has lost its jurisdiction, pretaining to a federal Constitutional law, what remedy is available for the applicant.

LIST OF PARTIES

[X] 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

72,778; 03-15-00055-CR; WR-86,912-01; WR-86,912-05; WR-86,912-09

72,779; 03-15-00056-CR; WR-86,912-02; WR-86,912-06; WR-86,912-11

72,780; 03-15-00057-CR; WR-86,912-03; WR-86,912-07; WR-86,912-10

71,403; 03-15-00054-CR; WR-86,912-05

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OTHER

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END

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.

[X] For cases from **state courts:**

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

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

The opinion of the _____ court appears at Appendix H to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] 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).

[X] For cases from **state courts:**

The date on which the highest state court decided my case was 07/27/2022. A copy of that decision appears at Appendix A.

[X] A timely petition for rehearing was thereafter denied on the following date: 08/22/2022, and a copy of the order denying rehearing appears at Appendix B.

[X] 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).

NOTE: For the reasons casserted on pages 3 & 4 of the instant petition, this Court's Jurisdiction is confirmed.

Jurisdictional Statement

1) Under Jurisdictional Grant 28 USC § 1257(a), this Court has the Authority to consider claims that arise out of a proceeding decided by a State's highest Appellate Court.

2) However, "an adequate & independent procedural disposition strips this Court of Certiorari jurisdiction to review a State Court's judgement." Dretke v. Haley, 541 U.S. 386, 392, 158 L.ED.2d 659, 124 S.Ct 1847, 1851 (2004). Accord, Michigan v. Long, 463 U.S. 1032, 1041-42, 77 L.ED.2d 1201, 103 S.Ct 3469, 3476 (1983).

3) Initially, VAC concedes that, on their face, the causes challenged herein were dismissed on what would traditionally be considered adequate & independent State Procedural grounds. See C.C.P.Art 11.07 § 4; C.C.P.Art 11.071 § 5.

4) However, the Presumption "of adequacy can be rebutted in certain circumstances...if the State's procedural rule is not 'strictly or regularly followed'" Sones v. Hargett, 61 F.3d 410, 416 (5th Cir. 1995)(quoting Johnson v. Mississippi, 486 U.S. 578, 587, 108 S.Ct 1981, 1987, 100 L.ED.2d 575 (1988)(Citations & Internal quotations omitted with alterations to the original).

5) The reason for the allowance of the presumption of adequacy being allowed to be rebutted is because "State Courts may not avoid deciding federal issues by invoking procedural rules they do not apply even handly to all "similar claims'". Sones, Supra (quoting Hathron v. Lovorn, 457 U.S. 255, 263, 102 S.Ct 2421, 2426, 72 L.ED.2d 824 (1982)).

6) Accordingly, pursuant to the Webster's New World College Dictionary (5ed 2014), Similar is defined as: Nearly but not exactly the same or alike; having a resemblance. In the instant instance, this means more than dismissals of other causes dissimilar to the facts of a given cause, & meaning, the underlying facts that are relevant should be similar.

7) Wherefore, VAC asserts that because his cause specifically challenged the adequacy & correctness of the State procedural rule—in the State Court proceeding, as well as in the instant action—the normally independent & adequate State Court procedural bar is inadequate to preclude this Court's Jurisdiction.

8) VAC, alleges that, when the adequacy &/or correctness of the State Procedural rule has

Jurisdiction Cont'd

been called into question, whether by the State, the Applicant or the Justices of the Court; the merits of such a claim have been considered in each of the following causes:

A) Ex Part Buck, 418 S.W.3d 98 (Tex.Crim.App 2013)(noting what an example of being dimissed without a consideration of the merits, at all—similar to the instant cause—resembles).

B) Ex Parte Torres, 943 S.W.2d 469 (Tex.Crim.App 1997)(noting the first application was an out of time appeal & the second one challenged the conviction & they defined subsequent).

C) Ex Parte Rawlinson, 958 S.W.2d 198 (Tex.Crim.App 1997)(noting the cause was filed to consider if it was barred & to define disposition).

D) Ex Parte Evans, 964 S.W.2d 643 (Tex.Crim.App 1998)(noting the first application challenged the conviction & the second one challenged a parole denial).

E) Ex Parte Mcpherson, 32 S.W.3d 860 (Tex.Crim.App 2000)(noting that an out-of-time appeal does not count as a challenge to a conviction).

F) Ex Parte Graves, 70 S.W.3d 103 (Tex.Crim.App 2002)(noting that this was filed to consider whether a claim of Ineffective Assistance of Counsel on a previous habeas was &/or should be a cognizable issue for purposes of subsequent Writ considerations. Though dismissed, the merits of the issue presented were considered before its dismissal).

G) Ex Parte Kerr, 64 S.W.3d 414 (Tex.Crim.App 2002)(noting that the first two habeas corpus applications were too deficient to be considered original applications).

H) Ex Parte Hood, 227 S.W.3d 700 (Tex.Crim.App 2007)(noting it was dismissed as subsequent, however, only after considering the merits to determine if it should be dismissed). CF. Ex Parte Santana, 227 S.W.3d 700 (Tex.Crim.App 2007).

9) Wherefore, because the Court has consistently filed for consideration of whether or not a cause that raises a novel issue &/or to define the Statute, the Court has not consistently dismissed such causes without a consideration of the issue at hand, hence, their normally independent & adequate procedural bar, in relation to the facts of the instant cause, is thus, inadequate & this Court's jurisdiction is plain & clear.

10) Wherefore, VAC hereby requests this Court to assume it has proper jurisdiction to consider the merits of the issue raised herein.

Continued On Next Page

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

5th Amendment: Inter alia, "nor be deprived of Life, Liberty, or Property, without Due Process of Law."

14th Amendment: Inter alia, "nor shall any State 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."

C.C.P.Art 11.07 § 4(a): If a subsequent application for writ of habeas corpus is filed after disposition of an initial application challenging the same conviction, a court may not consider the merits of or grant relief based on the subsequent application unless the application contains sufficient specific facts establishing that:

1) Inter alia, "The current claims & issues have not been & could not have been presented previously in an original application... because the factual or legal basis for the claim was unavailable."

2) "by a preponderance of the evidence, but for a violation of the United States Constitution no rational juror could have found the applicant guilty beyond a reasonable doubt."

28 USC § 2244(d)(1): Inter alia, "A 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgement of a State Court."

28 USC § 1738: Inter alia, "[These] Acts, records & judicial proceedings or copies thereof, so authenticated, shall have the same full faith & credit in every court within the United States & its territoraies & Possessions as they have by law or usage in the courts of such State, Territory or Possession from which they are taken."

STATEMENT OF THE CASE

Sup.Crt.R. 14(g)(i), Prerequsites

The State Habeas Corpus stage is when the State specific questions (See n. 1-5) were raised. The federal specific questions (See n. 6-8) are original to this Court since no other Court has the authority nor the jurisdiction to consider them.

The State specific questions were raised in the memorandum of law & arguments addressing the Constitutionality of C.C.P.Art 11.07 § 4(a)(See App. D, pp. 1-9, "Should Tex.Crim.Pro.Art 11.07 § 4(a). apply to the instant cause, where the previous Habeas Corpus applications were not conducted nor resolved in accordance with Due Process.")

The foregoing argument was reasserted in a motion for En Banc Reconsideration (See App. K). A further request for the Court to independently analyze this specifc issue was also filed, twice (once with the Trial Court & once with the Court of Criminal Appeals (CCA) — 72.780-C & WR-86.912-10, respectively)(See App. J).

Accordingly, the question was not considered by the State Courts, though they were made aware that the intent was to petition this Court for its resolution of the matter (See App. J, cause WR-86.912-10, pp. 1-2. at n. 9. Inter alia. "presented in such a manner so as to allow for a meaningful review in the U.S. Supreme Court.").

Though also properly raised & on time in a motion for En Banc Reconsideration, the State Court dismissed instead of denying the motion (See App. C).

The Court should note. the instant issues raised about C.C.P.Art 11.07 § 4(a)'s Constitutionality & whether it should apply could not be raised until the Petitioner (VAC) had standing to raise such a challenge, thus, not applicable in an original application & only applicable in a subsequent application that is being denied as subsequent under this rule.

Statement Of Facts

During VAC's trial he was denied the effective assistance of counsel guranteed (6th Amendment) to him by his Counsel's (Stephen Lee) failure to investigate. VAC was further denied the asistance of a disinterested expert to examine him & his volumious mental health records on issues of sanity, though the record showed that his mental health would play a significant role. VAC alleged to have been insane during the commsion of his crimes. He further alleged to have been heavily medicated on psycho-active drugs that he'd previously had adverse affects to, & seeing & hearing things that no one else saw or heard & unable to defend himself (5th Amendment), yet, as alleged, he was not afforded a meaningful & sufficient resolution of either of these issues before he was tried, convicted & sentenced, noting that the ineffectiveness of his Counsel prevented the competency evaluation he did have to find the numerous underlying mental health problems that would've required an independent competency hearing. VAC also asserted that his plea of guilty was unknowing & in-

Statement Cont'd

voluntary & that he'd desired to go to trial.

The Foregoing are the underlying facts for the State Habeas Corpus applications VAC filed.

Because VAC, as an indigent defendant, was unable to afford to hire an independent disinterested expert to evaluate his competency to stand trial or his post-conviction competency, which he alleged in the federal Court had not resolved itself for nearly 2 years after his final convictions, allowing his time limits under 28 USC § 2244(d)(1), to expire & barring all federal forms of relief.

In VAC's first set of Habeas Corpus applications for causes: 72,778; 72,779; 72,780 (See WR-86,912-01; WR-86,912-02; WR-86,912-03 (hence forth WR...01; Wr...02; WR...03, etc)), the State's District Attorney, Sean K. Proctor, acted as the designated & sole factfinder with no participation from the Trial Court except for the Court's signing of what was put before it. The CCA failed to participate as well, leaving the decision to the State.

The State manipulated VAC's allegations to make some represent different allegations not raised. The State went on to request an affidavit from VAC's Trial Counsel, to which, though said affidavit was wholely unsupported, conclusory & contradicted the clear & convincing evidence in the record, the State still found it credible & made findings based, nearly, exclusively off said affidavit, while mostly ignoring the record & the evidence put before the Court.

The State drafted proposed Findings suggesting relief to be denied that were almost immediately adopted verbatim by the Trial Court, without input from it nor did the Court permit VAC to object or respond to said findings before ordering they be transmitted to the CCA. The Trial Court did not consider a single motion filed by VAC, nor did it hold an evidenitary hearing to address the clear inconsistencies in said affidavit to the record.

Without any further considerations, the CCA adopted the Trial Court's findings verbatim & denied VAC relief.

All of the subsequent habeas proceedings (See WR..05; WR..06; WR..07; WR..08; WR..09; WR..10; WR..11) were considered, decided &/or dismissed in the exact same manner, using the same affidavit, though they were put on notice of the deficiencies of the first applications in causes: WR..05; WR..06; WR..07; WR..08.

The findings proposed by the State & adopted verbatim by the Courts were wholly unsupported & often mistated the record &/or manipulated it so that it supported the findings. Sometimes the findings confirmed Constitutional denials yet ignored the Constitutions.

If not for the 2244(d)(1) bar, the federal Court would've found unreasonable applications of federal laws, unreasonable determinations of facts & contrary to federal law rulings & relief would've been unquestionably granted.

Finally, there was no Due Process of Law during any of the Habeas Corpus applications none of which actually reached the merits of the issues raised.

REASONS FOR GRANTING THE PETITION

Introduction

It is here that I wish to express that, as a honorably served Veteran of the U.S. Army, it is not my intention to cast doubt on the legitimacy of the Courts of the United States.

However, injustices are injustices, no matter what my intent is.

What I ask of this Court as it reviews these reasons to grant the Certiorari is that you keep an open mind. I have gone to war to protect our Rights & Freedoms & our Constitution & our Bill Of Rights. It is here I only seek for OUR Constitution & the Rights therein to protect me.

Before I begin, I also ask the Court to keep the following in mind. If my claims in the State Court judicial proceedings were meritless & I was not entitled to relief what-so-ever, why not say so instaed of committing what would ordinarily be classified as a third degree felony in the State of Texas. Agg. Perjury.

Penal Code § 37.3(a): A person commits an offense if he commits perjury as defined in section 37.02, & the false statement,
1) is made during or in connection with an official proceeding, &
2) is material.

A full review of the instant cause will confirm that this has happened.

Note: The numbering continues from the Jurisdictional Statement.

11) The reasons this Court should grant this Certiorari are set in the following sections:

A) Right To Appellate Review,
B) Habeas Corpus Relief,
C) Deficient Remedies,
D) The Need For The Court's Intervention,
E) Justification For Alternative Remedy,
F) Final Point, &
G) Conclusion.

Right To Appellate Review

12) As an initial matter, VAC hereby concedes that "The Constitution does not require States to grant appeals of right to criminal defendants seeking to review alleged Trial Court errors." Evitts v. Lucey, 469 U.S. 387, 393, 105 S.Ct 830, 834 (1985). However, "if a State has created appellate courts as 'an integral part of the system for finally adjudicating the guilt or innocence of a defendant, the procedures used in deciding

appeals [must] comport with the demands of the [Due Process] & Equal Protection clauses of the Constitution." Ibid(Citation Omitted; Emphasis Added).

13) Wherefore, though the Petitioner (now known as VAC) is not entitled under the Constitution to have his cause reviewed for trial errors or Constitutional violations, because the State has granted such a right (See: C.C.P.Art 11.07), the proceedings are thereby constrained by the "demands of the Due Process & Equal Protection clauses of the Constitution." Ibid., to which, the Petitioner charges that said proceedings did not comport with said Constitution.

14) VAC further concedes that, the Court has held that "preventing & dealing with crime is much more the business of the States than it is of the federal government." Patterson v. New York, 432 U.S. 197, 201, 53 L.ED.2d 281, 97 S.Ct 2319, 2322 (1972). The Court further held that, "it is normally 'within the power of the State to regulate procedures under which its laws are carried out...& its decision in this regard is not subject to proscription under the Due Process clause unless it offends some principle of justice so rooted in the tradition & conscience of our people as to be ranked as fundamental." Id. at U.S. 201-02, 97 S.Ct 2322.

15) However, such a holding has the very real potential of running afoul of a judge or justices 'mandatory duty to uphold the Supreme Law Of The Land. "The Constitution was originally understood to permit imposition of an [obligation] on [State judges] to enforce [federal] prescriptions, in so far as those preseriptions related to matters appropriate for the judicial power."-Printz v. U.S., 521 U.S. 898, 907, 138 L.ED.2d 914, 117 S.Ct 2635, 2371 (1997). The Supremacy Clause, Art.VI. cl. 2 announced that "the Laws of the United States,...shall be the Supreme Law of the Land; & the [judges] in every state shall be [bound] thereby." Ibid.

16) VAC asserts that, the conflict comes where the States are not historically required to afford appellate courts, nor Post-Conviction proceedings, however, once they do, said proceedings are required to comport with Due Process requirements, thus, the judges & Justices of the state are bound to uphold the Constitution before statutes &/or rules of the Court, if by following said statutes or rules would cause a confli-

ct with their duty & obligation to uphold said Constitution.

17) Wherefore, it is fundamental that "The Due Process provisions of the 14th Amendment —just as that in the 5th—...was intended to [guarantee] procedural standards adequate & appropriate then & thereafter." Chambers v. Florida, 309 U.S. 227, 236, 84 L.ED. 2d 716, 721, 60 S.Ct 472 (1940). Therefore, "'As Justice O'Connor state[d], "[i]f there is one [fundamental] requiste of due process, it is that an individual is [entitled] to an 'opportunity to be heard'" Panetti v. Dretke, 401 F.Supp.2d 705, 707 (W.D.Tex 2004)(Citation Omitted). "Justice Powell specifically noted [state] proceedings deficient in this respect 'invite[] arbitrariness & error'." Ibid.

18) While n. 17, Panetti, Supra, primarily focused on deference, the overall principle remains the same. Due Process protections are a prerequsite for any appellate proceedings.

19) Wherefore, a State procedural rule that, itself, does not offend some principle well rooted in the tradition & conscience of the people, when wpplied to the facts & circumstances of the instant cause, its use dictates & demands that a judge &/or justice of the Court must ignore their sworn oaths & obligations & duty to uphold the Supreme Law of the Land, where, the use of the Statutory procedural bar—C.C.P.Art 11.07 § 4 (a)—where the previous proceeding is Constitutionally infirm & failed to reach the merits of the issues raised, means VAC will never have his day, though guranteed, in Court. "It is now established beyond doubt that prisoners have a Constitutional Right of access to the Courts." Bounds v. Smith, 430 U.S. 817, 821, 52 L.ED.2d 72, 97 S.Ct 1491, 1994 (1977).

20) VAC, alleges, it is the very real implication that C.C.P.Art 11.07 § 4(a), overrides the U.S. Constitution & the judges' duty to upHold it, where, in a traditional since, "A State [judge] may [not] grant preclusive effect in its own Courts to a Constitutionally infirm judgement." Kremer v. Chemical Const. Corp, 456 U.S. 461, 481, 72 L.ED. 2d 262, 102 S.Ct 1888, 1897 (1982). However, in the instant cause, the Constitutional mandate must yield to the superior State procedural rule & preclusion must be granted.

~~21) We must not, in the guise of 'Judicial restraint', abdicate our [fundamental] respo-~~

21) C.C.P.Art 11.07 § 4(a) reads: If a subsequent application for writ of habeas corpus is filed after final disposition of an initial application challenging the same conviction, a court may not consider the merits of or grant relief based on the subsequent application unless the application contains sufficient specific facts establishing that:

1) The current claims & issues have not been & could not have been presented previously in an original application or in a previously considered application filed under this article because the factual or legal basis for the claim was unavailable on the date the applicant filed the previous application; or

2) by a preponderance of the evidence, but for a violation of the United States Constitution no rational juror could have found the applicant guilty beyond a reasonable doubt.

22) The Court will note that 11.07 § 4(a), leaves no room for consideration of whether the previous application was decided in compliance with Due Process of law & though the Court of Criminal Appeals found that "[i]nterpreting the phrase 'final disposition', to mean the disposition of the entire writ by any method would result in consequences seriously adverse to the legislature's intent" Ex Parte Torres, 943 S.W.2d 469, 474 (Tex.Cr.App 1997), the instant application will show the Court that this is precisely how the instant applications were resolved. In effect, random words that loosely reference evidence in the record, thrown on a sheet of paper & considered a resolution of the cause or a final disposition.

23) "We must not, in the guise of 'Judicial restraint', abdicate our fundamental responsibility to enforce the [Bill Of Rights]. Were we to do so, the 'Constitution would indeed be as easy of application as it would be deficient in efficacy & power. Its general principles would have little value & be converted by precedent into impotent & lifeless formulas. Rights declared in words might be lost in reality.'" Furman et el v. Georgia, 408 U.S. 238, 269, 33 L.ED.2d 346, 92 S.Ct 2726 (1972)(Citation Omitted; Emphasis Added).

Habeas Corpus Relief

24) As recently as Shinn v. Martinez Ramirez, this Court reaffirmed that "The Writ of habeas corpus is an 'extraoridinary remedy' that guards only against extreme malfunctions in the State criminal justice system.'" Id. at 596 U.S. ___(2022)(No. 20-1009).

25) Further, "to ensure that federal habeas corpus retains its narrow role, AEDPA imposes several limits on habeas relief." Ibid. One such limit is the one year limitation on when a federal habeas corpus may be filed, unless one of the exceptions are met. See 28 USC § 2244(d)(1).

26) However, VAC reminds the Court that the "necessity that [federal Courts] have the 'last say' with respect to questions of federal law," was based in large part due to " the inadequacy of state procedures to raise & preserve federal claims, the concern that State judges may be unsympathetic to federally created rights, [&] the institutional constraints on the exercise of this Court's Certioarari jurisdiction to review state convictions." Schneckloth v. Bustamonte, 412 U.S. 218, 259, n. 13, 36 L.ED.2d 854, 93 S.Ct 2041 (1973)(quoting Kaufman v. United States, 394 U.S. 217, 225-26, 22 L.ED.2d 227 (Alteration to the original; Emphasis Added).

27) "When federal judges exercise their federal-question jurisdiction under the 'Judicial Power' of Article III of the Constitution, it is 'emphatically the province & duty' of the judges to 'say what the law is'. At the core of this power is the federal courts' independent responsibility...to interpret federal law. A construction of AEDPA that would require federal courts to cede this authority to the Courts of the States would be inconsistent with the practice of the federal judges have traditionally followed in discharging their duties under Article III of the constitution." Williams v. Taylor, 529 U.S. 362, 378-79, 146 L.ED.2d 389, 120 S.Ct 1495, 1505 (2000)(Citations Omitted; Alterations to the Original).

28) The instant cause demonstrates that when 2244(d)(1), has lapsed, yet the State still has the authority to decide federal law questions, that this is precisely what the federal Courts have done. In such an instense, AEDPA has effectively stripped the federal Courts of all of their Article III authority & they have ceded all of it to the State Courts.

29) "The purpose of the Writ of Habeas Corpus is simple—it is a process utilized to determine the lawfulness of confinement. However, it is clear that the habeas corpus is available to review only jurisdictional defects, or a [denial] of one's [fundamental or Constitutional Rights]." Ex Parte Adams, 768 S.W.2d 281, 287 (Tex.Cr.App 1989)(Citations Omitted).

30) However, "'Congress sought to 'interpose the federal Courts between the States & the people, as [guardians] of the [people's federal rights]—to protect the people from unconstitutional action." Murray v. Carrier, 477 U.S. 478, 519, 91 L.ED.2d 397, 106 S.Ct 3639, 2678 (1986)(Brennan dissenting)(quoting Reed V. Ross, 468 U.S. 1, 104 S.Ct 2901, 82 L.ED.2d 1 (1984)). "This interest is at its strongest where the state court has declined to consider the merits of a Constitutional claim, for without habeas review no court will consider whether the petitioner's constitutional rights were violated." Carrier, Supra at U.S. 520, 106 S.Ct at 2679.

31) On the contrary, VAC believes the interest is at its strongest when the State does reach the merits, but manipulates the record, the evidence therein, the laws &/or the constitution in such a way as to do egregious damage to the Court's integrity.

32) However, it is these fundamental truths (See n. 17, 20, 23, 26, 27, 30; Ante 10-13), that necessitated the need for the expansion of the federal habeas corpus that has now brought about the instant cause. The instant cause is a clear & conclusive example of what could—has—happen if /when the federal courts cede their authority to have the last say on federal constitutional questions of law. "[P]etitioners run the risk under the proposed interpretation of 'forever losing their opportunity for any federal review of their claims." Panetti v. Quarterman, 551 U.S. 930, 68 L.ED.2d 662, 677, 127 S.Ct 2842 (2007)(quoting Rhines v. Weber, 544 U.S. 269, 275, 161 L.ED.2d 440, 125 S.Ct 1528 (2005)).

33) This Court has noted that "the basic procedural protections of common law have been regarded as so [fundamental], very few cases have arison in which a party has complained of their denial." Honda v. Oberg, 512 U.S. 415, 430, 114 S.Ct 233 (1994).

34) VAC asserts that, the instant cause is in fact one of those "very few cases" Ibid.

35) This Court has long since held that "Due Process [requires], at a minimum, that absent a countervailing state interest of overriding significance, persons forced to settle their claims of right & duty through the judicial process must be given a [meaningful] opportunity to be heard." Little v. Streater, 425 U.S. 1, 5-6, 68 L.ED.2d 627, 101 S.Ct 2202, 2205 (1981)(Emphasis Added). The Court has further held that, "notice & an opportunity to be heard in a manner appropriate to the nature of the case are [essential requirements] of procedural due process. See Boddie v. Connecticut, 401 U.S. 371, 379, 28 L.ED.2d 113, 91 S.Ct 780 (1971)." Jefferson v. Sellers, 250 F.Supp. 3d 1340, 1351 (2017 U.S.Dist.Lexis 66035)(Emphasis Added).

36) Except, as with the instant cause—as well as hundreds, if not thousands of other causes tried under the State habeas scheme in Texas—"the factfinding procedure employed by the state habeas court [is] not adequate to afford Petitioner[s] a full & fair hearing & the deficient procedure employed deprive[s] Petitioner[s] of due process of law." Ibid. See also, The Problem of "Rubber-Stamping" In State Capital Habeas Proceedings: A Harris County Case Study, 55 Hous.L.Rev. 889, 902 (2017)(See App E):

> n. 54 (citing cases where Due Process protections were ignore &/or not adhered to: Ex Parte Ayesta, 754409-A; Ex Parte Davis, 616522-A; Ex Parte Duncan, 9402885-A; Ex Parte Fratta, 1195044-B; Ex Parte Guidry, 1073163-A, -B; Ex Parte Hunter, 96-8713-A; Ex Parte Rosales, 432787-B; Ex Parte Rowell, 905130-A; Ex Parte Smith, 274702-C; Ex Parte Wilson, 823411-A)

> Further cases cited at: n. 56 (9 cases cited); 57 (7 cases cited); 58 (4 cases cited); 61 (8 cases citedO; 62 (5 cases cited); 63 (3 cases cited); 64 (7 cases cited); 65 (5 cases cited); 66 (5 cases cited); & 67 (8 cases cited).

37) VAC will point out that each & every single one of the cases cited &/or referenced at n. 36 (Ante 14), were/are Capital cases, many Death-Penalty cases which, as of the date of the instant petition, have no other remedy at law & will be put to death (if not already done) without a meaningful review of their meritful claims.

Deficient Remedies

38) A deeper understanding of the issue at bar is needed. The Law of the Court is that a federal petitioner will have a single opportunity to file a petition for Habeas Corpus, to which, the Court developed the 'Abuse of Writ' doctrine in order to prevent petitioners from saving claims for a second or subsequent petition. See Felker v. Turpin, 518 U.S. 651, 664, 135 L.ED.2d 827, 116 S.Ct 2333, 2340 (1996). Accord.

McCleskey v. Zant, 499 U.S. 467, 113 L.ED.2d 517, 111 S.Ct 1454 (1991).

39) As explained at n. 24 (Ante 12), because State remedies are often seen as deficient by petitioners, a method of avoidance insued where the petitioner would not raise their claims, either at all or sufficiently, in the State Court proceedings, in the hopes of a de novo review in the federal courts, however, such conduct flew in the face of exhaustion & comity principles, thus, the Procedural default doctrine was developed, mandating that such actions would also bar federal review of defaulted claims. See **Williams v. Taylor**, 529 U.S. 420, 436, 120 S.Ct 1479, 1490, 146 L.ED.2d 435 (2000)(Explaining exhaustion & Comity principles); See also **Dretke v. Haley**, 541 U.S. 386, 392, 158 L.ED.2d 659, 124 S.Ct 1847, 1851-52 (2004)(explaining the procedural default doctrine).

40) In the interests of the principles of Comity, Finality & Federalism, congress later codified these principles & doctrines in AEDPA. See 28 USC § 2244(a); § 2254(b)(1)(A). See also **Panetti v. Quarterman**, 551 U.S. 930, 168 L.ED.2d 662, 667, 127 S.Ct 2842 (2007)(explaining AEDPA's purpose).

41) It should be noted that this Court, in the interests of justice, did still feel compelled to create exceptions to these doctrines. "[A] procedural default will be excused upon a showing of cause & prejudice. **Wainwright v. Sykes** [, 433 U.S. 72, 53 L.ED. 2d 594, 97 S.Ct 2497 (1977)]. We now hold that the same standard applies to determine if there has been an abuse of the writ through inexcusable neglect." Zant, Supra at U.S. 493, 111 S.Ct at 1470.(Alteration to the original).

42) However, the Court should further note that all of these principles, doctrines &/or statutes deal squarely with the proper methods for petitioning &/or obtaining relief in the federal Courts. Non of these have been applied in any other fashion, thus, the issues/questions presented herein fall squarely outside of the realm of these, leaving them deficient for these purposes, unless expanded by the Court.

43) However, for the issues/questions presented herein, there was a ready made & sound solution. Res Judicata &/or Estoppal. "Redetermination of issues is warranted if there is reason to doubt the quality, extensiveness, or fairness of procedures followed

in prior litigation' Montana v. United States, Supra at 164, n. 11, 99 S.Ct at 979, n. 11." Kremer, Supra at 481, 102 S.Ct at 1897. "The State [must], however, satisfy the applicable [requirements] of the [Due Process Clause.] A State may [not] grant [preclusive effect] in its own Courts to a [Constituionally infirm judgement]." Id at U.S. 482, 102 S.Ct at 1898 (Emphasis Added).

44) Wherefore, by these principles alone, if a State Court—or a judge thereof—may not grant preclusive effect to a constitutionally infirm judgement, C.C.P.Art 11.07 § 4((a), would thus be deemed null & void as applied to the facts of the specific cause. "A voidable act is one which is absolutely void within itself, but which is binding until disaffirmed." Gomex v. Tri City Community Hosp. LTD, 4 S.W.3d 281 (Tex.App- San Antonio 1999) "'Judgements are void for lack of powers in Courts to render them when they are rendered [contrary] to [Constitutional] or valid statutory prohibition or outside limiting [Constitutional] or statutory authority." City of Lufkin v. B.H.McV-icker, M.D., 510 S.W.2d 141, 144 (Tex.App.Lexis 1973)(Emphasis Added)(citing Freeman v. Freeman, 160 Tex 148, 327 S.W.2d 428, 433 (1959).

45) The Court should note that the State Court, in the instant instance, has two ready made avenues for which to establish a previous judgement is void, however, without a mandate from this Court to abide by these principles, said remedies are of no effect. See TRAP 76(d)(Motion for enbanc Reconsideration); See also Ex Parte Moreno, 245 S.W. 3d 419, 428 (Tex.Cr.App 2008)("An individual State must surely retain the authority... to revisit one of its own judgements.")

46) Except, in Zant, Supra, this Court finally concluded that Res Judicata did not apply in the context of a habeas corpus application/petition. "As Appellate review became available from a decision in habeas refusing to discharge the prisoner, Courts began to question the continuing validity of the common-law rule allowing endless succesive petitions." Id at U.S 479, 111 S.Ct at 1462., thereby, the Court held that the Abuse-of-Writ doctrine would take its places as a modified Res Judicata. Felker, Supra.

47) VAC, asserts, where no appeal has been granted, the federal habeas corpus is not available & no other federal remedy is avilable, & yet the State is still permitted to

consider federal questions of law, the State Court has thereby become the defacto Court charged with the duty to define/interpret & uphold the federal Constitution, yet, the instant cause illustrates what happens when the State Courts fail to fulfill this obligation. "In many jurisdictions, the State Post-Conviction proceedings are simply a sham." Rubber-Stamping, Supra at 893. "Post-Conviction Courts have a reputation in Texas for lax fact-finding practices, rarely holding evidentiary hearings, & frequently rubber-stamping State-proposed findings." Ibid. "As accepted by the majority, this flawed syllogism evisverates meaningful federal habeas review of a State Court's [flaunting abdication of its duty] to apply the law of th[e Supreme] court to the facts of a prisoner's case." **Valdez v. Cockrell**, 288 F.3d 702, 705 (5th.Cir. 2002) (Dennis, Wierner & Parker, dissenting).

48) In **Jefferson v. Sellers**, the Court found "the process by which the State habeas judge arrived at the Court's final order was fundamentally unfair." Id 250 F.Supp.3d 1340, 1354 (2017 U.S.Dist.Lexis 66035). To which, such a proceeding "deprived Petitioner of a full & fair hearing & Due Process of law." Ibid.

49) VAC charges that the procedures & conduct complained of by the Court in Sellers, Supra, is in fact the standard procedure employed in the State of Texas. In particular, "Harris County Post-Conviction prosecutors have authored & proposed 21,275 seperate findings of fact & conclusions of law & the Harris County Courts have adopted 20,261 of the prosecutor's proposed findings verbatim: an adoption rate of 95%." Id at 900.

50) "[A]t least eight Harris County Courts...have never rejected a State-authored findings of fact or conclusion of law...even when those findings & conclusions are [plainly contradicted by the record]" Id at 904 (Emphasis Added).

51) The Court should note, in the instant cause (& All other listed causes) the adoption rate is 100% & neraly every single finding of fact was clearly contradicted by the evidence in the record & each set of proposed findings submitted by the State was simply signed & adopted verbatim by the Court within 24 hours of their reciept.

52) VAC points out that, though his causes were/are not Capital, nor conducted in Harris County, the findings & conclusions of this case study match verbatim with his cause.

The Need For The Court's Intervention

53) Generally, "[a]bsent affirmative evidence that State-Court judges are ignoring their oath, we discount...argument[s] that Courts will respond to our ruling by violating their Article VI duty to uphold the Constitution." **Brecht v. Abrahamson**, 507 U.S. 619, 635, 123 L.ED.2d 353, 113 S.Ct 1710, 1720 (1993)(Citations Omitted; Alterations to the Original).

54) VAC alleges his cause presents such 'affirmative evidence', in that, they permitted the use of perjured testimony in place of the undisputable evidence in the record in order to allow VACs relief to be denied, a clear Brady violation on the part of the Court & the State's Attorney (Brady v. Maryland, 373 U.S., 83 S.Ct 1194 (1963)), as well as failed to ensure Due Process Protections were adhered to, &, once notified of the Unconstitutionality of the previous judgements, continued to utilize them as if they did not violate the fundamental minimums afforded to any Applicant. "A State may [not] grant [preclusive effect] in its own Courts to a [Constitutionally infirm judgement]." Kremer, Supra.

55) However, more definite & absolute evidence is needed. See the following:

A) "The CCA demonstrates further indifference to the State habeas process by failing to properly fund the appeals,generating boiler plate, two-page opinions in most State habeas cases, & almost universally adopting trial Court findings of fact generated by prosecutors in 90% of the cases." **Lethal Indiference**, by Texas Defender Service (2002) atp.xiii (See App F).

B) "[T]he State of Texas'[s] decision to appoint [this] attorney to represent the petitioner in what should have been petitioner's final foray into the State Courts in search of relief from his [death Sentence] constituted a [cynical & reprehensible] attempt to expedite petitioner's [execution] at the expense of all semblence of fairness & [integrity]." Id at 23(quoting U.S.District Judge Orlando Garcia, **Kerr v. Johnson**, No. SA-98-CA-151-06, slip op. at 1, 16-17 (W.D.Tex Feb 24, 1999)(Emphasis Added).

C) "[T]wo judges:'[T]he majority gives new meaning to the lady with a blindfold holding the scales of justice, as it dispatches...[some] death row inmates toward the execution chamber [without meaningful review] of their habeas claims.'" Lethal, Supra at 24(quoting **Ex Parte Smith**, 977 S.W.2d 610 (Tex.Crim.App 1998).

D) "For this Court [to] refuse to stay this scheduled execution is a farce & travesty of applicant's legal right to apply for habeas relief. It appears that this Court, in approving such a charade, is punishing applicant, rewarding the State, & perhaps even encouraging other attorney's to file perfunctory 'non-applications'...If applicant is executed as scheduled, this Court is going to have blood on its hands for allowing [it]. By this dissent, I wash my hands of such repugence." Lethal, Supra at 26 (quoting Ex Parte Kerr, 977 S.W.2d 585 (Tex.Crim.App 1998).

E) "Today, a majority of the Court chooses which sections of article 11.071 will be strictly adhered to & which will be loosely construed...For the majority to so blatantly misrepresent these facts is not only disingenous but down right disturbing...

In so doing, the majority ignores that WE failed our duty...by choosing this selective construction of the statute, the majority willfully violates the intent of article 11.071" Ex Parte Smith, 977 S.W.2d 610, 614, n. 7 (Tex.Crim.App 1998)

F) Ex Parte Butler, 416 S.W.3d 863, n. 16 (Tex.Crim.App 2012 (Price, J., dissenting) (Noting that the cause was remanded by the 5th Circuit for further consideration, to which, the CCA sent it back to the Trial Court to reconsider the merits, to which, the Trail Court openly refused to reconsider the cause & redacted a single word from its original findings—credible—& resubmitted said findings as the findings of the Court, to which, without further consideration, the CCA adopted the findings & denied relief without a written order. "nineteen findings of fact that the convicting court originally recommended we take based on 'the credible affidavit of Dr. Denkowski' that it now recommends we make based simply on 'the affidavit of Dr. Denkowski[.]'")

G) "Applications are being denied relief in a manner that is unauthorized by the Texas Constitution & Statutes...At this juncture, this is no-longer an honest mistake. Rather, this is an intentional & knowing refusal to abide by the plain terms of the Texas Constitution & Statutes." Ex Parte Dawson, 509 S.W.3d 294, 299-306 (Tex.Crim. App 2016)(Alcla, J., dissenting).

H) See n. 36 for a host of cited cases where Due Process Protections were ignored by the Court's Judges & Justices.

56) Wherefore, VAC asserts that the importance of this Court &/or the federal Court's intervention could never be clearer. However, AEDPA has stripped the federal Courts of their judicial capacities (28 USC § 2244(d)(1)), thus, an alternative remedy is needed.

Justification For An Alternative Remedy

57) In Zant, Supra, this court explained the origins of the Abuse-of-Writ doctrine. The Court reasoned that the ability for a petitioner to be able to petition every other judge or court in the realm "made sense because at common law an order denying habeas relief could not be reviewed." id at U.S. 479, 111 S.Ct at 1462. & that, these "successive petitions served as a substitute for appeal." Ibid (Citations Omitted).

58) However, "As appellate review became available from a decision in habeas refusing to discharge the prisoner, Courts began to question the continuing validity of the common-law rule allowing endless successive petions." Ibid (Citations Omitted).

59) The Court should note that a petition for Writ of Habeas Corpus (2254) to the federal Courts has effectively become the defacto "substitute for appeal[s]" to a State level denial of habeas corpus relief. Ibid.

60) Except, as explained, pursuant to 28 USC § 2244(d)(1), such a substitute appeal could only be taken within one year of the issuance of the mandate—or other exceptions—thus, once this time period elapses, in a State Court that could still entertain a Writ for habeas corpus, the decision of that Court—on federal Constitutional law questions—

whether properly decided or not, is, for all intents & purposes, the final decision on the matter & not up for debate.

61) True, this Court retains the jurisdiction to consider such an action under 28 USC § 1257(a), however, this Court only grants a review of an action—especially at this stage—under the most exceptional of circumstances, which is certainly not to correct errors. See S.Ct.R 10(a-c); See also Kyles v. Whitley, 498 U.S. 931, 111 S.Ct 333 (1990).

62) Thus, the instant cause presents the question—among others—of what remedy is available for a Constitutionally infirm State Court judgement—on matters of Federal Law—when no federal remedy is available. Not just an inaccurate denial, but one so preverse as to be considered Constitutionally infirm.

63) The foregoing is especially troublesome because the resulting consequence in such a circumstance is that the federal Courts will have lost their ability to be the ones charged with the duty of insuring the federal Constitution is adhered to, thereby regulating this duty to the States. Williams, Supra at U.S. 362, 120 S.Ct at 1505.

64) However, the importance of this need must further be explained.

65) In a Civil suit, one that "Society has a minimal concern with the outcome of", the "litigants share the risk of error in roughly equal fashion." Addington v. Texas, 441 U.S. 418, 423, 60 L.ED.2d 323, 99 S.Ct 1804, 1808 (1979). On the other hand the "heavy standard applied in criminal cases manifests our concern that the risk of error to the individual must be minimized even at the risk that some who are guilty might go free." Id at U.S. 428, 99 S.Ct at 1810. To which, "the host of safeguards fashioned by this Court over the years to diminish the risk of erroneous conviction stands as a testament to that concern[s]". Ake v. Oklahoma, 470 U.S. 68, 78, 105 S.Ct 1087, 1093 (1985).

69) To insure the foregoing remained the norm, the habeas corpus transformed to insure the Constitutional rights of the people. "There is no higher duty of a Court, under our Constitutional system, than the careful processing & adjudication of petitions for writs of habeas corpus, for it is in such proceedings that a person in custody charges that error, neglect, or evil purpose has resulted in his unlawful confinement & that

he is deprived of his freedom contrary to law.' Harris v. Nelson, 394 U.S. 286, 292, 89 S.Ct 1082, 1087, 22 L.ED.2d 281 (1969)." Vincent v. Louisiana, 469 U.S. 1166, 83 L.ED. 2d 929, 105 S.Ct 1414 (1985)(Brennan, dissenting).

67) However, such concerns are undermined when it is held that a State's Habeas Corpus process is [NOT] required to comport with Due Process of Law. "We hold that a full & fair hearing [Due Process] is [not] a precondition to according § 2254(e)(1), presumption of correctness." Valdez v. Cockrell, 274 F.3d 941, 951 (5th.Cir. 2001). Yet, "The Supreme Court has said that federal courts need not respect state judgements unless litigants has a 'full & fair opportunity' to litigate their claims in State Court." id at 970 (Dennis, Dissenting)(Alterations to the Original; Emphasis Added).

68) VAC charges, what use is OUR federal Constitution &/or Bill of Rights if a federal Court could hold that a State Court's opinion, & by extension, the State Court is not obligated to uphold OUR Constitution,for their decisions to still be upheld. "This evolution [the protection of the Constitution & Bill of Rights] appears not to have been fully recognized by many state courts, in this instance charged with the frontline responsibility for the enforcement of Constitutional rights." Gideon v. Wainwright, 372 U.S. 335, 351, 83 S.Ct 792 (1963).

69) In 60 years, it appears nothing has changed in the State of Texas.

73) The result, as expressed, "State Courts are [now] free to: 1) rubber-stamp the prosecuting body's proposed findings of fact & conclusions of law, 2) deny the petitioner relief without affording him a hearing, & 3) effectively prevent a federal court from later granting the requested relief." Valdez v. Cockrell, 288 F.3d 702, 703 (5th.Cir. 2002) (Dennis, Dissenting)., to which, the instant cause shows that such assertions were not inaccurate, but, infact, OUR—We The People—reality.

74) The foregoing, n.73 (Ante 21), is further supported by the fact that the Trial Court failed to consider a single motion submitted by VAC—though the Court granted each of the States—& instead forwarded each to the CCA for their consideration, though this is not proper. "The Court of Criminal Appeals was not equipped, let alone inclined, to hold evidentiary hearings or conduct immediate examinations of existing trial court reco-

rds...[the] procedure left the trial Courts not only with their Constitutional & Statutory authority to issue writs of habeas corpus, but with the power & responsibility 'to ascertain the facts necessary for proper consideration of the issues involved.'" Ex Parte Renier, 734 S.W.2d 349 (Tex.Crim.App.Lexis 742). However, the CCA ignored this fact & took it upon themselves to simply deny each motion without any considerations.

72) Wherefore, simply mandating that the State Court must adhere to the Constitution by the principles of Res Judicata, to include the inability to grant preclusive effect to any Constitutionally infirm judgements, would thus insure questions of federal law are at minimal decided in accordance with the federal law. "Due Process functions to 'prevent unfair & mistaken deprivations'"...& to insure the "accurate determination of the matters before the Court, not in a result more favorable to him." Heller v. Doe by Doe, 509 U.S. 312, 332, 125 L.ED.2d 257, 113 S.Ct 2637, 2649 (1993).

73) However, while it "has long been established that [28 USC] § 1738 [the Full Faith & Credit Clause of the Constitution, Art. IV § 1] does not allow federal Courts to employ their own rules of res judicata in determining the effect of state judgements." Kremer, Supra at U.S. 481, 102 S.Ct at 1897 (Alteration to the Original), a state court's judgement &/or rules employed to enforce said judgements, are only due the respect entitled to them if the underlying proceeding comports with the minimal standards of Due Process of Law. Otherwise, "federal Courts are not required to accord full faith & credit to such a judgement." Kremer, Supra.

74) "Where we are bound by the Statutory directive of § 1738, State proceedings need do no more than [satisfy] the [minimum] procedural requirements of the Fourteenth Amendments [Due Process Clause] in order to qualify for the full faith & credit guaranteed by federal law." Kremer, Supra. "What a full & fair opportunity to litigate entails is the procedural requirements of due process." id at 24.(Emphasis Added).

75) VAC charges that the State Court has failed to abide by the minimum procedural standards/requirements of Due Process. Sellers, Supra. "In areas where legislation might intrude on Constitutional gurantees, we believe that Congress, which has always sworn to protect the constitution, would err on the side of fundamental Constitutional liberti-

es." Lowe v. SEC, 472 U.S. 151, 206, n. 56, 105 S.Ct 2557, 2571, n. 58, 86 L.ED.2d 130 (1985).

Final Point

76) Let there be no doubt that the validity &/or Constitutionality of the process that is used in the State of Texas has been called into question in the State Court Proceedings multiple times. The record will show all of the following;

A) In causes: WR-86,912-01; WR-86,912-02; WR-86,912-03; objections were raised & complaints levied for this conduct of rubber-stamping inconsistent findings of the State.

B) In causes: WR-86,912-05; WR-86,912-06; WR-86,912-07; WR-86,912-08; multiple grounds were dedicated to this precise issue, as well as objections being filed once these grounds were ignored & it happened again.

C) In causes: WR-86,912-09; WR-86,912-10; WR-86,912-11; an entire argument was dedicated to whether such unconstitutional conduct by the State & the Courts would constitute cause for application for the cause & prejudice standard & negate application of C.C.P.Art 11.07 § 4(a). (See App. D).

D) In motions for En Banc Reconsideration for the causes at n. C (Ante 23), these issues were raised again & requested to be considered, (See App. K).

E) In motions for Independent Analysis Requests, for the causes at n. C (Ante 23), requests for the Court to simply independently consider this issue & to issue their own opinion was requested, each of which were ignored by the Trial Court & CCA. (See App I).

77) The Court should note, not once did the State entertain the opportunity to consider the issue, though, it was properly presented to them multiple times.

Conclusion

78) In summary, VAC alleges his asserted Due Process violations during his State Habeas Corpus applications, consisted of:

A) The State's Prosecutor was the infered designated & sole fact finder,

B) The Trial Court only stamped what the State put before it & did so almost immediately & without any independent consideration, (See App. G & H)

C) The Trial Court did not consider & rule upon any of the motions filed by VAC,

D)The State's Proposed findings manipulated &/or contradicted the evidence in the record,

E) The Trial Court signed the State's Proposed findings within 24 hours of their reciept, (See App. H).

F) The Trial Court did not suggest how the findings should look or inform the State of what its findings were,

G) The Trial Court did not afford the applicant an opportunity to respond to said findings before adopting them verbatim,

H) The affidavit relied upon contradicted all of the undisputable evidence in the Courts record,

I) The Trial Court failed to conduct an evidentiary hearing to clear up the clear inconsistencies between the record & the relied upon affidavit, &

J) Other than signing what was placed before the Courts, there was no judicial participation in any of the forementioned causes.

81) In summary, the Constitutional violations VAC alleges happened during his Trial consisted of:

A) His Trial Counsel did not thorughly investigate (6th Amendment),

B) His Trial Counsel did not interview his psychiatrists (6th Amendment),

C) His Trial Counsel did not request his mental health records before advising him that they did not contain anything & telling him to plead guilty & to forego a trial, (6th Amendment),

D) VAC's Competency examination was conducted without his mental health records leaving the evidence that would've mandated a competency hearing to be held missing (5th Amendment),

E) Though there more than enough evidence to suggest that mental health would play a key factor in his trial, VAC's trial Counsel still failed to prosue the issue by obtaining the assistance of an expert.

82) As a final matter, the Court should note, without an alternative remedy, under the current interpretation of AEDPA, defendants, some innocent. are being [& going to be] put

death without a meaningful review of their meritful claims. "If applicant[s] [are] excuted as scheduled, this Court is going to have blood on its hands for allowing [it]." Kerr. Supra at 585.

83) Wherefore, VAC hereby respectfully requests this Court to grant this Certiorari. He asserts, an alternative remedy is needed & requests this Court to consider this issue.

Notice To The Court

It is not lost on me that I have levied some very heavy allegations in the foregoing. However, I firmly stand behind each & everyone.

In support of this position & my desire for the [TRUTH] to be known once & for all, I would like to propose a potential simple & final resolution of the instant cause.

Included with this petition is a Motion for an Evidentiary Hearing. If this Court grants that hearing as requested & the magistrate judge's findings do [NOT] confirm my Due Process violations as asserted at n. 80 (Ante 23-24), I will withdraw this petition, as well as, by order of this Court, formally waive all future arguments about the validity & Constitutionality of my convictions, granting them the finality due them.

However, if my allegations are confirmed, all I ask is this Court takes this fact into its considerations as whether to grant this Certiorari or not..

If said motion is not included herewith, I also request this Court to issue an order to me requesting for me to resubmit said order to the Court for its considerationa.

Respectfully Submitted

Vincent Corson
TDC# 1973705
Connally Unit
899 FM 632
Kenedy, Tx 78119.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Vincent Alonzo Corson

Date: 11/16/2022.

Word Count Certification

Pursuant to S.Ct.R. 33.1(h), I certify that the instant Petition For A Writ of Certiorari, complies with the wprd limits of 33.1(g)(1), of 9,000, with the wn words of the petition equalling 7,435 words, counted by hand.

Unsworn Declereation

I, Vincent Alonzo Corson, TDC# 1973705, Incarcerated at John B. Connally Unit, at 899 FM 632, Kenedy, Tx 78119, Declares under penalty of perjury, that the statements made in the Word Count Certification is, to the best of my knowledge, True & Correct.

Signed on this the 27th day of Janurary, 2023.

_____

Vincent Corson