

No. 22-7364

FILED

APR 20 2023

OFFICE OF THE CLERK
SUPREME COURT U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

MATTHEW CALEB ROSS — PETITIONER
(Your Name)

vs.

THE STATE OF TEXAS; ET AL — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

MATTHEW CALEB ROSS
(Your Name)

30789 STATE HIGHWAY NN
(Address)

JAMESPORT MISSOURI 64648
(City, State, Zip Code)

660 605 4209
(Phone Number)

QUESTION(S) PRESENTED

- I. PETITIONER QUESTIONS THE LEGALITY OF THE COURT OF CRIMINAL APPEALS OF TEXAS, FOR DISMISSING WRIT OF HABEAS CORPUS DUE TO COMMUNITY SUPERVISION NOT BEING REVOKED.
- II. PETITIONER QUESTIONS THE STATE OF TEXAS ON IGNORING PETITIONER'S MOTION FOR DISCOVERY AND INSPECTION OF EVIDENCE.
- III PETITIONER QUESTIONS THE COURT ON WHAT IS EFFECTIVE ASSISTANCE OF COUNSEL.

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:

THE STATE OF TEXAS
401st DISTRICT COURT COLLIN COUNTY TEXAS

RELATED CASES

401-85424-2021
W401-85424-2021-HC

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TABLE OF AUTHORITIES CITED

CASES

		PAGE NUMBER
UNITED STATES V. re	372 F.2d 641, 643 (2d. Cir 1967)	
MOONEY V. HOLOHAN	294 U.S. 103, 112	
PYLE V. KANSAS	317 U.S. 213, 215-216	
EX PARTE MOWBRAY	943 S.W.2d 461 (1996)	
PHILLIPS V. ORNOSKI	673 F.3d 1168 (2012)	
GONZALEZ V. MCKUNE	247 F.3d 1066 (2001)	
OHARA V. BRIGGS	499 F.3d 492 (2007)	
GUERRA V. JOHNSON	90 F.3d 1075 (1996)	
DISMONE V. PHILLIPS	461 F.3d 101 (2006)	
GONZALEZ V. WONG	667 F.3d 965 (2011)	
U.S. V. BAGLEY	473 U.S. 667 (1985)	
UNITED STATES V. AGURS	427 U.S. 97 (1976)	
KYLES V. WHITLEY	514 U.S. 419 (1995)	
BRADY V. MARYLAND	373 U.S. 83 (1963)	

STATUTES AND RULES

TEXAS CONSTITUTION ARTICLE I § 10

TEXAS CODE OF CRIMINAL PROCEDURE:

ARTICLE 1.05
ARTICLE 26.04(a)

OTHER

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.

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 25 JAN 2023.
A copy of that decision appears at Appendix 4.

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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

TEXAS STATE CONSTITUTION ARTICLE I SECTION 10 PROVIDES THAT AN ACCUSED HAS THE RIGHT TO BE "HEARD BY HIMSELF OR COUNSEL OR BOTH".

TEXAS STATE CONSTITUTION ARTICLE I SECTION 12: "THE WRIT OF HABEAS CORPUS IS A WRIT OF RIGHT AND SHALL NEVER BE SUSPENDED. THE LEGISLATURE SHALL ENACT LAWS TO RENDER THE REMEDY SPEEDY AND EFFECTUAL."

STATEMENT OF THE CASE

PETITIONER WAS DENIED HIS WRIT OF HABEAS CORPUS WITHOUT WRITTEN ORDER DESPITE THE PROVISIONS GRANTED BY THE TEXAS CONSTITUTION ARTICLE I SECTION 12. THE INTENT OF THE HABEAS CORPUS WAS TO SEEK DISCRETIONARY REVIEW OF THE 401ST DISTRICT COURT DENYING THE REQUEST FOR DISCOVERY, WHICH WOULD HAVE PROVEN THE GROUNDS FOR ACQUITTAL/DISMISSAL OF CHARGES.

WHILE IN CUSTODY, THE COURT APPOINTED ATTORNEY WAITED UNTIL ONE WEEK BEFORE TRIAL TO REQUEST EVIDENCE AND PRESSURED CLIENT INTO ACCEPTING PLEA DEAL TO AVOID FURTHER TIME IN JAIL AND TIME AWAY FROM CHILDREN STATING "I WORK WITH FAMILY LAW, THIS WON'T STOP YOU FROM SEEING THEM." THE PLEA AGREEMENT BARS ANY CONTACT WITH THEM FOR (5) YEARS.

REASONS FOR GRANTING THE PETITION

PETITIONER PRAYS THIS HONORABLE COURT GRANTS THIS PETITION SO HE MAY HAVE THE CHANCE TO BE WITH HIS CHILDREN AGAIN. THERE ARE SO MANY FATHERS WHO ARE UNWILLING TO RAISE THEIR CHILDREN TO DISCERN RIGHT FROM WRONG, WHICH IS ALL THAT THE PETITIONER IS WANTING TO DO.

SO MANY PARENTS GET CAUGHT UP IN THE COMPLEXITY OF THE LEGAL SYSTEM AND IT IS THE CHILDREN WHO SUFFER FROM ALL THE TIME SEPERATED. PLEASE DO NOT MAKE MY CHILDREN, OR MYSELF, ENDURE THIS ANY LONGER THAN NEEDED.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Mather C. Ross

Date: 20 APRIL 2023