

NO. 23-6001

IN THE SUPREME
COURT OF THE UNITED STATES

KENRIC LAVAUGHN JACKSON SENIOR
PETITIONER
VS.

THE STATE OF TEXAS

RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI
TO

THE SUPREME COURT OF TEXAS

PETITION FOR REHEARING

MR. KENRIC LAVAUGHN JACKSON SR.

WAINWRIGHT UNIT

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NO. 23-6001

KENRIC JACKSON SR. § IN THE SUPREME COURT
VS. § OF THE UNITED STATES
THE STATE OF TEXAS § WASHINGTON, D.C. 20543-000
§

PETITION FOR RE-HEARING

TO THE HONORABLE JUSTICES OF SAID COURT:
COMES NOW, MR. KENRIC JACKSON SR., IN THE
ABOVE-STYLED AND NUMBERED CAUSE AND
"RESPECTFULLY" PETITION, FOR THIS HONORABLE
COURT TO RE-HEAR AND GRANT CERTIORARI, BE-
CAUSE THERE ARE GROUNDS AND CIRCUMSTANCES
TO CONDUCT AN INQUIRY INTO AN END OF JUSTICE
AND MISCARriage OF JUSTICE EXCEPTION RULES.

STANDING ALONE, ARE GROUNDS TO APPLY A
RENOVO REVIEW ON JACKSON'S "ABOUT FACE"
Petition For Direct COLLATERAL REVIEW FROM
THE SUPREME COURT OF TEXAS. THIS IS A LIFE-AT-
STAKE CLAIM. THAT IMPLICATES THAT JACKSON'S LIFE
AND LIBERTY HAVE BEEN TAKEN AWAY FOR 17 YEARS
BECAUSE THE LOWER COURTS VIOLATED JACKSON'S
CONSTITUTIONAL RIGHT TO DUE PROCESS OF LAW
UNDER THE 5TH AND 14TH AMENDMENTS TO THE
UNITED STATES CONSTITUTION. THE CONSTITUTIONAL
VIOLATIONS WERE IDENTIFIED. THEREFORE, ONCE A
CONSTITUTIONAL VIOLATION IS IDENTIFIED, THE
CONVICTION MUST BE REVERSED. JACKSON "PAINTED
A PICTURE", THAT HIS PUNISHMENT WAS IN VIOLATION

OF Appendix. JACKSON filed A Petition FOR WRIT OF CERTIORARI FOR Direct Collateral Review (D.C. R.) BECAUSE JACKSON RAISED A claim OF AN illegal sentence FOR THE FIRST TIME.

A claim THAT CANNOT BE FORGOTTEN OR WAIVED. AN illegal sentence BASED ON AN invalid enhancement(S). JACKSON ARGUES THAT THE ENHANCEMENTS WERE VOID ENHANCEMENTS. A SUBSTANTIAL GROUND NOT PREVIOUSLY PRESENTED. THE VOID ENHANCEMENTS COULD NOT BE USED TO sentence JACKSON AS A HABITUAL OFFENDER UNDER THE TEXAS ENHANCEMENT LAW STATUTE.

UNDER TEXAS LAW, A DEFENDANT MAY CHALLENGE AN ENHANCEMENT ALLEGATION IF THE PRIOR JUDGMENT IS VOID. JACKSON COLLATERALLY ATTACKS AS VOID, TWO OF THE JURISDICTIONAL ENHANCEMENT CONVICTIONS IN HIS INDICTMENT. ENHANCEMENT ALLEGATION #590737 AND ENHANCEMENT ALLEGATION #654450. THE VOID ENHANCEMENT PARAGRAPHS RENDERED THOSE CONVICTIONS UNUSABLE, AS AN ENHANCEMENT OFFENSE IN THIS CASE. JACKSON HAS PETITIONED "TO BE HEARD". ALSO, TO HAVE HIS "FIRST DAY IN COURT" ON THIS JURISDICTIONAL DEFECT. A PRIOR CONVICTION ALLEGED FOR ENHANCEMENT MAY BE COLLATERALLY ATTACKED IF IT IS VOID. OR, IF IT IS Tainted BY A CONSTITUTIONAL DEFECT.

JACKSON URGES THIS HONORABLE COURT TO, "LOOK INTO THE EYES" OF THE CONSTITUTIONAL DEFECT, THAT Tainted JACKSON'S PUNISHMENT.

IN WHICH HE RECEIVED A LIFE SENTENCE.

THE TWO PRIOR CONVICTIONS THAT WERE USED TO

Enhance Jackson's punishment were obtained in violation of Jackson's Constitutional Right To Due Process of the Law, under the 5TH AND 14TH Amendments To the United States Constitution.

Jackson Applied Supreme Court Precedents, accordingly. Jackson Applies the challenge that, the two prior convictions that were obtained in violation of his Constitutional Right To Due Process were void enhancements. These were allegations that were used to increase Jackson's punishment.

Jackson points to the central issue that, the Trial Counsel of Record Blocked, Jackson's opportunity to test the "Adversarial Arena" meaningfully, when he did not investigate, research into the two prior convictions the state intended to use to, enhance punishment under the Texas Enhancement Law Statute. When he didn't, before trial, in the plea-bargain phase, file a motion to quash the enhancements/paragraphs based on the identification were incomplete. SIXTH Amendment Violation

Denying Jackson to be heard. The Trial Judge fell in his duty to perform as an unbiased judge in a life-at-stake situation, proceeding of Jackson's trial for second degree robbery. The Trial Judge himself blocked the fundamental principles to make a proper way to protect Jackson's own Liberty.

The SIXTH Amendment Violation caused the entire punishment phase between Jackson and the prosecutors to be conducted based on an erroneous sentencing calculation, weighted against Jackson. In turn is equivalent to "A dog eating his own vomit." At this breaking point, Jackson

"IS ASKING" THIS HONORABLE COURT TO, EQUATE THE
"ENDS OF JUSTICE" INQUIRY WITH THE FUNDAMENTAL
"MISCHANCE OF JUSTICE" (EXCEPTION RULES) AND APPLY
THEM TO JACKSON'S CASE, RESPECTIVELY. THE TOTALITY
OF THE CIRCUMSTANCES UNDERMINES THE [CONVICTING]
COURT'S CONFIDENCE IN THE SENTENCE, OF A LIFE SENTENCE.
See Kyles-v-Whitley, 514 U.S. 419, 115 S.Ct. 1555, 131
L.ED. 2D 490 (1995). UNFAIRNESS OF THE TRUE NATURE OF
ENHANCEMENT ALLEGATIONS. A "PROBABILITY" SUFFICIENT TO UNDER-
MINE CONFIDENCE IN THE OUTCOME. See Appendix, 120 S.Ct.
AT 2401. IN MURRAY-V-CARRICK "EVEN APPROPRIATE CASES
THE PRINCIPLES OF CIVITY AND FINALITY THAT INFORM THE CONCEPTS
OF CAUSE AND PREJUDICE" MUST YIELD TO THE IMPERATIVE OF
CORRECTING A FUNDAMENTALLY UNJUST INCARCERATION. "ACCORDINGLY,
WE THINK THAT IN AN EXTRAORDINARY CASE, WHERE A CONSTITUTIONAL
VIOLATION HAS PROBABLY RESULTED IN THE CONVICTION OF ONE WHO
IS ACTUALLY INNOCENT, A FEDERAL HABEAS CORPUS COURT MAY GRANT THE
WRIT EVEN IN THE ABSENCE OF A SHOWING OF CAUSE FOR THE
PROCEDURAL DEFAULT. 411 U.S. 478, 495-96, 106 S.Ct. 2639, 2649,
91 L.ED. 2D 397 (1986). ALSO, SAWYER-V-WHITLEY 505 U.S.
383, 339, 112 S.Ct. 254, 2518-19, 120 L.ED. 2D 269 (1992).
JACKSON IS ENTITLED TO RELIEF. TO BE REMANDED TO THE TRIAL COURT
FOR A NEW PUNISHMENT HEARING. See TEX. C. CRIM. PROC. ANN. ART.
44.29 (b) AND TO BE GIVEN CREDIT ON ANY NEW SENTENCE FOR
TIME SERVED UNDER FORMER SENTENCE, RESPECTIVELY.

Questions Presented

- 1) IS JACKSON'S LIFE SENTENCE, COMPRISED OF PUNISHMENT
BEYOND THE STATUTORY MAXIMUM, WITHOUT THE TRIAL COURT
ESTABLISHING JACKSON WAS LINKED TO PRIOR OFFENSES FOR
ENHANCEMENT PURPOSES, BEYOND A REASONABLE DOUBT
IN VIOLATION OF APPENDIX-V-WHITLEY, 530 U.S. 466 (2000)?
- 2) DOES THE LIFE SENTENCE IMPOSED CONSTITUTE AN ILLEGAL
SENTENCE?

Certificate of Compliance

I, KENRIC LAVAUGHN JACKSON SR. DECLARE
THAT ALL OF THE ENCLOSED IS IN COMPLIANCE
WITH RULE 44 OF THE SUPREME COURT OF
THE UNITED STATES. THE GROUNDS ARE
LIMITED TO INTERVENING CIRCUMSTANCES OF
SUBSTANTIAL OR CONTROLLING EFFECT AND TO
ANOTHER SUBSTANTIAL GROUND NOT PREVIOUSLY
PRESENTED. 28 U.S.C. SECTION 1746, 18 U.S.C.
SECTION 1621.

ON THIS THE 13TH DAY OF MARCH 2024.

Kenric Lavaughn Jackson Sr.

No. 23-6001

IN THE SUPREME COURT OF THE UNITED STATES

KENRIC JACKSON, SENIOR

PETITIONER

v.

THE STATE OF TEXAS

RESPONDENT

CERTIFICATE OF GOOD FAITH

COMES NOW PETITIONER, KENRIC JACKSON SR., AND MAKE CERTIFICATION THAT HIS PETITION FOR REHEARING IS PRESENTED TO THIS COURT IN GOOD FAITH PURSUANT TO RULE 44.1. FURTHER STATES THE FOLLOWING:

1) THIS COURT ENTERED ITS JUDGMENT DENYING PETITIONER'S WRIT OF HABEAS CORPUS ON JANUARY 16, 2024. PETITIONER BELIEVES THAT HE PRESENTS HIS HONORABLE COURT WITH ADEQUATE GROUNDS TO JUSTIFY THE GRANTING OF REHEARING IN THIS CASE AND SAID PETITIONER IS BROUGHT IN GOOD FAITH AND NOT FOR DELAY. FURTHERMORE, PETITIONER BELIEVE THAT BASED UPON THE LAW OF THIS HONORABLE COURT AND FACTS OF THIS CASE, JACKSON IS ENTITLED TO RELIEF WHICH HAS BEEN UNJUSTLY DENIED HIM. JACKSON FURTHER BELIEVE THAT, IF THE SUPREME COURT OF TEXAS IS CONTINUALLY ALLOWED TO DENY WRIT OF HABEAS CORPUS 11.07 WITHOUT WRITTEN ORDER AND WITHOUT PUBLISHING, EXCUSE ME, ISSUING AN OPINION, AS A DIRECT APPEAL IS ISSUED, IN TURN ALLOWING THE SUPREME COURT OF TEXAS TO MISAPPLY THE ILLEGAL SENTENCE BASED UPON AN INVALID ENHANCEMENT, WILL NOT SATISFY DUE PROCESS OF LAW.

Petitioner Believe THAT He HAS BEEN DENIED
HIS CONSTITUTIONAL RIGHT TO DUE PROCESS OF LAW
UNDER THE FIFTH AND FOURTEENTH AMENDMENTS
TO THE UNITED STATES CONSTITUTION.

I DECLARE UNDER THE PENALTY OF PERJURY
THAT THE FOREGOING IS TRUE AND CORRECT.

Executed ON THIS 13TH DAY OF MARCH 2024.

Kevin LaVoy Jackson Sr.

Certificate of Service

I, Kenric Jackson Sr., TDC # 1505478
certifies that a true and correct copy of
Petitioner's, Petition for a Rehearing on
Writ of Certiorari has been served by placing
the same in the U.S. Mail postage prepaid
addressed to the Clerk of the Supreme
Court of the United States, Washington,
D.C. 20543-0001, on this the 13th day
of March 2024.

Mr. Kenric LaFayette Jackson Sr.