

No. 23-7053

ORIGINAL

FILED

MAR 13 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

Jonathan James MARKIE — PETITIONER
(Your Name)

VS.

TEXAS DEPT. OF CRIMINAL JUSTICE — 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

Jonathan James MARKIE TDC# 0582926
(Your Name)

2101 Fm 369 North
(Address)

LEWA PARK, TEXAS 76367
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

AT WHAT POINT DOES THE STATE COURT PROCESS GET HELD ACCOUNTABLE IN ITS DELIBERATE INDIFFERENCE TO THE FACTS AND STATUTES THAT GOVERN ITS NON-DISCRETIONARY DUTY?

IF A PERSON HAS A PROTECTED LIBERTY INTEREST THEN EXACTLY HOW IS THAT SAID INTEREST PROTECTED

IF THE STATE COURTS REFUSE TO CARRY THEIR STATUTORY DUTY?

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:

RELATED CASES

CAUSE NO. 91 CR 1460 W STATE OF TEXAS v Jonathan James MARKIE MARCH 27, 1991

226TH JUDICIAL DISTRICT COURT OF BEXAR COUNTY, TEXAS

CAUSE NO. 91 CR 1461 W STATE OF TEXAS v Jonathan James MARKIE MARCH 27, 1991

226TH JUDICIAL DISTRICT COURT OF BEXAR COUNTY, TEXAS

CASE NO. WR-95,408-01 EX PARTE Jonathan James MARKIE JANUARY 31, 2024

COURT OF CRIMINAL APPEALS OF TEXAS

CASE NO. WR-95,408-2 EX PARTE Jonathan James MARKIE JANUARY 31, 2024

COURT OF CRIMINAL APPEALS OF TEXAS

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TABLE OF AUTHORITIES CITED

CASES

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CARMEI v TEXAS, 529 US 319

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CAIDEN v BUI, 390 F.3D 648

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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☐ is unpublished.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 & B 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 226th Judicial District court appears at Appendix C 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 1/31/2024.
A copy of that decision appears at Appendix A-6.

☐ 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).

* TEXAS RULES OF APPELLATE PROCEDURE 79.2 (d) PROHIBITS APPLICANTS FROM FILING A MOTION FOR REHEARING OR A DENIAL OR DISMISSAL HAS BEEN ISSUED

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

US CONST AMEND V - DUE PROCESS, LIBERTY

US CONST AMEND XIV - MADE APPLICABLE - DUE PROCESS, LIBERTY

STATEMENT OF THE CASE

ON MARCH 27, 1991 PETITIONER WAS CONVICTED IN CASES NO. 91 CRIM 60 W (P.C. § 19.02) AND NO. 91 CRIM 61 W (P.C. § 29.03) OF WHICH FELL UNDER THE 7TH LEGISLATURE IN THE STATE OF TEXAS

ACCORDING TO THE COURTS ORDER THE LATTER CASE WAS TO BE SERVED FIRST WHICH MEANT THAT UNDER SAID LEGISLATURE PETITIONER WAS ELIGIBLE FOR PAROLE ON THIS FIRST CASE IN 10 YRS AND THE SECOND CASE 15 YEARS AFTER OBTAINING PAROLE IN THE FIRST

PETITIONER WAS MADE TO SERVE 15 YRS BEFORE BECOMING ELIGIBLE ON HIS FIRST CASE, WAS GRANTED PAROLE AFTER A TOTAL OF 18 YRS, AND WAS ERRONEOUSLY RELEASED ON BOTH CASES DUE TO CLERICAL ERROR.

PETITIONER SERVED 10 YRS ON PAROLE AND WAS SUBJECT TO TECHNICAL VIOLATIONS TWICE TO WHICH HE WAS SANCTIONED W/O REVOCATION, YET UPON REALIZATION OF THE CLERICAL ERROR, THE TEXAS DEPT. OF CRIMINAL JUSTICE - WHO PROVIDES PAROLE AND PAROLE - CHARGED PETITIONER W/ ANOTHER TECHNICAL VIOLATION AND REVOKED HIS PAROLE AND DENIED TIME ACCRUED - 10 YRS IN/ON EACH CASE - DESPITE NO CRIMINAL ACT, CHARGE, OR CONVICTION.

PETITIONER AND HIS FAMILY MEMBERS SPENT GREAT TIME TRYING TO RESOLVE SAID ISSUES AS WELL AS THE ADDITIONAL FACTS THAT THE TEXAS DEPT. OF CRIMINAL JUSTICE HAD CONFUSED HIS CUSTODY FILES TO WHERE THEY DID NOT REFLECT HIS JUDGMENTS OR SENTENCES CORRECTLY

ON OCTOBER 2, 2023 PETITIONER FILED FOR HABEAS CORPUS RELIEF FROM THE 226TH JUDICIAL DISTRICT COURT OF BEXAR COUNTY, TEXAS IN WHICH PETITIONER CLAIMED VIOLATIONS OF :

CLERICAL ERROR

DOUBLE JEOPARDY

VIOLATION OF LIBERTY INTEREST

VIOLATION OF STATUTORY LAW

SAID COURT RELIED ON RESPONDENTS RESPONSE TO DENY RELIEF AND SAID DENIAL WAS UPHOLD BY THE COURT & CRIMINAL APPEALS DESPITE SHOWING OF FEDERAL COURT RULINGS IN CONTRADICTION TO SUCH

REASONS FOR GRANTING THE PETITION

IN ACCORDANCE WITH THE RULES & JUDICIAL POWERS THE STATE OF TEXAS COURT OF CRIMINAL APPEALS IS BOUND BY DUTY TO FOLLOW THE RULINGS OF THE HIGHER COURTS, I.E., THE SUPREME COURT OF THE UNITED STATES, THE COURT OF APPEALS FOR THE 5TH CIRCUIT, THE UNITED STATES DISTRICT COURT, AS WELL AS ITS OWN CONCURRING OPINIONS IN SUCH MATTERS PRESENTED - THIS RULE APPLIES TO THE STATE DISTRICT COURTS AS WELL

PETITIONER HAS SHOWN SUFFICIENT CONTROLLING CASE LAW IN HIS BRIEF AT STATE LEVEL TO SUPPORT RELIEF, YET, EVEN DESPITE THE DENIAL OF RELIEF, THE STATE HAS STILL FAILED TO ORDER THE CORRECTION OF THE CLERICAL ERROR IN ITS OBSTINATE EFFORT TO APPEAR CORRECT IN THE MANNER OF WHICH IS BEST SUMMED UP IN CARMELL V. TEXAS, 529 U.S. 519, 533 - "IN EACH INSTANCE, THE GOV'T REFUSES AFTER THE FACT, TO PLAY BY ITS OWN RULES, ALTERING THEM IN A WAY THAT IS ADVANTAGEOUS ONLY TO THE STATE, TO FACILITATE AN EASIER CONVICTION."

[CITING CALDERON V ASIL, 390 F.2D 646 (1978); EX PARTE HALLMARK, 883 S.W.2D 672, 674 (TEX. CRIM. APP. 1994)]

THE COURTS ARE VIEWING / HAVE VIEWED THIS CASE ERRONEOUSLY, AND WITH DELIBERATE INDIFFERENCE, & WHICH EXCEEDS NEGLIGENCE - THIS CASE IS SUPPOSE TO BE VIEWED UNDER THE LAWS & THE 71ST LEGISLATURE THAT WERE IN PLACE WHEN THE CONVICTION WAS ADJUDICATED - LET ALONE FOR THE PROPER PENAL CODE WITH THE SENTENCE AS PASSED BY THE ORIGINAL TRIAL JUDGE & WHICH THE TEXAS DEPT. OF CRIMINAL JUSTICE'S RECORDS DO NOT, AND HAVE NOT, ACCURATELY REFLECTED

THIS ALL VIOLATES DUE PROCESS UNDER U.S. CONST. AMEND. V, MADE APPLICABLE TO PETITIONER THROUGH U.S. CONST. AMEND. XIV, AND AFFECTS PETITIONER'S PROTECTED LIBERTY INTEREST UNDER AND/OR THROUGH BOTH AFOREMENTIONED CONSTITUTIONAL AMENDMENTS AND HAS BEEN VIOLATED THROUGH PRECEDENT

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: MARCH 13, 2024