

23-7142

No. _____

FILED

SEP 05 2023

OFFICE OF THE CLERK
SUPREME COURT OF TEXAS

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Elizabeth Ramsey — PETITIONER
(Your Name)

vs.

Bryan Collier — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

US District Court for the Northern District of Texas - Dallas
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE) Division

PETITION FOR WRIT OF CERTIORARI

Elizabeth Ramsey
(Your Name)

2305 Ransom Rd.
(Address)

Gatesville, Tx 76528
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

Why is a case allowed to stand in face of clear Cronin and Strickland violations, clear new evidence, and Constitutional violations, all of which would have changed the outcome of the trial?

Why are lower courts allowed to immediately and consistently allowed to use Time Bar and ignore clear Constitutional violations and new evidence which does not have a statute of limitations due to nature of evidence, and thusly deny them?

~~Why is a case allowed to stand in face of clear Cronin and Strickland violations, clear new evidence, and Constitutional violations, all of which would have changed the outcome of the trial?~~
~~Why are lower courts allowed to immediately and consistently allowed to use Time Bar and ignore clear Constitutional violations and new evidence which does not have a statute of limitations due to nature of evidence, and thusly deny them?~~

Questions Presented

Why is a case allowed to stand in the face of clear Cronk and Strickland violations, the fact of new evidence - of the type which carries no statute of limitations on discovery, and Constitutional violations - of which could have changed the outcome of the trial?

Why are the lower courts allowed to immediately and consistently use a Time Bar and ignore clear Constitutional Violations and thusly deny them?

Why is an Attorney allowed to totally abandon their client at all critical stages of trial - fully falling into the test for Cronk; state to the client's Jury pool in Voir dire and to the Jury in his opening statements that his client is ~~guilty~~ indeed guilty - proving expectation bias before the trial even begins; fail to obtain any witnesses - expert or layman - on behalf of his client; and fail to provide any meaningful adversarial testing to the ~~defen~~ Prosecution's case? How can the lower Courts allow this 5th Amendment Constitutional right to stand? How can it be made okay for a Person to be Guilty until Proven Innocent instead of Innocent until Proven Guilty?

On a direct appeal, why is a clear Conflict of Interest allowed to occur when the original Court appointed attorney for the Petitioner returned to the County District Attorney's Office - Appellate Division and be placed as the lead DA on the same case they were just the Defense Appellate Attorney for, having been so for over 30-days?



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

See Attached

1. Ramsey v. State No. 05-14-01282-CR Court

TABLE OF CONTENTS

OPINIONS BELOW	8
JURISDICTION.....	9
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	10
STATEMENT OF THE CASE	12-18
REASONS FOR GRANTING THE WRIT	19
CONCLUSION.....	20

INDEX TO APPENDICES

APPENDIX A	Ramsay v. State
APPENDIX B	Ramsay v. Erwin
APPENDIX C	Ramsay v. Ex Parte Ramsay
APPENDIX D	Ramsay v. Dir. Tex. Dept. Crim. Justice-Corr. Insts. Dir
APPENDIX E	Ramsay v. Lumpkin
APPENDIX F	Copy of Article with Judy Pat Williams Statement of abuse marked

TABLE OF AUTHORITIES CITED

CASES

See Addition (pg. 2)

PAGE NUMBER

STATUTES AND RULES

USCS Const. Amend. 6

USCS Const. Amend. 14

18 USCS § 1956

USCS Fed. Rules. Crim. Proc. R33

OTHER

Table of Authorities Cited

Cases

Pg #

United States v. Cronin 464 US 648 No. 82-6460

Strickland v. Washington 464 US 668 No. 82-1554

Crawford v. Washington 541 US 36 No. 02-9410

Powell v. Alabama 287 US 45 (1932) Nos. 98, 99, 100

Arvey v. Alabama 308 US 444, 446 (1940) No. 124

Groseclose v. Bell 130 F.3d 1161 No. 95-6262

Stanley v. Bartley 465 F.3d 810 No. 06-2184

United States ex rel. Hampton v. Liebach 347 F.3d 219 No. 01-4186

Rega v. US 263 F.3d 18 No. 00-2287

United States v. Chaney 715 F.2d 543 No. 82-5363

Ake v. Oklahoma 470 US 68 No. 83-5424

United States v. Lofton 716 F.2d 918, 920 No. 85-1177

Florida v. Nixon 543 US 175, 187 No. 03-931

Ex Parte Welborn 785 S.W.2d 391, 396 No. 69,945

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 C-E 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 _____ 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 June 29, 2023.

☒ 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 _____.
A copy of that decision appears at Appendix _____.

☐ 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

Const. Amend. 5

Const. Amend. 6

Const. Amend. 14

18 USCS § 1956

USCS Fed. Rules Crim. Proc. R 33

STATEMENT OF THE CASE

~~Compensation~~

See attached must pages 12-18

Statement of Case

On July 23, 2014 Petitioner was sentenced to confinement in the Texas Department of Criminal Justice-Institutional Division for a term of 30 years to life. Petitioner brings forth today the case against her.

Petitioner's trial attorney of record, Mr Paul J. Johnson (Mr Johnson) entirely failed to test the case against Ms Elizabeth Ramsey (Ms Ramsey, Petitioner) thusly falling fully into Chronic standards, and also violating Ms Ramsey's 5th, 6th, and 14th Amendment rights to Due Process, Right to have effective counsel, an Impartial Jury, the compulsory process for obtaining witnesses in her favor, and many other grounds. Petitioner hopes to show the Honorable Court what the lower courts failed to see.

Mr. Johnson told the State Bar of Texas a blatant lie when he stated he had met with Ms. Ramsey several times prior to her trial, even though Ms. Ramsey was able to provide proof as to the opposite. Under the 6th Amendment right to Effective Assistance of Counsel, "Defense counsel undoubtedly has a duty to discuss potential strategies with the defendant." (Florida v. Nixon No. 03-931 HVI). How is it possible for the Defendant to consent or object to the course of action Counsel claims as the most

promising when said Counsel Pails entirely to meet with the Defendant prior to trial? Mr. Johnson took five minutes to use Video Visitation (via Securus) to introduce himself to Ms. Ramsey, ask her about what had happened to her previous counsel (Mr. Paul Brachule), and say he would come see her in the next week. Months passed with no contact or communication, and Ms. Ramsey had been given no contact information for Mr. Johnson. On July 11, 2014; the Friday prior to the Jury selections and trial beginning; Ms. Ramsey was called to Court only to be informed of Jury selections beginning Monday July, 14, 2014. Nothing else was said, and Mr. Johnson never told Ms. Ramsey of his defense strategy, nor that he planned to tell the Jury Pool during Voir dire and the seated Jury during his Opening Statements that Ms. Ramsey was guilty of the crime she was accused of. He attempted a lesser Included allusion, yet he still stated her guilt. Ms. Ramsey never had the opportunity to object to this supposed strategy. There was no full evaluation by a competent ~~pro~~ mental health professional. Instead Ms. Ramsey was left to finally open up about the abuse both JKR and she suffered at the hands

of the victim's father and Ms. Ramsey's co-defendant and their husband. Without assistance of a psychiatrist to conduct a professional examination on issues relevant to the defense, to help determine whether a [PTSD-Battered Woman's Syndrome and/or Stockholm Syndrome] diagnosis is viable, to present testimony, and to assist in preparing cross-examination of a State's Psychiatric witness, the risk of an inaccurate resolution of [Mental state at the time of the offense] is high ([Paraphrased] HNS Ake v. Oklahoma No. 83-5424). This also falls under the Scope of Protection provided by the 5th, 6th, and 14th Amendments. If Mr. Johnson had spoken with Ms. Ramsey or Mrs. Judy Williams-Mr. Ramsey's first wife and JLR's biological mother, a history of anger, violence, and abuse to both of Mr. Aaron P. Ramsey's wives, biological children, and stepdaughter would have been discovered. Mr. Ramsey while enlisted in the United States Army (E-4 Rank, 63B10 MOS) stationed at Fort Polk, Louisiana was ordered to undergo and successfully complete Anger Management and Parenting Classes due to observed interactions with his stepdaughter and JLR by Civilian CPS. In his recorded interrogations, Mr. Ramsey admitted to

her response to such situations" (United States v Lopez No 16-10241). Duress could have been discovered in conjunction with the PTSD-Battered Woman's Syndrome and learned helplessness to allow the jury to find that Ms. Ramsey's conduct could have been excused, even though the State had carried its burden of proof. Ms. Ramsey was and is able to prove that ① she was under immediate threat of death or serious bodily injury, ② she had a well grounded fear that the threat would be carried out, and ③ she had no reasonable ~~ab~~ opportunity to escape as Mr. Ramsey did not work at the time and lorded over both SLR and Ms. Ramsey 24/7. Mr. Johnson only recalled 2 State witnesses; Mr. Ralph E. Brinkley (deceased March 22, 2018 Dallas, Dallas County), and Ms. Julie Ramsey. Mr. Brinkley (Ms. Ramsey's father) was questioned about Ms. Ramsey's high-school life 10-years prior to her marriage. Ms. Julie Ramsey (Mr. Ramsey's mother) was only asked about Mr. Ramsey's nickname in the Army, "King." This was the totality of the "mental health" defense as records (unavailable to Petitioner for submission as evidence) will show on July 22, 2014.

"If no Assistance "For" the accused's defense is provided then the Constitutional guarantee has been violated. To hold otherwise ~~the~~ could convert the appointment of counsel into a sham and nothing more than a formal compliance with the Constitution's requirement that an accused be given Assistance of Counsel. The Constitution's guarantee of Assistance of Counsel cannot be satisfied by mere formal appointment" (Avery v. Alabama No. 124 - Emphasis added.).

Ms. Ramsey's right to Confrontation was also violated by Mr. Johnson's Failure to subpoena Mr. Ramsey, who repeatedly stated he was willing to testify on her behalf; or interview him in regards to his Formal Station House interrogation in which Mr. Ramsey did not corroborate with the evidence that Ms. Ramsey was connected to the offense. It merely stated she was in the house, and that he refused to allow Ms. Ramsey to call for medical help when she tried (Ramsey v. State No. 05-13-00575CR).

All the preceeding and more could have been discovered had Mr. Johnson acted in his professional and Constitutional duties, showing that Ms. Ramsey suffered from PTSD-Battered

"If no Assistance For" the accused's defense is provided then the Constitutional guarantee has been violated. To hold otherwise ~~the~~ could convert the appointment of counsel into a sham and nothing more than a formal compliance with the Constitution's requirement that an accused be given Assistance of Counsel. The Constitution's guarantee of Assistance of Counsel cannot be satisfied by mere formal appointment" (Avery v. Alabama No. 124 - Emphasis added.).

Ms. Ramsey's right to Confrontation was also violated by Mr. Johnson's Failure to subpoena Mr. Ramsey, who repeatedly stated he was willing to testify on her behalf; or interview him in regard to his Formal Station House interrogation in which Mr. Ramsey did not corroborate with the evidence that Mrs. Ramsey was connected to the offense. It merely stated she was in the house, and that he refused to allow Ms. Ramsey to call for medical help when she tried (Ramsey v. State No. 05-13-00575 CR).

All the preceeding and more could have been discovered had Mr. Johnson acted in his professional and Constitutional duties, showing that Ms. Ramsey suffered from PTSD-Battered

Woman's Syndrome, learned helplessness, and Stockholm Syndrome. That the psychological torture by Detective Greene would not have coerced the wanted statement from Ms. Ramsey, simply so she could stop the abuse and torture by another man.

I pray that I have shown that Ms. Ramsey's mental state would have had a significant factor in her trial, and that Mr. Johnson's failure to hire a psychiatric professional, provide witnesses on the behalf of Ms. Ramsey, ~~and~~ failed to put pressure on the State's Burden of Proof by subjecting their case to meaningful adversarial testing and violating her Protections under the United States Constitution.

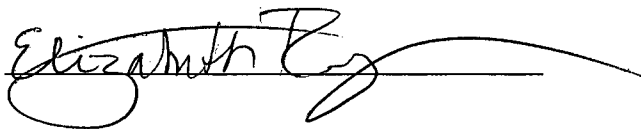
REASONS FOR GRANTING THE PETITION

To uphold the Constitution and correct an injustice done by the lower courts. To show that the Criminal Justice System is fair and correct and to show Domestic Violence Survivors we do have a voice.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Elizabeth E. [unclear]", written over a horizontal line.

Date: March 14, 2024