

111
No. 24-5207

In the Supreme Court of the United States

E.C.

Petitioner

v.

QT

Respondent

On Petition for Writ of Certiorari to the
Court of Appeals of Texas
Second District at Ft. Worth

Petition for Rehearing En Banc

Respectfully Submitted,



Eric Crane TDCJ #2283005 Pro se
Pack Unit

2460 Wallace Pack
Navasota, Texas 77868



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TDOJ Offender Orientation Handbook dated Feb. 2017 Page 134	16

Table of Authorities

Cases

Misigano v. Bassowau 2012
Tex. App. Lexis 467
02-10-00473-CV

Texas Constitution, Statutes, and Rules

Tex Const. Art. 1 § 19

Secondary Authorities

U.S. Const. Amend V
U.S. Const. Amend VI
U.S. Const. Amend XIV § 1

Statement of the case

The appellate court contradicts itself and denies Pro se defendant Due process rights guaranteed by the 5th, 6th, and 14th amendments of the United States Constitution and Art. 1, § 19 of the Texas State Constitution when the Second Appellate Court of Ft. Worth, Texas denied Pro se defendant a remand hearing on termination of his parental rights.

Petition for Rehearing En Banc

The Supreme Court decision not to hear this previous petition for certiorari clearly violates the 5th, 6th, and 14th Amendments of the United States Constitution and Art. I, § 19 of the Texas State Constitution by the lack of Due process suffering life, liberty and/or property.

This petition for the Supreme Court is to remand a parental rights termination hearing back to the 467th Judicial District Court in Denton County, Texas, where said court denied Due process rights of the 5th, 6th and 14th amendments and



the Texas State Constitution under Art. 1 §19, when they failed to follow the Texas Department of Criminal Justice (TDCJ) regulation by not notifying them so petitioner could appear and be heard at the final hearing via video conference so pro se inmate could present his defense, have face-to-face confrontation of witnesses, present evidence and/or testimony in his defense at his hearing.

Arguments and Authorities

The appellate court of Ft. Worth contradicted itself in their ruling, denying Pro se defendant

Due process when the Court ruled that Pro se defendant had been given notice of Zoom

video conference call, but the Texas Department of Criminal Justice Offender Orientation

Handbook page 134, date February 2017

states:

"TDCJ requires a court order or a letter signed by the judge, on official letterhead, requesting

the offender participate in a telephone or video conference. The court order or signed letter should



be sent to the offenders' unit of assignment."

So when the trial court failed to notify TDCT by a court order or signed letter by the judge, they denied Pro se offender from appearing and being heard in Court, to have face-to-face confrontation, to present evidence or witnesses in his defense, testify in his defense and hear evidence against him.

Previously in 2012, The Second Appellate Court of Ft. Worth ruled in *Misigaro v. Bassow* (2012)

Tex. App. Lexis 467; 02-10-00473-CV. "An

Appellate reviewed a trial court's determination to



conduct a hearing without an inmates participation under an abuse of discretion standard. A trial Court abuses its discretion only when the inmate has been effectively barred from presenting his case."

When the trial court abuses its discretionary powers by not following established State Rules and Regulations so an inmate may participate in a hearing, this is an abuse to deny inmates Due process and Grewith violates the 5th, 6th, and 14th amendments and Art. 1. § 19 of the Texas State Constitution. The mere notice, if not followed up with proper established



procedural Due process, is not adequate since the Court did not fulfill its requirements by law and Regulation for inmate to proceed; so said inmate was denied access to the Court for termination of parental rights hearing. This court should remand for a new hearing so Pro se inmate may participate.

Certificate of Good Faith

Comes now, Petitioner, E.C., and makes certification in good faith pursuant to Rule 44. E.C. further states the following:

1. This Court entered its judgment denying petitioner a Writ of Certiorari on November 4th, 2024. Petitioner believes that he presents this Court with adequate grounds to justify the granting of rehearing in this case and said petition is brought in good faith and not for delay. Furthermore, petitioner believes that based upon the law of this Court and the facts of this case, E.C. is entitled to relief which has been unjustly denied. He further believes that if the Court of Appeals of Texas, Second District at Ft. Worth, are continually allowed to apply the 5th, 6th, and 14th amendment and Art. 1 §19 of the Texas State Constitution improperly, a number of people will be denied their constitutional right to due process.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on this 25th day of November 2024.



Certificate of Good Faith

Comes now Petitioner E.C. and makes this certification in good faith pursuant to Rule 44. E.C. further states the following:

1. This Court entered its judgment denying petitioner a Writ of Certiorari on November 4th, 2024. Petitioner believes that he presents this Court with adequate grounds to justify the granting of rehearing in this case and said petition is brought in good faith and not for delay. Furthermore, petitioner believes that based upon the law of this Court and the facts of this case, E.C. is entitled to relief which has been unjustly denied. He further believes that if the Court of Appeals of Texas, Second District at Ft. Worth are continually allowed to apply the 5th, 6th, and 14th amendment and Art. 1 § 19 of the Texas State Constitution improperly, a number of people will be denied their constitutional right to due process.

I declare under the penalty of perjury that the foregoing is true and correct

Executed on this 12th day of December, 2024.



Eric Crone Pro Se

Attorney for Petitioner

Certificate of Service

This certifies that the undersigned served this Petition for Rehearing En Banc, on Queenycota Thompson by sending it to her lead counsel, Staci Schwartz Whitman at Friends of the Family located 4845 S. I-35 E, Corinth, Texas 76201 on the 25th day of November, 2021.



Eric Grone, Pro Se

Attorney for Petitioner



Constitutional Authorities

U.S. Const. Amend V

Rights of the Accused Persons

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in Militia, when in actual service in time of War or in public; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb, or shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use; without just compensation.

U.S. Const. Amend VI

Right to speedy trial, Witnesses, ect.

In all criminal prosecutions, the accused shall enjoy the right to a public and speedy trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have previously ascertained by law and to be



informed of the notice and witnesses against him; to have compulsory process for obtaining witnesses in his favor and to have the assistance of counsel for his defense.

U.S. Const. Amend XIV §1

Citizenship rights not to be abridged by States

All persons born or naturalized in the United States and subject to jurisdiction thereof are Citizens of the United States and of the State wherein they reside; no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; 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 laws.

Tex. Const. Art. 1 §19

Deprivation of Life, Liberty, Property, ect. by Due Course of the Law.

No citizen of this State shall be deprived of Life, Liberty, Property, privileges or immunities or in



any manner disfranchised except by the due
course of the Law.

Certificate of Compliance

This certifies that the undersigned attorney declares under the penalty of perjury on the 12th day of December, 2024 that the petition for Rehearing En Banc contained within and states that the grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

A handwritten signature in dark ink, appearing to read 'Eric Crane', with a long horizontal stroke extending to the right.

Eric Crane, Pro Se

Attorney for Petitioner

Certificate of Service

This certifies that the undersigned served this Petition for Rehearing En Banc on Queenyeta Thompson by sending it to her lead counsel, Staci Schwartz Whitman at Friends of the Family located 4845 S. F-35 E. Corinth, Texas 76201 on the 12th day of December, 2024.

A handwritten signature in dark ink, appearing to read 'Eric Crane', with a long, sweeping horizontal stroke extending to the right.

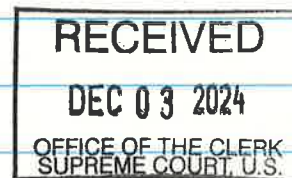
Eric Crane, Pro se

Attorney for Petitioner

Eric Crane TDET #2253005
Pack Unit
2400 Wallace Park
Newport, Texas 77868

25th of November, 2024

To: Scott Harris, Clerk
United States Supreme Court
1 First Street N.E.
Washington D.C. 20543



Re: Petition for Rehearing En Banc in Cause 24-5207 E.C. v. QT

Dear Mr. Harris,

Enclosed for filing in the above-styled cause is Petitioner's Petition for Rehearing En Banc.

There is no filing fee enclosed because Petitioner is deemed indigent.

By copy of this letter, opposing counsel are being furnished a copy of the above document.

Thank you for your attention to this matter.



Respectfully Submitted



Eric Crane, Pro se

Attorney for Petitioner

This document is deemed
filed on the 25th of
November, 2024 when the
Petitioner deposited it in the
prison mail system under
@Campbell v. State 320
S.W. 3d 338

