

No. WR-95,528-01

**24-5215**

**ORIGINAL**

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.  
FILED

JUN 20 2024

OFFICE OF THE CLERK

Patrick Wayne Baker — PETITIONER  
(Your Name)

vs.

Bryan Collier, TDCJ Director — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Texas Criminal Court of Appeals

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

PETITION FOR WRIT OF CERTIORARI

Patrick Wayne Baker  
(Your Name)

2664 FM 2054  
(Address)

Tennessee Colony, Texas 75886  
(City, State, Zip Code)

(Phone Number)

**QUESTION(S) PRESENTED**

WHETHER TEX. GOV'T CODE 508.283(b)(c) VIOLATES DUE PROCESS  
AND SHOULD BE DECLARED UNCONSTITUTIONAL?

WHETHER THE TEXAS LEGISLATIVE BRANCH IS AUTHORIZED TO CREATE  
A LAW THAT GIVES THE EXECUTIVE BRANCH AUTHORITY TO ACT AS  
THE JUDICIAL BRANCH WITHOUT VIOLATING DUE PROCESS OF LAW ?

## TABLE OF AUTHORITIES CITED

### CASES

### PAGE NUMBER

M.G. V TEX.DEPT.OF FAMILY SERVICES 300 S.W.3d 305(Tx.App.)

### STATUTES AND RULES

TEX. GOV. CODE 508.283 (b)(c)

### OTHER

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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☐ is unpublished.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☐ is unpublished.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   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☒ is unpublished.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 265TH JUDICIAL DISTRICT court appears at Appendix   B   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☒ is unpublished.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 5-1-2024.  
A copy of that decision appears at Appendix \_\_\_\_<sup>A</sup>\_\_\_\_.

☐ 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**

TEX. CONST. ART.1, SEC. 19

14TH AMENDMENT

TEX. GOVT. CODE 508.283 (b)(c)

## STATEMENT OF THE CASE

AFTER PAROLE REVOCATION ON 10-25-2022, TDCJ INSTITUTIONAL  
DIVISION INVOKED Tex.GOV'T. CODE 508.283 (b)(c) AS IT'S BASIS TO  
FORFEIT 5 YEARS CREDIT OF A JUDICIALLY IMPOSED 60 YEARS PRISON  
TERM, THEREBY, EXTENDING THE JUDICIALLY IMPOSED SENTENCE.



## REASONS FOR GRANTING THE PETITION

THE EXECUTIVE BRANCH HAS CROSSED BOUNDARIES OF THE JUDICIAL BRANCH AND IMPOSED AN ADDITIONAL 5 YEAR TERM IN VIOLATION OF DUE PROCESS OF THE 14TH AMENDMENT AND ART.1, SEC.19 TEX.~~CONST.~~ SEPARATION OF POWERS PROVISION. TEX.GOV'T. CODE 508.283(b)(c) IS UNCONSTITUTIONAL. UNDER THE CIRCUMSTANCES, TEX.GOV'T.CODE 508.283 (b)(c) WILL ALWAYS OPERATE UNCONSTITUTIONALLY.

PETITIONER HAS MET THE REQUIREMENT OF SHOWING THE TEXAS STATUTE IS FACIALLY INVALID AND OPERATES UNCONSTITUTIONALLY WHEN APPLIED TO HIS SITUATION. SEE M.C.V TEX.DEPT.OF FAMILY & PROTECTIVE SERV., 300 S.W. 3d 305 (TEX.APP.- 8TH DIST 2009).

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Patrick Wayne Boker

Date: July 20th, 2024