

IN THE
SUPREME COURT
OF THE
UNITED STATES

HUGO RANGEL-BOTELLO
- PETITIONER, PRO SE
V.

KEN PAXTON, TEXAS
ATTORNEY GENERAL
- RESPONDENT

PETITION
FOR A
WRIT OF
CERTIORARI
No. 24-5859

PETITION FOR REHEARING REGARDING
SUPREME COURT'S DECISION

Comes now Petitioner Hugo Rangel-Botello, Pro Se, who wishes to inform this Honorable Court of the following:

On January 13, 2025 this Court denied Rangel's Petition for a Writ of Certiorari. Rangel had originally submitted this Petition for Rehearing on January 31st, 2025 pursuant to U.S. Supreme Court Rule 44, however the Petition for Rehearing was returned on February 4, 2025 due to its failure to comply with Rule 44. This corrected Petition for Rehearing is being submitted in good faith and not for delay.

Petitioner Rangel prays the Court will take the following into consideration:

STATEMENT OF THE ISSUES

- i.) Did the 105th District Court of Kleberg County, Texas abuse its discretion in not granting Petitioner Rangel a full and fair evidentiary hearing, thereby preventing Rangel from proving his claim of a constitutional violation of the VI Amendment of the U.S. Constitution?
- ii.) Is the Court of Criminal Appeals of Texas' judgement based on a document with the wrong information and their refusal to take notice of Rangel's letters/requests an unconstitutional denial of Due Process under the XIV Amendment?

ARGUMENT

- i.) Did the 105th District Court of Kleberg County, Texas abuse its discretion in not granting Petitioner Rangel a full and fair evidentiary hearing, thereby preventing Rangel from proving his claim of a constitutional violation of the VI Amendment of the U.S. Constitution?

On December 2023 Rangel submitted an Application for a Writ of Habeas Corpus pursuant to Art 11.07 of the Texas Code of Criminal Procedure. Along with said Application, Rangel also submitted a Memorandum of Law

in support of it and several affidavits (See Appendix 1). Said documents supported Rangel's claim of ineffective assistance of Counsel regarding inaccurate parole advice. See Ex Parte Moussazadeh 361 S.W. 3d 684 (Tex. Crim. App. 2012) (A defendant needs accurate information regarding parole information in order to make an informed decision).

On February 1st, 2024 the State submitted to the District Court the "State's Answer to Defendant's Application for Writ of Habeas Corpus Pursuant to Art. 11.07 of the Texas Code of Criminal Procedure." (See Record).

On said Answer, the State denied the claims of Rangel's Application mostly due to a document titled "Court's Written Admonishments to Defendant on Defendant's Plea of Guilty or Nolo Contendere." (See Record).

Petitioner Rangel submitted a Reply to the State's Answer on February 12, 2024 wherein he contested the proposed claims of the State and requested an evidentiary hearing in order to prove his claims (See Record).

In said Reply, Rangel informed the District Court of the fact that the document "Written Admonishments" prove that Counsel did not review it with Rangel. (Counsel signed said document claiming he did, yet did not notice all the incorrect and missing information).

Rangel received the State's Answer on the 7th of February and submitted his Reply in a timely manner

on the 12th of February. The District Court accepted the State's Answer on the 1st of February, the same day the State submitted its Answer and six days before Rangel was to receive a copy (See Appendix 2).

The record will show that throughout the Application for a Writ of Habeas Corpus Process Rangel never received a copy of the Court Order as per section 7 of The 11.07 Texas Code of Criminal Procedure. The record will also show that Rangel requested said order from both the District Court and the Court of Criminal Appeals of Texas.

The 105th District Court automatically recommended to deny relief due to the recommendation of the State. The State's recommendation relied on the contents of a document that proves that Rangel did not receive effective assistance of Counsel. The proof can be inferred from the fact that if Counsel had reviewed said document (as they signed claiming to do) they would have noticed the incorrect and missing information.

The District Court would have noticed the incorrect and missing information if it had taken Rangel's Reply into consideration. Furthermore, if said Court had held an evidentiary hearing the findings of the hearing would have supported Rangel's claims in regards to his Application for a Writ of Habeas Corpus. See Hall v. Quarlerman, 534 F.3d 365, 369 (5th Cir. Tex. 2008) (Case where state failed to provide a full and fair

evidentiary hearing and where such a hearing would bring out facts which, if proven true, support habeas relief).

ii) Is the Court of Criminal Appeals of Texas' judgement based on a document with the wrong information and their refusal to take notice of Rangel's letters/requests an unconstitutional denial of Due Process under the XIV Amendment?

On April 1st 2024 Rangel received an Official Notice from the Court of Criminal Appeals of Texas stating that his Application for a Writ of Habeas Corpus has been received (See Record). In response Rangel sent a Notification to said Court on the same day regarding the incorrect information found on both the "written Admonishments" and the Official Notice itself (The Notice had an incorrect Trial Court number) (See Record).

If the Court of Criminal Appeals of Texas had taken Rangel's Notification into consideration, the following Official Notice, sent on May 1st 2024, would have had a corrected Trial Court Number. Said Notice also stated that the Court of Criminal Appeals of Texas was denying Rangel's Application due to the recommendation of the trial Court and the investigation of the record by the Court of Criminal Appeals of Texas (See Record).
On May 10th, 2024 Rangel sent a Motion for

Reconsideration' to the Court of Criminal of Texas (See Appendix 3). In said Motion Rangel again contested all the proposed arguments against his application and a defense of the claims in support of it. The Motion was denied 10 business days later (See Record).

If the Court of Criminal Appeals of Texas did an independent investigation of the record, how could said Court overlook a different cause number after Rangel brought it to their attention, unless said Court ignored Rangel's letters and requests.

The Fourteenth Amendment of the Constitution of the United States requires that State actions should be consistent with fundamental principles of liberty and justice which lie at the basis of all our civil and political institutions.

Hebert v. Louisiana, 272 U.S. 312 (1926)

Throughout the 11-07 Application for a Writ of Habeas Corpus process Rangel has attempted to inform both the 105th District Court and the Court of Criminal Appeals of Texas that if he were granted an evidentiary hearing, all witnesses can attest to the fact that he received ineffective assistance of Counsel. The District Court did not wait for a Reply and the Court of Criminal Appeals ignored Rangel. How is this consistent with the fundamental principles which lie at the basis of all our civil and political institutions?

CONCLUSION

Rangel's former attorneys never reviewed the 'written Admonishments' with him, the witness affidavits and the document itself prove that it is more complicated than a simple 'Clerical error.' This is a recurring issue where anyone that has never had any experience in a Court setting might find themselves in. Rangel humbly requests that this Honorable Court reconsider his Petition for a Writ of Certiorari and address this issue in order to prevent future citizens from not only being misrepresented by counsel, but also being ignored when it comes to post-conviction litigation. Rangel appreciates this Court for taking this matter into consideration.

Respectfully submitted this 18th day February, 2025.

Respectfully,

Hugo Rangel

Hugo Rangel-Botello

#02258976

Petitioner, Pro Se

Connally Unit

899 FM 632

Kenedy, TX 78119

CERTIFICATE OF AN UNREPRESENTED PARTY

I, Hugo Rangel-Botello, Petitioner Pro Se, do swear that:

- i.) This Petition for Rehearing Regarding Supreme Court's Decision has been filed on this 18th day of February 2025;
- ii.) It is presented in good faith and not for delay;
- iii.) The grounds of said Petition are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented;
- iv.) As per the Supreme Court's Clerk's instructions a corrected Petition is being submitted within the 15 days that this Honorable Court received the original Petition for Rehearing (February 4, 2025);
- v.) This Court has previously granted Petitioner permission to proceed in forma pauperis.

UNSWORN DECLARATION

My name is Hugo Rangel-Botello, my date of birth is July 11th 1991, and inmate identifying number is 02258976. I am currently incarcerated in The Connally Unit in Kenedy, Karnes County, Texas, 78119. I declare under penalty of perjury that the

foregoing is true and correct.

Executed on the 18th day of February 2025

Hugo Rangel

Respectfully,

Hugo Rangel

Hugo Rangel-Botello

#02258976

Petitioner, Pro Se

Connally Unit

899 FM 632

Kenedy, TX 78119

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing documents (Certificate of an Unrepresented Party; Petition for Rehearing Regarding Supreme Court's Decision; Memorandum of Law in Support of Hugo Rangel-Boitellos Application for a Writ of Habeas Corpus; Court Order; Motion for Reconsideration) have been served by placing them in the United States Mail, via First Class on February 18th, 2025 addressed to:

Office of the Clerk
Supreme Court of
The United States
Washington, DC 20543-0001

Respectfully,
Hugo Rangel
Hugo Rangel-Boitellos
Petitioner, Pro Se
#02258976
Connally Unit
899 FM 632
Kenedy, TX 78119

**Additional material
from this filing is
available in the
Clerk's Office.**