

24-6382
No. _____

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SEP 03 2024
OFFICE OF THE CLERK
SUPREME COURT U.S.

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

in re Smith

Cady Lou Smith — PETITIONER
(Your Name)

vs.

TXCA WR 87797 03 — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

TX Ct of Crim. App. No WR 87-797-03
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Cady Lou Smith
(Your Name)

Powledge Unit 1400 Fm 3452
(Address)

Palestine Texas 75803
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

When a State Court permits proven criminal enterprise within judiciary, allows systematic Brady Violation, ignores Mandatory recusal requirements, Sanctions Ex Post Facto prosecution and permits Void jurisdiction to continue does this create such extraordinary conflicts with Supreme Court Authority that review is required under Rule 10(c)?

When criminally corrupt judge transfers case to Successor judge who knows of predecessors Corruption Scheme, has knowledge of Magistrate conflicted interest fails to recuse despite conflicts, perpetuates Constitutional Violations does this create a jurisdictional Void that renders all subsequent proceedings NULL as Subject-Matter cannot be created through Void authority?

Under ART III convergence, jurisdiction, Brady Violations, Home Telephone Doctrine, Luby Standards 28 USC 455-28 USC 631, 636 Violations, Tex Code of Judicial Conduct Rule 52(b) Plain Error does this systematic corruption of every institutional Safeguard require New Constitutional framework to prevent weaponization of Judicial Systems against the public?

When a Subpoenaed Magistrate judge fails to disclose an intimate relationship with defendant to any required authority then, participates in PSI to testify against the defendant does this comprehensive concealment of Material Conflicts create such an extraordinary Violation of judicial ethics that it voids all proceedings where the conflict was present?

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[x] 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:

From the 198th Judicial District Court, Kerr County,
Texas Trial Court Nos B-07-057 B-15-631 Karl E Prohl
Melvin Rex Emerson, Judge's presiding and 198th
Magistrate Kathy K Mitchell presiding in
PSI (ex-girlfriend) undisclosed?
D.A. Scott Monroe Defense Counsel Clay B Steadman

RELATED CASES

Kerr County Case B-07-057 filed Feb. 2, 2007
Ex Post Facto Charge

Kerr County Case B 15 159 filed by Magistrate
Kathy K Mitchell 4-21-15 Murder Charge Dismissed

Kerr County Case B 15 631 filed by Magistrate
Kathy K Mitchell 11-23-15 Disposed of

Court of Criminal Appeals of Texas WK 97797-03
Tr Ct No B 15631-2 dismissed June 5, 2024

Smith v State 2017 Tex App San Antonio June 23, 2017

Smith v State 2019 Tex App San Antonio Feb 27, 2019

Mie Smith 2019 Tex Crim App June 19, 2019

Smith v Lumpkin 2021 US Dist (WD Tex) July 6 2021

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A	Decision Tex H-Gim App June 5 th 2024
APPENDIX B	Decision B07507 Feb 7, 2007
APPENDIX C	Decision B15631 June 9, 2016
APPENDIX D	
APPENDIX E	
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES B07507-B15631

PAGE NUMBER

(Brady v Maryland 373 US 83) * established duty to disclose material exculpatory evidence - suppression of favorable evidence violates due process * (HOME TELEPHONE VS Los Angeles 227 US 278) * State official actions constitutes State Action even when unauthorized - Constitutional violations actionable regardless of state law violations * (Litky v United States 510 US 540) * established standards for judicial bias and recusal defined "extrajudicial source doctrine" * Recognize "deep-seated antagonism" exception

STATUTES AND RULES

28 USC 631, 636 Magistrate Act appointment
28 USC 455 federal judicial disqualification requirement - mandatory recusal when IMPARTIALITY reasonably questioned - SPECIFIC CIRCUMSTANCES requiring judicial disqualification
FR Crim R 52(b) Plain Error
Fed Code Judicial Conduct
Canon 2 (Avoiding impropriety and Appearance of impropriety)
Canon 3E (disqualification Requirements)
Canon 6C (Judicial Conduct Provisions)
Constitutional (Bill of Rights) Amendments
XVI ART III Standing

OTHER

* DUE PROCESS - EQUAL PROTECTION CLAUSES
* State Action Doctrine
* EX POST FACTO Clause
"And who had sworn with an Oath to uphold the Judicial Authority of United States"

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 _____ 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 _____.

☐ 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 June 5, 2024
A copy of that decision appears at Appendix A.

☐ 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

The instant case presents a profound miscarriage of justice where actual innocence is overshadowed by an unprecedented criminal enterprise operating within the criminal justice system itself. Multiple Brady Violations, law enforcement through prosecution, probation and the judicial - all constituting STATE ACTION under Home Telephone Foundational Principles, Ex Post Facto charge. Each violation independently triggers Constitutional concerns under 28 USC 455, while collectively demonstrating a systemic failure requiring remedy under 14th Ky Judicial bias standard and the Texas Code of Judicial Conduct. The case involves not merely isolated incidences of misconduct but rather criminal conspiracy where the 198th District Attorney's office prosecuted defendants to generate probation fees which were systematically embezzled by corrupt 198th dist court officers, including one subsequently convicted of 35 felonies for such conduct. The criminal enterprise operated under the supervision of the 198th district judge who was simultaneously engaged in theft with the district attorney of county probation funds during the relevant period (2004-2007). The Brady Violations exist within this extraordinary chain of Constitutional violation that systematically destroyed any possibility of a fair trial. Law enforcement officers engaged in deliberate misconduct during initial investigation (2005) including the knowing falsification of official reports and suppression of exculpatory evidence that identified the actual perpetrator, who was improperly released from the scene. The defendant's BAC was below legal limit yet this exculpatory evidence was minimized while false evidence was promoted. This systemic abuse of power violating defendant's Fourteenth Amendment rights, extended through multiple layers of the judicial system; A 198th district judge proven to have engaged in corruption, A 198th successor dist judge alleged cover-up and retaliatory sentencing, and the 198th district Magistrate judges improper testimony despite an undisclosed intimate relationship with the defendant, a defense counsel's potential complicity in all the JUDICIAL MISCONDUCT. These Due Process, Equal Protection violations represent a complete breakdown of constitutional protections, with prejudice manifesting through multiple independent sources;

direct financial corruption proven in the case,
personal bias of the 198th district court Mag-
istrate judges undisclosed intimate relationship,
the retaliatory bias through sentencing by the 198th
district court Successor judge for illegal probation.
And the cumulative effect of multiple impropri-
ties through State Actions by 198th district court
and county officers and officials, voiding Subject-
Matter Jurisdiction from inception.

STATEMENT OF THE CASE

SYSTEMIC BREAKDOWN OF JUDICIAL INTEGRITY & AUTHORITY

The convergence of statutory violations Jurisdictional voids and structural errors presents an unprecedented assault on Constitutional Justice. The Magistrate, (Kathy K Mitchell), Judges egregious violations of 28 USC § 631, 636 were strategically weaponized by the District Attorney, (Scott Monroe), knowingly perpetrated by the Successor (Melvin "Rex" Emerson Jr), Judge and enabled defense Counsel (Clay B Steadman), creating a catastrophic collapse of judicial integrity. Subject-Matter Jurisdiction was fundamentally void ab initio, beginning with Ex Post Facto Charge from 2005 being improperly resurrected in 2007 during a period when the Original (Karl E Prohl) Judge was actively stealing from the probation he oversaw (2004-2007). The District Attorney (Scott Monroe), calculated decision to Subpoena a sitting Magistrate, (Kathy K. Mitchell) Judge with undisclosed intimate relationship to the defendant represents an extraordinary Abuse of Prosecutorial Power that violates not only, the Magistrate Statute but creates an irreparable Structural Error, this Weaponization of judicial testimony occurred within a framework of already void Subject-Matter Jurisdiction, as the Ex Post Facto Prosecution itself lacked Constitutional Authority. The Successor, (Melvin "Rex" Emerson Jr), knowing perpetuation of the Jurisdictional defects, while allowing testimony from a Conflicted Magistrate, (Kathy K Mitchell) during PSI compounds the Structural Error to a degree requiring automatic reversal. The Convergence of these Constitutional violations created a perfect storm of Jurisdictional and Structural failure. The Magistrate improper dual role as judge and witness Orchestrated by the District Attorney's Strategic Subpoena occurred within a system already lacking Subject-Matter Jurisdiction due to Ex Post Facto prosecution. Each actors conduct contributed to the Structural Breakdown: The Magistrate exceeding Statutory Authority, the District Attorney Manipulating judicial testimony, the Successor Judge knowingly proceeding without Jurisdiction, and defense Counsel failing to challenge these fundamental defects. This extraordinary conspiracy among STATE ACTORS demolished every level of My CONSTITUTIONAL PROTECTION.

The original VOID Jurisdiction from Ex Post Facto Charges was exponentially compounded by the Magistrates Statutory Violations deliberately exploited by District Attorney and knowingly perpetrated by the Successor Judge. The Structural Error permeates every aspect of the proceeding: from the inception of charges outside Constitutional Authority through the Weaponization of Judicial testimony to the knowing perpetration of VOID Jurisdiction. The systematic destruction of Constitutional Safeguards by these coordinated actors demonstrates not nearly individual violations but a complete collapse of judicial integrity requiring Supreme Court intervention. Subject-Matter Jurisdiction was VOID from inception through EX POST FACTO prosecution, further VOIDED by the Original Judges Criminal Conduct and irreparably corrupted by the Manipulation of Judicial Authority. The Structural Error — from Weaponized Magistrate testimony to knowing perpetration of VOID proceedings — create Constitutional violations so fundamental that all proceedings must be declared null — ab initio

REASONS FOR GRANTING THE PETITION

ART III STANDING ANALYSIS: This convergence of causation and redress ability in this case presents a compelling demonstration of ART III Standings that demand Supreme Court intervention. The direct chain of causation begins with unconstitutional Ex Post Facto charges (2005-2007) extends through the Original judges Criminal enterprise (proven by Conviction) and culminates in the deliberate Weaponization of Judicial authority through the District Attorney calculated Subpoena of a Magistrate Judge with an undisclosed intimate relationship to the defendant. Each link in this Causal chain represents a distinct Constitutional Injury, directly traceable to specific State Actors whose criminal conduct has been through multiple criminal convictions. The Causation element is further strengthened by the systematic nature of the Constitutional Violations. The Original theft from probation system presiding over cases (2004-2007) created void jurisdiction. Which was then knowingly by a successor judge who allowed prejudicial testimony from a conflicted Magistrate during PSI proceedings. This extraordinary series of connected Constitutional Violations demonstrates causation far beyond mere speculation or coincidence. The Causal relationship between STATE ACTION and Constitutional INJURY is proven through criminal conviction court records and documented abuse of Judicial authority. The redressability prong of ART III Standing is equally compelling. As the Supreme Court possesses clear authority to remedy these extraordinary Constitutional Violations. The Court can declare all proceedings void ab initio due to lack of Subject-Matter Jurisdiction, recognize the Structural Error created by systematic corruption and establish new standards to prevent future Weaponization of Judicial authority. The available remedies directly address both individual and Constitutional injuries a systematic institutional failures. The convergence of comprehensive causation and clear redressability creates an exceptional circumstance demanding Supreme Court intervention. I

When State actors operate a proven criminal enterprise within the judiciary, target an ADA qualified individual through coordinated Constitutional violations and DELIBERATELY corrupt every level of judicial, the Courts authority to remedy these violations becomes PARAMOUNT. The systematic destruction of Constitutional protections — from VOID JURISDICTION through Structural Error — presents precisely the type of case ART III empowers this Court to address. This case transcends ordinary Standing Analysis, presenting instead a fundamental challenge to judicial integrity that only the Supreme Court can remedy. The direct causation established through multiple criminal convictions of State Actors combined with the Courts clear authority to declare proceedings VOID and correct Structural Errors, creates an extraordinary circumstance where both prongs of ART III Standing Coalesce to demand intervention. The preservation of Constitutional Justice requires immediate action to address these unprecedented violations and prevent IRREPARABLE damage to JUDICIAL INTEGRITY.

Reason For Granting Certiorari

I Extraordinary Combination of Constitutional Violations

(A) Multiple Independent Brady Violations

- 1) Suppression of Exculpatory Police Report
- 2) Concealment of Favorable Blood Alcohol Content Evidence
- 3) Release of Actual Perpetrator
- 4) Knowing use of False Evidence

(B) Proven Criminal Enterprise Within Justice System

- 1) 198th Judge Convicted of Theft (2004-2007)
- 2) 198th Probation Officer = 35 Felony Convictions
- 3) 198th Dist Attorney's Office Judicial Corruption
- 4) Systematic Theft Scheme Targeting Defendants

II Novel Questions of Constitutional Law

(A) Application of Home Telephone Doctrine

- 1) Multiple State Actors Engaged in Criminal Conduct
- 2) Unauthorized Acts Constituting State Action
- 3) Scope of Constitutional Remedies Required

(B) Extension of Likelty Standards

- 1) Sequential Judicial Misconduct
- 2) Multiple Judges' Corruption
- 3) Novel Bias Circumstances

III Circuit Split Resolution Needed

(A) Treatment of Systemic Corruption

- 1) Standard for Presumptive Prejudice
- 2) Scope of Structural Error
- 3) Remedies for Institutional Breakdown

(B) Application of Brady to Systemic Misconduct

- 1) Materiality Standards
- 2) Cumulative Effect Analysis
- 3) Institutional Concealment

IV National Importance

(A) Integrity of Criminal Justice System

- 1) Public Confidence At Stake
- 2) Deterrence of Institutional Corruption
- 3) Protection of Constitutional Right

(B) Guidance for Lower Court

- 1) Standards for Systemic Corruption
- 2) Framework for Institutional Remedies
- 3) Constitutional Safeguards

V Vehicle For Addressing Systematic Constitutional Violations

(A) A Clear Record of Corruption

- 1) Multiple Criminal Convictions
- 2) Documented Misconduct
- 3) Proven Conspiracy

(B) Comprehensive Constitutional Issues

- 1) Due Process Violations
- 2) Brady Violations
- 3) Judicial Misconduct
- 4) Structural Breakdown

✓ Traditional Remedies Inadequate

(A) State Court Limitations

- 1) Unable to Address Systemic Issues
- 2) Limited Remedial Authorities
- 3) Institutional Constraints

(B) Need For Supreme Court Authority

- 1) Constitutional Significance
- 2) Systemic Reform Required
- 3) National Standards Needed

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: Dec 11, 2024