

NO. _____

IN THE

SUPREME COURT OF THE UNITED STATES

CAROL JOHNELE MORRIS, TDCJ-40 # 1681899

PETITIONER

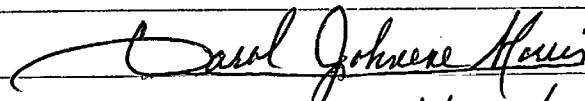
V.

LORCE DAVIS, DIRECTOR, TEXAS DEPT. OF CRIMINAL JUSTICE - I.D.

RESPONDENTS.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS FIFTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI


CAROL JOHNELE MORRIS (PRO SE)

Morris #1681899

QUESTION(S) PRESENTED ✓

- 1) WHETHER OR NOT THE CONSPIRATORS, IN RETALIATION FOR MORRIS FILING HER, TITLE 28 USC § 351 JUDICIAL COMPLAINT: NO. 09-51052; MORRIS V. JEWELL (NOV. 6, 2009-5TH CIR.); § 1983, USDC MD-08-CV-171; MORRIS V. CITY OF MEADLAND, TEXAS, ET AL, FILED DECEMBER 22, 2008, IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS (MEADLAND/OBESSA DIVISION); CR 36,894's; THE STATE OF TEXAS V. CAROL JOWNE, MORRIS, TDCJ-LA #488243; TDCJ-LA #1681899, MARCH 16, 2010's PRO SE RECUSAL MOTION; MORRIS V. SATTERWHITE (MARCH 16, 2010's PROCEEDINGS); W/ TRC'S STATE RULE 37; CASE NO. 0231739 (PP. 1-5); EXH. #1, ATTACHED IN SUPPORT, DID THEY VIOLATE MORRIS'S SUBSTANTIVE DUE PROCESS TO HER PROPERTIES AND MINERALS, AND RIGHTS TO JUST COMPENSATION UNDER THE USCA COMMERCE CLAUSE, ART. I § 8, CL. 3; TITLE 28 USC § 1358, EMINENT DOMAIN, AND VERNON'S TEXAS CONST. ART I § 17, OF THE 5TH AND 14TH AMENDMENTS OF THE UNITED STATES JUST COMPENSATION CLAUSE?
- 2) WHETHER OR NOT, SUBSEQUENTLY, DID THE CONSPIRATORS VIOLATE MORRIS'S, DUE PROCESS, DOUBLE JEOPARDY, AND EQUAL PROTECTION UNDER THE LAW OF THE, 1ST, 5TH, 6TH AND 14TH AMENDMENTS, CONSTITUTING CRUEL AND UNUSUAL PUNISHMENT UNDER THE 8TH AMENDMENT TO THE UNITED STATES CONSTITUTION AND FEDERAL LAWS; TITLE 28 USC § 2253(c)(2); TITLE 28 USC § 2241, ET SEQ. AND TITLE 28 USC § 2254(d)(1)(2), SPECIFICALLY?

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:

PETITIONER

CAROL JOWNEE MOREAU "
Fed. Reg. # 76547-080; # 488243; 1681899
MOUNTAIN VIEW UNIT-D2-4
2305 RAUSDEN RD.
GATESVILLE, TEXAS 76528

RESPONDENTS

HONORABLE ROBERT J. JEWELL,
U.S. DISTRICT JUDGE
U.S. COURTHOUSE
200 EAST WALL ST. - RM. # 222
MEALING, TEXAS 79701

Ms. LORIE DAVIS, DIRECTOR
TEXAS DEPARTMENT OF CRIMINAL JUSTICE
P.O. Box 99
HUNTSVILLE, TEXAS 77432

Mr. EDWARD MARSHALL, CHIEF
POST-CONVICTION LITIGATION
P.O. Box 12548, CAPITOL STATION
AUSTIN, TEXAS 78711

LIST OF AUTHORITIES

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CONSTITUTIONAL AND STATUTORY PROVISIONS

UNITED STATES CONSTITUTION

USCA COMMERCE CLAUSE, ART 1, § 8, CL. 3

USCA CONST. AMEND. V - JUST COMPENSATION

USCA CONST. AMENDS. 1, 5, 6, 8, AND 14

ARTICLE III § 2

TITLE 28 USC § 351 JUDICIAL COMPLAINT

TITLE 28 USC § 1358, Eminent Domain

TITLE 42 USC § 1983, CIVIL RIGHT ACT

STATUTES

TITLE 28 USC § 2253. CERTIFICATE OF APPEALABILITY (COA)

§ 2241 FEDERAL WRIT OF HABEAS CORPUS

§ 2254 FEDERAL WRIT OF HABEAS CORPUS FOR STATE PRISONERS

§ 1651(a), CORAM NOBIS, ANTI WRITIS ACT

SUPREME COURT RULES

S. Ct. RULES 10-14

S. Ct. RULES 17, 18, AND 20

FEDERAL RULES OF APPELLATE PROC., FRAP RULES 35, 40, AND 41

FEDERAL RULES OF CRIMINAL PROC. FED. CRIM. R. 52(b); FED. CRIM. R. 12(b)(2)

FEDERAL CRIMINAL CODES

TITLE 18 USC § 922(g), 922(a)(6), 2K2.1(b)(1991)

TITLE 18 USC § 3553, 3584 - U.S.S.C. § 561.3(b), SENTENCING GUIDELINES

TITLE 18 USC § 2513 - 16

TITLE 18 USC § 2071

TEXAS STATUTES

VERNON'S TEXAS CONST. ART. I § 17; ART. V § 12(b)

V.T.C.A., TEXAS HABITUAL OFFENDERS STATUTE, PENAL CODE § 12.42(a)(2), SPECIFICALLY

V.T.C.A. TEXAS PENAL CODE § 31.03; 31.10 AND § 32.21(a)(1)(A) (VERNON'S 1989)

V.T.C.A. TEXAS PENAL CODE § 12.51; § 12.35(a), STATE JAIL FELONY

VERNON'S ANN. CODE OF CRIMINAL PROCEDURE

V.A.C.C.P. ART. 11.07

V.A.C.C.P. ART. 37.07 AND 44

VERNON'S CIVIL PROC. REMEDIES CODE

V.T.C.A. ARTS. § 16.023 - § 16.027

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APPENDIX A : NO. 16-51357; *MORRIS V. DAVIS*, (COA) DENIED OCT. 16, 2017;

APPENDIX B : NO. 16-51357; *MORRIS V. DAVIS*, PETITION FOR REHEARING, FILED OCTOBER 28, 2017, (STOLEN).

APPENDIX C USDC NO. W-14-CV-131; *MORRIS V. DAVIS*, DENIED NOVEMBER 3, 2016

APPENDIX D

APPENDIX E

APPENDIX F

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 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 United States 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.

[] 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 OCTOBER 16, 2017.

☒ ☐ petition for rehearing was timely filed in my case, OCTOBER 28, 2017

☐ 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

AMENDMENT V

1) NO PERSON SHALL BE HELD TO A CAPITAL OR OTHERWISE INFAMOUS OFFENSE, UNLESS ON PRESENTMENT OF AN INDICTMENT BY A GRAND JURY... NOR 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.

AMENDMENT VI

2) IN ALL CRIMINAL PROSECUTIONS, THE ACCUSED SHALL ENJOY THE RIGHT TO A SPEEDY AND PUBLIC 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 NATURE AND CAUSE OF THE ACCUSATION; TO BE CONFRONTED WITH THE WITNESSES AGAINST HIM; TO HAVE COMPULSORY PROCESS FOR OBTAINING WITNESSES IN HIS FAVOR, AND TO HAVE COMPULSORY PROCESS FOR OBTAINING WITNESSES... TO HAVE THE ASSISTANCE OF COUNSEL.

AMENDMENT XIV

3) SECTION 1... 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 LAW.

STATEMENT OF THE CASE

DECEMBER 22, 2008, STATE PAROLEE CAROL JONHENSE MORRIS, TDCJ-10 #488243, FILED HER §1983, CIVIL RIGHTS COMPLAINT, USDC NO-08-CV-171; MORRIS V. CITY OF MIDLAND, TEXAS, MIDLAND CENTRAL APPRAISAL DISTRICT (MCAD); Mr. ANTEY STEPHENS, L.P., ENDERBUD ENERGY RESOURCES, INC., ET AL., IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS (MIDLAND/OSSA DIVISION), ALLEGING THE THEFT OF HER OIL AND GAS MINERALS WITHOUT NOTIFICATION, AUTHORIZATION NOR JUST COMPENSATION. SEE, BP AMERICA PROD. CO. V. SEC. OF INTERIOR, 127 S. CT. 638 (2006), USCA COMMERCE CLAUSE, ART. I §8 CL. 3, SEE, LINGLE V. CHURCH USA, INC., 125 S. CT. 2075 (2005); COMPARE, MCAD V. BP AMERICA PROD. CO., 282 S.W. 3d 215 (Tex. App. - EASTLAND 2009), 750 Tex. LEXIS 2010, 131 S. CT. 2097 (2011); COMPARE TO, MISSION RESOURCES INC. V. GARZA ENERGY TRUST, 166 S.W. 3d 301, AT 314-15 (Tex. App. - Corpus Christi - 2005); SEE, IN RE EXXON MOBIL, 153 S.W. 3d N. 3 AT 608 (Tex. App. - AMARILLO 2004); SEE, EG. WILTON V. CITY OF MIDLAND, TEXAS, 34 S.W. 3d 853 (Tex. App. - EL PASO - 2000), REVIEW, NO. 12-5109; IN RE CAROL JONHENSE MORRIS; ORIG. NUMBERED: NO. 12-8999; PETITION FOR WRIT OF HABEAS CORPUS, ITS EXHIBITS, STOLEN MAY 2, 2013, BY THE TDCJ-10 ~~CRIM~~ ^{CRAW} UNIT'S OFFICIALS; NO. 11-50805; IN RE MORRIS, PETITION TO REINSTATE PETITION FOR WRIT OF HABEAS CORPUS CERTIFIED, OCTOBER 21, 2011, ALSO STOLEN. SEE, EG. BP AMERICA PROD. V. MARSHALL, 342 S.W. 3d 59 (Tex. App. - SAN ANTONIO 2011). TEX. PENAL CODE §12.51, V.T.C.A. TEX. CIV. PROC. RULES ART. 16.023-.027, USCA COMMERCE CLAUSE, ART. I, §8, CL. 3; TITLE 28 U.S.C. §1358, EMINENT DOMAIN; VERNON'S TEX. CONST. ART. I §19. SEE, SNARDE V. TUELEY, 191 S.W. 3d 362 (Tex. App. - DALLAS 2006) (HOLDING, "PROPERLY OWNER'S RIGHTS ARE SUPERIOR TO ANY RIGHTS OF A SUBSEQUENT POSSESSOR WHO HAS STOLEN THE PROPERTY OR PURCHASED STOLEN PROPERTY"), ID. TEX. PENAL CODE §31.10, U.S.C.A. CONST. ARTICLES 1, 5, 14 - JUST COMPENSATION CLAUSE, TO. REFER TO, TEXAS RAILROAD COMMISSION'S (TRC's), STATE RULE 37: CASE NO. 02317313, LOCATION PLAT ("AREA E"); OIL & GAS LEASE DOC #26439 VOL. 2458 PG 332; E/2 OF SE/4 OF SECTION 36 BLOCK 39, T & P. RR Co.'s SURVEY; AND RIGHT-OF-WAY LICENSE; DOC #17679 VOL. 1410 PG. 176, EXECUTED, SEPTEMBER 11, 2001 (A.K.A. "911"), UPON LOT 2 S. 53

(MOODY ADDITION), 1109-1111 E. ILLINOIS AVE., HOCKLEY CO. TEXAS PROPERTIES. THE CONSPIRATORS STOLE MORRIS'S PROPERTIES AND MINERALS WHILE SHE WAS INCARCERATED PAYING TAXES FROM (2001 - PRESENT), IN TDCJ-70 (GATESVILLE, TEXAS) AND FEDERAL PRISON CAMP (BRYAN, TEXAS), WITHOUT NOTIFICATION, AUTHORIZATION, NOR JUST COMPENSATION. SEE, LINGLE V. CHAYRON USA, Inc., 125 S.Ct. 2075 (2005), THE SUPREME COURT HOLDING, "WHERE THE GOVERNMENT HAS REQUIRED OWNER TO SUFFER PERMANENT INVASION OF HER PROPERTY HOWEVER MINOR, IT MUST PROVIDE JUST COMPENSATION". ID. SEE, DOUGLAS V. SPARKS, 101 S.Ct. 183 (1980) ("DISTRICT COURT CORRUPTLY ISSUED TEMPORARY RESTRAINING TO DEFENDANTS (I.E. OIL COMPANIES TO DRILL FOR OIL AND GAS, 2 1/2 yrs.), IN VIOLATION OF PLAINTIFF'S SUBSTANTIVE DUE PROCESS TO HER PROPERTIES AND MINERALS." U.S.C.A. CONST. AMEND. 5 - JUST COMPENSATION.

NOVEMBER 6, 2009, MORRIS FILED HER, TITLE 28 USC § 351 JUDICIAL COMPLAINT: MORRIS V. JEWELL (5th Cir.), ALLEGING 'CORRUPTION AND INCOMPETENCE'. NOVEMBER 30, 2009, PAROLE MORRIS WAS ARRESTED UPON, JP COMPLAINT "109347", ALLEGING THEFT OVER \$1500 BUT LESS THAN \$20,000, A STATE JAIL FELONY; TEX. PENAL CODE § 13.35(a) (PUNISHABLE BY 6-MONTHS TO 2 YRS., STATE JAIL). DECEMBER 1, 2009, THE TEXAS Bd. OF PAROLES AND PARDONS, EXECUTED IT PRE-REVOCATION ARREST WARRANT: CAROL JOHNNIE MORRIS, TDCJ-70 #488243; SLD #02248595. SEE, SPENCER V. KETINA, 118 S.Ct. 978 (1998), THE SUPREME COURT HOLDING, "TO SATISFY THE CASE-OR-CONTRADICTORY REQUIREMENT, PLAINTIFF MUST HAVE SUFFERED OR BE THREATENED WITH, THROUGHOUT THE LITIGATION THE ACTUAL INJURY TRACEABLE TO DEFENDANTS WHICH IS LIKELY TO BE REDRESSED BY A FAVORABLE JUDICIAL DECISION. COMPARE, STATE WRITS: 1) WR NO. 20,484-09, CR 5793-I's, SEPT. 22, 2010'S PRELIM HEARING AND ITS EXHIBITS FILED IN SUPPORT THEREOF; 2) WR NO. 20,484-10, CR 36,894-A's, MEMORANDUM OF LAW (pp. 1-4); 3) WR NO. 20,484-11, CR 5793-I's, MEMORANDUM OF LAW (pp. 1-8); TO, CR 5793-I's STATE ANSWER TO OPPOSITION (ER VOL. II PP 316-17, pp. 6-8), FILED OCT. 21, 2010, IN THE TEXAS COURT OF CRIMINAL APPEALS (AUSTIN, TEX.); NO. 12-50731's, EVMS #9 AND 9(a); 4) WR NO. 20,484-14, CR 36,894-B; 5) WR NO. 20,484-16, CR 36,894-C, SILENT-

ALLY: 1) WR NO. 20,484-17; NO. 11-18-00194; In re Morris; MOST RECENTLY, WR NO. 20,484-18;
CR 36,894-D; Morris v. TEXAS Bd. OF PRISONERS' PAROLES. SEE, COOK V. DCI TRANSITIONAL
PRISONING DEPT., 37 F.3d 166 (5th Cir. 1994); THAT COURT OF APPEALS HOLDING, "PRIOR CONVIC-
TIONS HELD VOID BY COURT OF APPEALS IN PRIOR DECISION SHOULD NOT BE CONSIDERED BY Bd. OF
P.P.'s, IN DETERMINING PAROLE ELIGIBILITY OF PRISONER. ART. 11, 07, TEX. PENAL CODE § 12.42(a)(2).

A. MARCH 16, 2010, PETITIONER MORRIS FILED HER PRO SE RECUSAL MOTION; W/ TRC'S STATE
RULE 37, CASE NO. 0231739 (pp. 1-5); EXH. 1 (RR VOL. I, 11-5; LAQUITA DETTHAM, CR); MORRIS
V. SATTERWHITE, FILED IN THE 318th JUDICIAL DISTRICT, MCLAIN COUNTY, TEXAS. IN RETALIA-
TION, MARCH 31, 2010, PETITIONER MORRIS WAS REINDICTED: CR 36,894; THE STATE OF
TEXAS V. CAROL JOHNESE MORRIS. JULY 26, 2010 - JULY 29, 2010, MORRIS WAS TRIED UPON
INDICTMENT BY A JURY, THEY FOUND THE ENHANCEMENT PARAGRAPHS TO BE TRUE, AND
SENTENCED HER TO, 20-YRS. IMPRISONMENT IN CONTRAVENTION OF THE TEXAS HABITUAL OFFENDER
STATUTE, V.T.C.A. TEX. PENAL CODE § 12.42(a)(2). REVIEW, CR 36,894-A'S, STATE WRIT FILED AUG. 3, 2010,
SPECIFICALLY, COMPARE TO, CR 36,894 REINDICTMENT (PP. 1-3); COMPARE TO ITS JUDGMENT:
"ONE AND THREE", p. 2, FILED AUGUST 3, 2010. SEE, HERBST V. SCOTT, 42 F.3d 902 (5th Cir. 1995),
THE FIFTH CIRCUIT COURT OF APPEALS HOLDING, "THERE IS NO EXCEPTION TO McCRESKY UNDER
WHICH CAUSE AND PREJUDICE REQUIREMENTS APPLY TO ALL SUBSEQUENT HABERS PETITIONS
EXCEPT THOSE IMPLICATING A FUNDAMENTAL VIOLATION OF JUSTICE FOR PRO SE PETITIONER
WHO USED HIS PREVIOUS PETITION TO ATTACK HIS CONVICTION USED TO ENHANCE
HIS CURRENT SENTENCE," REVIEW USDC 2254 HO-11-CV-021; MORRIS V. TIMMONS, FILED FEB. 21, 2011.

CONSEQUENTLY, THE TRIAL COURT ARBITRARILY DENIED HER ENTITLEMENTS TO
STATE WRITS OF HABEAS CORPUS; SUBSEQUENTLY, THE FEDERAL HABEAS COURT
ARBITRARILY DENIED HER ENTITLEMENT TO FEDERAL HABEAS CORPUS RELIEF, IN CON-
CLUSION, NO. 12-5659; MORRIS V. TIMMONS, CERT. DENIED OCT. 9, 2012, CERT. DENIED; NO. 11-50847;
MORRIS V. TIMMONS, (COA) (5th Cir.), CERTIFIED, STOLEN; USDC 2254 HO-11-CV-021; NO. 12-50731;
PETITION FOR HABEAS DENIED, SEPT. 6, 2012 (5th Cir.); USDC HO-13-CV-041's MOTION FOR RELIEF,

ITS EXHIBITS MARKED: 1-10, FILED May 8, 2013; ⁴ 2254 MD-13-CV-041's; MORRIS v. STEPHENS, (pp. 9-13 SPECIFICALLY), ORDER DENYING HABEAS RELIEF, FILED AUGUST 25, 2014; ⁵ MD-14-CV-026; MORRIS v. STEPHENS, FILED APRIL 3, 2014; NO. 14-50443; MORRIS v. STEPHENS, 599 F.3d 148-49, 2015 U.S. APPL. LEVUS 5189, (COA) GRANTED IN PART; DENIED IN PART, MARCH 31, 2015; NO. 15-51076; MD-14-CV-026; MORRIS v. STEPHENS, (AFTER REMAND), PET. FOR CERTIORARI ORIG. FILED MAY 11, 2017, IN THE SUPREME COURT, STOLEN BY MOUNTAIN VIEW UNIT'S LAW LIBRARIAN, AUGUST 10, 2017. SEE, BECKY v. GRANTLEY, 117 S. Ct. 1793 (1997). U.S.C.A. CONST. ART. III § 2.

NOTE: AFTER WRITING HON. WALTER SMITH, JR., THEN U.S. DISTRICT JUDGE (WACO DIV.), AND HON. FRED BERRY, THEN CHIEF JUSTICE (WESTERN DISTRICT COURTS - SAN ANTONIO, TEXAS), APRIL AND MAY 2014, RESPECTIVELY, SEPTEMBER 15, 2014, PETITIONER MORRIS, TDCJ - CO #1681899, WROTE THEN, MR. ROBERT PITTMAN, CHIEF U.S. ATTORNEY GENERAL (WHITE-COLLAR CRIMES DIV. - SAN ANTONIO DIV.), AND REQUESTED AN INVESTIGATION INTO THE THEFT OF HER "911" AND SECTION 36 BLOCK 39 (GREENWOOD ADDITION), MIDLAND CO. TEX., MINERALS AND PROPERTIES AND TO PROSECUTE. CONSUMER, 2254 W-14-CV-131; MORRIS v. STEPHENS, FILED APRIL 14, 2014 (WACO DIV.). USCA CONSUMER CLAUSE, ART. 1 § 8, CL. 3; TITLE 28 USC § 1358; TEX. CONST. ART. 1 § 17.

NOT UNTIL, NOV. 3, 2016, WAS MORRIS'S PETITION: W-14-CV-131; MORRIS v. STEPHENS, DENIED AS SUCCESSIVE. SHE APPEALED. NO. 16-51357; USDC W-14-CV-131; MORRIS v. STEPHENS (5th Cir.) OCTOBER 16, 2017, HONORABLE EALTH JONES, JUSTICE, FIFTH CIRCUIT COURT OF APPEALS, DENIED MORRIS A CERTIFICATE OF APPEALABILITY (COA), ALLEGING NO DEMONSTRATION OF THE VIOLATIONS OF HER CONSTITUTIONAL RIGHTS. THE SAME, CHIEF JUSTICE, MORRIS FILED HER, TITLE 28 USC § 351 JUDICIAL COMPLAINT: NO. 09-51052; 1983 USDC MD-08-CV-171; MORRIS v. City of MIDLAND, TEXAS, ET AL.. OCTOBER 28, 2017, MORRIS'S TUMELY PETITION^{ED} FOR PANEL REHEARING, PURSUANT TO FRAP RULE 40, PERSONALLY MAILED THROUGH MV UNIT'S (OUT-GOING MAIL BOX), TO THE FIFTH CIRCUIT WAS STOLEN. REFER TO, NO. 14-50875; MD-97-CR-10; MORRIS v. U.S.A., CERTIFICATE OF APPEALABILITY'S BRIEF, FILED OCT. 10,

2011, IN THE FIFTH CIRCUIT, FROM DENIAL OF CORAM NOBIS. SEE: MALONG V. COOK, 109 S. CT. 1923 (1989) (FEDERAL PRISONER ALLEGED THE SAME INVALIDS PRIOR STATE FELONY CONVICTIONS, ILLEGALLY USED TO ENHANCE HIS FEDERAL SENTENCE(S) AND CURRENT STATE SENTENCE) Id. SEE: HOUW V. U.S., 118 S. CT. AT 1982-84 (1998); COMPARE TO, DRETKE V. HALEY, 124 S. CT. 1847, AT 1854 (2004), CERT. GRANTED; SEE, HALEY V. COCKRELL, 306 F.3d 257 (5th Cir. 2002), PET. GRANTED; COMPARE TO, FRETTA V. CALIFORNIA, 95 S. CT. 2535 (1975), TEN. PENAL CODES § 31.10; § 12.42(a)(2), V.A.C.C.P. ART. 11.07, USCA CONST. AMENDS. 1, 5, 6, 8, AND 14, "DUE PROCESS FORBIDS CRIMINAL CONVICTION WITHOUT SUFFICIENT PROOF." SEE: IN RE WILSHIP, 397 U.S. 358, 90 S. CT. 1068 (1970), Id. SEE: JACKSON V. VERGARA, 443 U.S. 307, 99 S. CT. 2179 (1979), HOLDING, "THE ESSENTIAL ELEMENTS OF A CRIME MUST BE PROVED BEYOND A REASONABLE DOUBT." U.S.C.A. CONST. AMENDS. 1, 5, 6, 8, AND 14. TITLE 28 USC § 1651(a), CORAM NOBIS; TITLE 28 USC § 2241, ET SEQ. TITLE 28 USC § 2253(c)(2); TITLE 28 USC §§ 2254(d)(1)(2). USCA CONST. ART. III § 2.

II. REASONS FOR GRANTING WRIT

"THE UNITED STATES SUPREME COURT HAS JURISDICTION TO REVIEW ON PETITION FOR WRIT OF CERTIORARI, A DENIAL OF APPLICATION FOR CERTIFICATE OF APPEALABILITY UNDER THE (AEDPA) BY A CIRCUIT JUDGE OR PANEL OF THE COURT OF APPEALS UNDER STATUTE PERMITTING REVIEW IN SUCH CASES BY CERTIORARI, TO THE SUPREME COURT REGARDLESS OF WHETHER THE GOVERNMENT CHOSE TO OPPOSE APPLICATION. (REFER TO, NO. 12-5109: IN RE CAROL JONWENE MOORE, FILED IN THE FEDERAL COURT - WASHINGTON, D.C.. SEE: BP AMERICA PROD. CO. V. BURTON, SEC. OF INTERIOR, 127 S. CT. 138 (2006); COMPARE TO, MCAD V. BP AMERICA PROD. CO., 382 S.W.3d 215 (TEN. APP. - EASTLAND 2009), 750 TEN. LEXIS (2010), 131 S. CT. 2097 (2011). SEE, KUIGLE V. CHEVRON USA INC., 125 S. CT. 2075 (2005). USCA COMMERCE CLAUSE, ART. 1 § 8, CL. 3; TITLE 28 USC § 1358,

EMMENT DONAHUE, VERNON'S TEX. CONST. ART. I § 17, U.S.C.A. CONST. AMEND. 5 - JUST COMPENSATION CLAUSE, TO.

IN BRACY v. GENTLEY, 117 S. Ct. 1793 (1997), THE SUPREME COURT HELD, "JUDGE STANDING TO GAW IN RELATED LITIGATION SHOULD BE DISQUALIFIED". SEE, E.g. DENNIS V. SPARKS, 101 S. Ct. 183 (1980), RE: NO. 12-5109; JURE MORRIS; NO. 11-50805 (5th Cir.); USDC NO-08-CV-171; MORRIS V. CITY OF MIDLAND, TEXAS, ET AL, FILED DECEMBER 23, 2008, IN THE DISTRICT COURT. IN JOHNSON V. MISSISSIPPI, 91 S. Ct. 1778 (1971), THE SUPREME COURT HELD, "JUDGE WHO WAS SUBJECT OF PERSONAL ATTACKS AND LAWSUIT BY DEFENDANT COULD NOT PRESIDE"; RE: NO. 09-51052; MORRIS V. JEWELL, TITLE 28 USC § 351, JUDICIAL COMPLAINT, FILED NOV. 6, 2009 (5th Cir.); ALLEGING 'CORRUPTION AND INCOMPETENCE'. DENNY, TO, U.S.C.A. CONST. ART. III § 2.

PETITIONER CAROL JOHNSON, MORRIS, TOCT- TO "1681899, OWNS: 1) "911" (SEPTEMBER 11, 2001); AND 2) SECTION 36 BLOCK 39 (GREENWOOD ADDITION), OIL AND GAS MINERALS SUBJECT OF, HCAO V. BP AMERICA PROD. CO., LAWSUIT. IN ROSE V. CLARK, 106 S. Ct. 3101 (1985) THE SUPREME COURT HELD, "THE STATE MUST APPOINT AN IMPARTIAL JUDGE TO TRY A DEFENDANT. U.S.C.A. CONST. AMEND. 5, 14.

HONORABLE ROONEY W. SATTERWHITE, 441ST JUDICIAL DISTRICT JUDGE, REPRESENTED: 1) THE CITY OF MIDLAND, TEXAS, ON "911": R-D-W LICENSE, EXECUTED SEPTEMBER 11, 2001; SEE, WALTON V. CITY OF MIDLAND, TEX., 24 S.W. 3d 853 (Tex. App. - EL PASO 2000); 2) IN 2004, IN RE EXXON/MOBIL, 153 S.W. 3d 113 AT 608 (Tex. App. - AMARILLO 2004); "AREA C", IN A TAX FRAUD CONSPIRACY CASE AGAINST MINERAL-LAND OWNERS AND WHERE PETITIONER MORRIS WORKED FOR MOBIL OIL CO., AS A PROPRIETOR IN THE LATE 1970'S; AND 3) BP AMERICA PROD. CO., IN HCAO V. BP AMERICA PROD.; CV-44,864, FILED IN THE 238th JUDICIAL DISTRICT COURT, MIDLAND COUNTY, TEXAS; SIMULTANEOUSLY, TRIED CONVICTED AND SENTENCED, PETITIONER MORRIS THE MINERALS' OWNER, IN 2009-2010. (REVIEW, CR 36,894 REMITTANCE (PP. 1-3); JUDGMENT (PP. 1-5), FILED IN THE 441ST

JUDICIAL DISTRICT COURT, MIDLAND COUNTY, TEXAS, RE: CAUSE NO. TX13106,
MIDLAND CENTRAL APPRAISAL DISTRICT V. CAROL JOHNSON MORRIS, FILED OCTOBER 2013.

AFTERWARDS, MR. ERIC KACZVAK, 1ST PROSECUTING ATTORNEY, WHO WROTE ALL OF
THE STATE'S APPELLATE BRIEFS: NO. 11-10-116-CR; CR 36,894; MORRIS V. SATTERWHITE,
MARCH 16, 2010'S EXCISE PROCEEDINGS; NO. 11-10-00249-CR; MORRIS' BRIEF, FILED FEBRUARY
7, 2011; COMPARE TO, MEMORANDUM OPINION'S ISSUES, AFF'D FEB. 9, 2012. IN BRADSHAW V.
MC COTTON, 785 F.2d AT 1329 (5TH C. 1986), THAT COURT OF APPEALS HELD, "WHETHER OR NOT
VOLLERS ACTUALLY PARTICIPATED IN BRADSHAW'S PROSECUTION MUST BE FOUND TO BE
IMMATERIAL... THE APPEARANCE OF VOLLER'S NAME ON THE PROSECUTING ATTORNEY'S
BRIEF UNDERMINES A FUNDAMENTAL ASPECT OF OUR CRIMINAL JUSTICE SYSTEM: A
JUDGE'S NEUTRALITY. " A CRIMINAL DEFENDANT IS GUARANTEED A FAIR TRIAL BE-
FORE AN IMPARTIAL TRIBUNAL AND APPELLATE PANEL. " TO, (ADDITIONALLY, APPELLATE
BRIEF'S NUMBERED: NO. 11-10-00332; EX PARTE MORRIS; AND NO. 11-10-00379-CR; IN RE
MORRIS, CR 37,161; NO. 11-11-00037-CR, REVERSED JAN. 31, 2013, ON VIOLATIONS OF
MORRIS' RIGHTS AGAINST DOUBLE JEOPARDY. U.S.C.A. CONST. ARTICLES 5, 6, 14.

PETITIONER MORRIS ALONE PAID THE TAXES ON THE PROPERTIES. COMPARE TO, BP AMERICA
PROD. CO. V. MARSHALL, 342 S.W. 3d 59 (Tex. App. - SAN ANTONIO 2011). V.T.C.A. CIV. PROC.: REMEDIES
CODE ART. 16.023-.027. TEX. PENAL CODE § 31.10, PROVIDES: "WHERE PROPERTY HAS
BEEN TAKEN AS A MATTER OF RIGHT, IF THE ACCUSED APPEARS TO HAVE HAD ANY FAIR
COLOR OF TITLE, OR IF THE TITLE BE BROUGHT INTO DOUBT AT ALL, THE COURT WILL
DIRECT AN ACQUITTAL IT BEING IMPROPER TO SETTLE DISPUTE IN THE FORM OF PROCESS
AFFECTING MAN'S LIBERTIES AND REPUTATION. " TO, SEE, FAHEY V. STATE (1885), 18 TEX.
CRIM. 314; SEE, SMITH V. STATE (1865). PETITIONER MORRIS COULD LEGALLY SALE THE
3 PROPERTIES TO MANUEL VALDEZ. REFER TO, JULY 27, 2010'S PROCEEDINGS, RR VOL.
5 PP 212-18, MS. MONICA LAUNCESTER, CR; MORRIS' MOTION FOR A DIRECTED VERDICT.
SEE, SHARPE V. TURELEY, 191 S.W. 3d AT 366 (Tex. App. - DALLAS 2006); COMPARE TO, JORDAN

V. STATE, 107 Tex. Crim. 414, 296 S.W. 585 (1927) "HOLDING THAT JURY SHOULD HAVE BEEN INSTRUCTED TO ACQUIT APPELLANT OF STEALING IF THEY FOUND HE BELIEVED THE PROPERTY WAS ABANDONED BY OWNER". COMPARE, CR 36, 894; CHARGE OF THE COURT (CR 000220-225, FILED JULY 29, 2010), TO, JULY 28, 2010'S PROSECUTOR'S TESTIMONY: PR VOL. 6 PP. 119-290. COMPARE TO, PENA CODE § 8.02, IN CONTRAST TO, NO. 11-10-00249-CR'S BENCH, NO. 5 P. 13; TO, ITS MEMORANDUM OPINION, P. 8. "IGNORANCE OF THE LAW IS NO EXCUSE." TEX. PENA CODE § 31.10. BECAUSE SHE OWNED THE PROPERTIES, MORELY WAS ENTITLED TO AN INSTRUCTED VERDICT OF ACQUITTAL. TO, SEE BUNTION V. QUARTERMAN, 524 F.3d AT 672 (5th Cir. 2008), THAT COURT OF APPEALS HOLDING, "PRESUMPTIVE BIAS IF DECISION-MAKER HAS A DIRECT, PERSONAL, SUBSTANTIAL AND PECUNIARY INTEREST IN THE OUTCOME OF THE CASE." TEX. PENA CODE § 31.10. USCA CONST. ARTICLES 5, 14. TITLE 28 USC § 2253. IN JACKSON V. VIRGINIA, 443 U.S. 307, 49 S.Ct. 2179 (1979), THAT SUPREME COURT HELD, "WHEN REVIEWING THE LEGAL SUFFICIENCY OF THE EVIDENCE, WE EXAMINE THE EVIDENCE IN LIGHT MOST FAVORABLE TO THE JURY VERDICT TO DETERMINE WHETHER ANY RATIONAL TRIER OF FACT COULD HAVE FOUND THE ESSENTIAL ELEMENTS OF THE OFFENSE BEYOND A REASONABLE DOUBT." SEE, E.G. JACOBS V. STATE, 230 S.W.3d 225 (Tex. App. [Hou. 14th] Dist. 2006; COMPARE TO, SEE, E.G. ANZALUON V. RICHARDSON, 289 S.W.2d 299 (San Antonio - 1956), TO, "DUE PROCESS FORBIDS CRIMINAL CONVICTION WITHOUT SUFFICIENT PROOF." TEX. PENA CODE § 31.10. USCA CONST. ARTICLES 5, 14. SEE, SCHUPP V. DELO, 115 S.Ct. AT 868 (1995), THE SUPREME COURT HOLDING, "THE MEANING OF ACTUAL INNOCENCE AS FORMULATED BY SAWYER AND CARRIER DOES NOT MERELY REQUIRE A SHOWING THAT A REASONABLE DOUBT EXISTS IN LIGHT OF THE EVIDENCE, BUT RATHER NO REASONABLE JUROR WOULD HAVE FOUND THE DEFENDANT GUILTY." TO, COMPARE, USDC NO-13-CN-041'S, MOTION FOR RELIEF FROM JUDGMENT, PP. 1-9; ITS EXHIBITS MARKED: "9" AND "10", SPECIFICALLY, SEE, SPENCER V. KOTHA, 118 S.Ct. 978 (1998), TO, COMPARE TO, COOK V. TDCJ-TO TRANSITIONAL PLANNING DEPT., 37 F.3d 166 (5th Cir. 1994), HOLDING "THE BROAD BASED CHALLENGES TO PAROLE BOARD'S RULES AND PROCEDURES AFFECTING PRISONER'S RELEASE MUST BE PURSUED IN HABEAS CORPUS, IF RESOLUTION OF FACTUAL LEGAL ALLEGATIONS WOULD

AUTOMATICALLY ENTITLED PLAINTIFF TO ACCELERATED RELIEF, "REVIEW, CR 36,894-D; MORRIS V. TEXAS Bd. OF PAROLS: PAROLS; w/ HOMOCIDIOUS OF LAW, pp. 1-7, FILED NOV. 16, 2017; WR NO. 20,484-18; EX PARTE MORRIS, PRESENTED TO THE TEXAS COURT OF CRIMINAL APPEALS, AUSTIN, TEXAS, DECEMBER 22, 2017. SEE, E.G. BROWN V. LUMGREN, 528 F.2d 1050 (5th Cir. 1978). RET. 11.07; U.S.C.A. CONST. AMENDS. 5, 8, AND 14, SEE, (WHITTEHEAD V. JOHNSON, 157 F.3d 384 (5th Cir. 1998); COMPARE TO, EX PARTE PRICE, 922 S.W.2d AT 959 (Tex. Cr. App. 1997), THAT TCCA'S HELD, "THE DENIAL OF FLAT-TIME CREDITS UNDER PRE-REVOCATION WARRANT VIOLATES PRISONER'S DUE COURSE OF LAW UNDER, ART. I § 19, OF THE TEXAS CONSTITUTION." 20. (RE: NO. 11-10-00379-CR; NO. 11-13-00194-CR; TO BE MORRIS V. SATTERWHITE, IN THE ELEVENTH DISTRICT COURT OF APPEALS, EASTLAND, TEXAS), V.A.C.C.P. RET. 11.07. U.S.C.A. CONST. AMENDS. 5, 14, TITLE 28 USC § 2254 (d)(1)(2).

B. BECAUSE NONE OF MORRIS'S PRIOR STATE FELONY CONVICTIONS COULD BE USED TO ILLEGALLY ENHANCE CR 36,894'S PRIMARY OFFENSE, A STATE JAIL FELONY (PUNISHABLE BY 6 YRS. - 2 YRS., STATE JAIL UNDER TEX. PENAL CODE § 12.35(a)), SHE IS ACTUALLY INNOCENT OF BEING A HABITUAL OFFENDER WITH A 20-YRS. SENTENCE IN TDCJ - 10 - IN CONTRAVENTION OF THE V.T.C.A. TEXAS HABITUAL OFFENDERS' STATUTE, § 12.42(a)(2), SPECIFICALLY (VORNOUS 2009), SHE REMAINS UNACCELERATED IN VIOLATION OF HER CONSTITUTIONAL DUE PROCESS, DOUBLE JEOPARDY, AND EQUAL PROTECTION UNDER THE 5th, AND 14th AMENDS. TO THE U.S. CONSTITUTION AND FEDERAL LAWS. TITLE 28 USC § 2253(c)(2); TEX. PEN. CODE § 12.42(a)(2); TITLE 28 USC § 2254 (d)(1)(2); V.A.C.C.P. ART. 11.07, SEE, FARETTA V. CALIFORNIA, 95 S.Ct. 2525 (1975). U.S.C.A. CONST. AMEND. 6, COMPARE TO, SALAMON V. STATE, 70 S.W.3d AT [9-11], 889 (Tex. Cr. App. Austin 2002). SEE, SPENCER V. KETNER, 118 S.Ct. 978 (1998). ART. III § 2.

MORRIS'S CRA-10,066 THEFT, 1984 AND CRA-10,176 FORGERY, 1984 CONVICTIONS HAVE THE SAME FINAL DATE: "MARCH 5, 1984" (142ND JUDICIAL DISTRICT COURT, MIDLAND CO, TEX.).

"BECAUSE NEITHER CONVICTION CAN BE SAID TO HAVE BECOME FINAL BEFORE THE OTHER THEY COULD NOT BE USED TO ENHANCE MORRIS'S CR 36,894 PRIMARY STATE JAIL FELONY OFFENSE." REVIEW, CR 36,894'S REVOLVEMENT FILED MAR. 31, 2010; EXH. "1";

COMPARE TO, ITS JUDGMENT, p. 2: "ONE AND THREE", FILED AUGUST 3, 2010. CONSIDER, USDC
 MO-13-CV-041's MOTION FOR RELIEF'S EXHIBITS; TO, USDC '2254 WRIT: MO-13-CV-041; MORRIS
 V. STOPKOWS, FILED JUNE 5, 2013, IN THE DISTRICT COURT: MAY 27, 2010'S PROCEEDINGS, RR
 VOL. 1 PP. 3-5D, MS. JIM McGILL, CR OF PERMAN COURT REPORTERS, INC.; ^① JULY 20, 2010'S
 PROCEEDINGS, RR VOL. 3 PP. 37-44; MS. MONICA LANCASTER, CR; COMPARE TO, STATE'S NOTICE
 OF INTENT (CR 000203-000204); NO. 14-51042-15 PC. (COA) REQUEST; EXH. "4", FILED
 JULY 21, 2010; ^③ JULY 26, 2010'S PROCEEDINGS, RR VOL. 4, PP. 9-12; 17-22; ^④ JULY 29, 2010'S
 PROCEEDINGS, RR VOL. 7: PP. 47-54; 59-66; 79-82; 171-171; MORRIS'S MOTION TO QUASH,
 DISMISS; TO STRIKE, FILED APRIL 29, 2010, IN THE TRIAL COURT; EXH. "3", AND CR 36,894'S
 PRE-TRIAL, TRIAL, AND SENTENCING OBJECTIONS. SEE, E.g. Cady v. Tamm, 2010 U.S. Dist.
 LEXIS 140088; SEE, CATHCOTE V. TEXAS STATE ATTORNEY GENERAL, 138 F. Supp. 2d AT 807
 (E.D. TX. 2001); SEE, EX PARTE HUFF, 166 Tex. Crim. 508, 316 S.W. 2d 896 (Tex. Crim. - 1958); SEE,
 EX PARTE ATKINSON, 162 Tex. Crim. 546, 288 S.W. 2d 89 (Tex. Crim. - 1956). V.A.C.C.P. ART. 11.07.
 COMPARE TO, EX PARTE POOL, 738 S.W. 2d 285 (Tex. Cr. App. - 1987), U.S.C.A. CONST. AMEND. 6.
 SEE, STRICKLAND. FRETTA, LO., IN STOKES V. PROSECUTOR, 744 F. 2d AT 484 (5th Cir. 1984),
 THAT COURT OF APPEALS HELD, "COMMISSION OF THE SECOND PREVIOUSLY COMMITTED OFFENSE
 AFTER THE FIRST PREVIOUSLY COMMITTED OFFENSE BECOMES FORMAL IS A NECESSARY ESSENTIAL
 ELEMENT TO ENHANCE PUNISHMENT IN [T]EXAS." "IT WAS IMPOSSIBLE FOR A
 RATIONAL TRIER OF FACT TO FIND THE STATE PROVED BEYOND A REASONABLE DOUBT
 THE ESSENTIAL ELEMENT TO ENHANCE." MORRIS'S CR 36,894 STATE JAIL FELONY. LO.
 SEE, WILLIS V. COLLINS, 989 F. 2d 187 (5th Cir. 1993), WRIT GRANTED. SEE, FRENCH
 V. ESTELLE, 692 F. 2d 1021 (5th Cir. 1982). SEE, HARRY V. COCKRELL, 306 F. 3d AT 264
 (5th Cir. 2002), PETITION GRANTED, THAT COURT OF APPEALS HELD, "ACTUAL INNOCENCE
 APPLIES TO NONCAPITAL SENTENCES"; SEE, DRETKE V. HARRY, 124 S. Ct. AT 1854 (2004),
 CERT. GRANTED. SEE, JORDAN V. STATE, 256 S.W. 3d 296 (Tex. Crim. - 2008); COMPARE TO,
 EX PARTE RICH, 194 S.W. 2d AT 508, 513-14 (Tex. Cr. - 2006), THE ENHANCEMENT PARA-

PARAGRAPHS FOR MOREY, 1984 CONVICTIONS ARE VOID ON THE FACE OF HER INDICTMENT.

RICH, LO, THE STATE'S DEFECTIVE NOTICE COULD NOT SALVAGE THE ENHANCEMENTS, LEWIS, WL3691265 (06)

BECAUSE MOREY'S CR 5793, 1988 FORGERY CONVICTION IS VOID: WR NO. 20,484-11', CR 5793-I: SEE, EX PARTE CAROL JOHNSON MOREY, 800 S.W. 2d 225 (Tex. Cr. App. 1990); COMPARE TO, STATE'S ANSWER IN OPPOSITION, RE VOL. II, P. 216-17 (P. 6-8), FILED OCTOBER 21, 2010, IN THE TEXAS COURT OF CRIMINAL APPEALS, THE TEXAS COURT OF CRIMINAL APPEALS WAS BOUND TO FIND THAT CR 36,894'S STATE SMALL FELONY WAS ILLEGALLY ENHANCED, IN CONTRAVENTION OF THE TEXAS HABITUAL OFFENDERS' STATUTE, V.T.C.A. TEX. PENAL CODE § 12.42(a)(2) (VORNOY'S 2009), LO, COMPARE TO, FLUETHAM V. DEETKE, 442 F.3d 893 (5th Cir. 2006), STATE WELLS: WR NO. 20,484-10', WR NO. 20,484-11', EX PARTE MOREY. CONSEQUENTLY, USDC HO-97-CR-10', U.S.A. v. CAROL JOHNSON MOREY, FOR. REG.

"76547-080", TICS LO "488243, FEDERAL 1997 CONVICTIONS' PREDICATE OFFENSE IS VOID, AND SHE IS ALSO ACTUALLY INNOCENT OF HER 1997 CONVICTIONS, BASES OF NO. 14-50875', USDC HO-97-CR-10', U.S.A. v. MOREY, FILED MARCH 20, 1997. SEE, TAYLOR V. U.S., 110 S. Ct. 2143 (1990); SEE, U.S. v. WEE, 310 F.3d 787 (5th Cir. 2002), (2) COA'S HERE, "EXAMINATION OF DEFENDANT'S STATE INDICTMENT (I.E. CR 5793)

WAS REQUIRED TO DETERMINE WHETHER HIS PRIOR STATE CONVICTION COULD BE USED TO ENHANCE HIS CONVICTION AS FELONY IN POSSESSION OF A FIREARM." (REVIEW, USDC HO-97-CR-10'S INDICTMENT', ORIG. JUDGMENT FILED, JAN. 29, 1998; TO, 2ND ANNUAL JUDGMENT FILED, JULY 14, 2004. SEE, SCHLOS, 599 F.2d 78; SEE, EX PARTE GARCIA, 578 S.W. 2d 141 (Tex. Cr. 1979). SEE, MAKING V. COOK, 109 S. Ct. 1923 (1989) ("FEDERAL PRISONER ALLEGED HIS VOID STATE CONVICTIONS WERE ILLEGALLY USED TO ENHANCE HIS 1997 FEDERAL AND STATE'S CURRENT SENTENCES"), LO, IN WEAVER V. MCKASKLE, 733 F.2d at 1107 (5th Cir. 1984), THAT COURT OF APPEALS HELD, "A VOID INDICTMENT IS THE ONLY EXCEPTION TO THE TEXAS CONTEMPORANEOUS OBJECTION RULES. LO, SEE, SMITH V. COLLINS, 977 F.2d at 956 (5th Cir. 1995). U.S.C.A. CONST. ARTICLES 5, 6,

AND 14. SEE, WILLIAMS V. COLLINS, 802 F. Supp. AT 1536-37 (W.D. Tex. - 1992). OVER MORRIS'S OBJECTIONS, HER 1988 CONVICTION COULD NOT BE ENHANCED INTO A 20-yr. SENTENCE, USED TO ENHANCE, HO-97-CR-10'S CONVICTIONS (UNDER §§ 922 (g); 922 (a)(1)), AND MOST IMPORTANTLY, HER CURRENT CR 36,894 STATE JAIL FELONY. CONSIDER, HO, 14-50875'S, COEM NOBIS (COA) REQUEST AND ITS EXHIBITS: (TRIAL ATT'Y'S OBJECTIONS TO PSI, FILED DEC. 17, 1997; OBJECTIONS TO USSC, § 561.3, FILED JAN. 15, 1998; AND APPELLATE ATTORNEY'S JAIL-TIME ISSUE PRESENTED). SEE, EVITTIS V. LUCY, 105 S. Ct. 820 (1985), FILED OCTOBER 10, 2014, IN THE COURT OF APPEALS, U.S.C.A. CONST. ANNOS. 5, 14, TITLE 28 USC § 2241.

CONSEQUENTLY, USDC HO-13-CN-041'S ORDER DONALD ROUSE (PP. 9-13, SPECIFICALLY), FILED, AUGUST 25, 2014, ADOPTING THE STATE'S POSITION (I.E. HO. 11-10-00249-CR'S MONDEMOURN OPINION, ISSUES 4 AND 6, PP. 6-8, AFF'D FEBRUARY 9, 2012), THAT "EITHER OF MORRIS'S 1984, HOLLAND CO. CONVICTIONS COULD BE USED WITH HER 1988, SHERIFF CO. CONVICTION, TO ENHANCE HER CR 36,894 STATE JAIL FELONY IS A FUNDAMENTAL MISCHERAGE OF JUSTICE. FED. R. CRIM. PROC. RULE 52(b). TITLE 28 USC § 2254 (d)(1)(A). COMPARE CR 5793'S CONVICTION TO, SEE, GARRETT V. M'CLINTON, 807 F.2d 482 (5th Cir. 1985). MORRIS 1988 FORGERY CONVICTION GIVES RISE TO A FUNDAMENTALLY DEFECTIVE INDICTMENT FOR ITS FAILURE TO ALLEGES AN ESSENTIAL ELEMENT, "WHO WRITING PURPORTED TO BE THE ACT OF ANOTHER WHO DID NOT AUTHORIZE THE ACT." SEE, MORRIS, 800 S.W. 2d AT 226-27; COMPARE TO, EX PARTE DIETZMAN, 851 S.W. 2d 304 (Tex. Cr. App. - 1993) ("A CONVICTION RENDERED AS A RESULT OF INEFFECTIVE ASSISTANCE IS CONSTITUTIONALLY INFIRM"), TO, U.S.C.A. CONST. ANNOS. 6, COMPARE TO, Snowden V. STATE, 784 S.W. 2d 11 AT 561 (Tex. App. - Ft. Worth 1990); SEE, STUBBS V. STATE, 757 S.W. 2d AT 109-111 (Tex. App. - Dallas 1988), THAT COURT OF APPEALS HOLDING, "JURISDICTIONAL DEFECTS UNWAIVABLE", TO, WILLIAMS AT 1536-37. SEE, JOHNSON V. MISSISSIPPI, 108 S. Ct. 1981 (1988), THE SUPREME COURT HELD, "BY THE STATE ALLOWING THE DEFENDANT'S UNVALID CONVICTION TO STAND AND TO BE USED TO ENHANCE

HIS SUBSEQUENT CONVICTION, VIOLATED PRISONER'S RIGHTS UNDER THE EIGHTH AMENDMENT TO THE CONSTITUTION PROHIBITING CRUEL AND UNUSUAL PUNISHMENT. USDC MD-97-CR-10's, District Clerk's DOCKET ENTRY, orig. GENERATED MARCH 18, 2015 @ 16:10:29, REVEALED THE GOVERNMENT USED STATE AND FEDERAL INFORMANTS, (True 18 USC § 2513-16), FOR PURPOSES OF THEIR Fed. R. Crim. Proc., Rule 35(b) AND 5K1, MOTIONS, ALSO SUBJECTS OF, Morris's '1983 COMPLAINT: Morris v. City of Milano, TN, Plaintiff's CLAIMS: REQUESTION RELIEF (pp. 2-9), FILED SEPT. 28, 2009, IN THE DISTRICT COURT, COMPARE, District Clerk's: 1) Nov. 7, 1997 PSYCHIATRIC EXAM MODIFIED OCTOBER 17, 2014 (STOP 1 AND STOP 2 GRUINACOS: "2015019048, DATED OCTOBER 17, 2014 - OCT. 21, 2014) - SUGGESTED MORRIS IS SUICIDAL; 2) STOP 2 GRUINACE: "2015031254 DATED, OCTOBER 22, 2014; AND 3) MOST IMPORTANTLY, THE DISTRICT CLERK DOCKET REVERTED, JANUARY 28, 1988's DOCKET ENTRY - HER FEDERAL PSR WAS MODIFIED, OCTOBER 20, 2014; AND TRIED TO KILL HER: STOP 1 AND 2 GRUINACOS: 2015028691, DATED OCTOBER 29th AND OCTOBER 30, 2014, SEE, EST. OF KENNEDY V. TEXAS A: M. UICEL, 267 F. Supp. 2d 646 (S.D. Tex. 2006), THAT DISTRICT COURT HELD, "TO ESTABLISH STATE OFFICIALS ACTED WITH DELIBERATE INDIFFERENCE (i.e., TO GIVE MORRIS HIV-AIDS), SO AS TO SHOW A VIOLATION OF THE VICTIMS' RIGHT TO SUBSTANTIVE DUE PROCESS, THE ENVIRONMENT CREATED BY THE STATE OFFICIALS MUST BE DANGEROUS ... AND THEY MUST HAVE USED THEIR AUTHORITY TO CREATE AN OPPORTUNITY FOR THE CRIME TO OCCUR. OBTAIN COPY OF FORMER, Reg. Dir. Eric GUERREIRO'S CORRESPONDENCE, DATED SEPTEMBER 11, 2014: MORRIS ASSERTED SHE WAS NOT IMITATE OLS, Rule 35(b) NOR 5K1 MOTION, Co. In MAURO V. FREELAND, 735 F. Supp. 2d 607 (E.D. Tex. - 2010), "PERSONAL ALLEGED STATE AND FEDERAL EMPLOYEES INTENTIONALLY AND WANTONLY SUBJECTED HER TO EXTREME NEGLECTS OF EMOTIONAL DISTRESS ... APRIL 27, 2017, MOUNTAIN VIEW UNIT'S LAW HORROR, STOLE MORRIS'S, CORAM NOBIS'S PET FOR WRIT OF HABEAS CORPUS TO THE U.S. Supreme Court, USCA CONST. AMONG 6, TRUE 28 USC §§ 2255, 2254(d)(1)(2),

U.S.C.A. CONST. AMENDS 5, 6, 8, AND 14, MORRIS IS ENTITLED TO BOTH, FEDERAL HABEAS CORPUS AND COERCE MOBS RELIEF, VACATING HER 1997 FEDERAL CONVICTIONS, AND "IMMEDIATE RELEASE" FOR THE RESPONDENTS TO PLACE MORRIS IN A SAFFP Drug Program AND PRECLUDE HER CONSTITUTIONAL ACCESS TO COURTS RIGHTS, IN RETALIATION FOR FILING, CR 36,894-D; STATE WRIT NO. 20,484-18; EX PARTE CAROL JONHENE MORRIS, FURTHER SUBJECTS HER TO INTENTIONAL AND WHOLSON EMOTIONAL DISTRESS, (MORRIS WAS EXTERED FROM THAT PROGRAM IN 1994 HACKBURY; CHOSE TARTON STATE UNIVERSITY OVER HARBOR STATE JAIL (SAFFP) PROGRAM IN 2001, AND REFUSED PARTICIPATION BY SIGNATURE WITH DIR. OF TDCJ'S SAFFP PROGRAMS ON MOUNTAIN VIEW UNIT, 2015. SEE, SOLICER V. KETINA, 118 S.Ct. AT 978 (1998), TO. IN COOK V. TDCJ TRANSITIONAL PLANNING DEPT., 37 F.3d 166 (5th Cir. 1994), THAT COURT OF APPEALS HELD, "THE BOARD OF P.P.'S SHOULD NOT CONSIDER PRISONER'S VOTA CONVICTIONS IN ESTABLISHING HIS PAROLE ELIGIBILITY DATE."

NOVEMBER 30, 2017, MORRIS HAS BEEN ILLEGALLY INCARCERATED FOR EIGHT (8) CALENDAR YEARS ON CR 36,894'S ILLEGALLY ENHANCED STATE JAIL FELONY. THE MAXIMUM TIME TO SERVE ON A STATE JAIL FELONY, IS TWO (2) YEARS, STATE JAIL WITHOUT PAROLE. IN EX PARTE MILLER, 330 S.W.3d 610 (Tex. Cr. App. - 2010), THAT TCCA'S HELD, "THE STATE AND ITS AGENTS THE PRISON SYSTEM KNOW THE DEFENDANT'S SENTENCE WAS ILLEGALLY ENHANCED AS A RESULT OF JUDICIAL VINDICTIVENESS. (REFER TO, MARCH 16, 2010'S RECUSAL PROCEEDINGS; W/ TRC'S STATE RULE 37; CASE NO. 0281739'S (pp. 1-5); MORRIS V. SATTERWHITE, FILED IN SUPPORT). V.A.C.C.P. ART. 11.07. COMPARE TO, EX PARTE GETKEN, 28 S.W.3d 953 (Tex. Cr. App. - 2000). "WITHOUT THE REQUISITE TWO, USABLE, PROPERLY SEQUENCED PRIOR STATE CONVICTIONS, MORRIS'S CR 36,894 STATE JAIL FELONY COULD NOT BE ENHANCED. CONSIDER, MD-13-CV-041'S Motion For Relief's, EXH.S. # 9 AND # 10, SPECIFICALLY: 9) NOTICE OF PAROLE PANEL DECISION, 03/08/2013 AND 10) MORRIS'S LETTER REQUESTING A SPECIAL REVIEW, FILED APRIL 7, 2013. COMPARE TO, COPY OF MORRIS'S LETTER TO PREA OMBUDSMAN, DATED OCT. 12, 2017; AND THEN, WARDEN NELSON'S LETTER, DATED MAY

15, 2016. REFER TO, NO. 16-51143, USDC MD-97-CR-103 DOCKET, MAY 31, 2016: "NO EXHIBITS OR PETITION IN THE ENVELOPE." To. SEE, E.g. Bender v. Wilkinson, 35 F.3d 816 (5th Cir. 1993); COM- PARE TO, Phillips v. Hust, 129 S.Ct. 1036 (2007) ("HOLDING PRISON LAWYERS LIABLE FOR WATCHING FAILURE OF PETITION FOR WRIT OF HABEAS CORPUS"). S.Ct. Rule 13.2. SEE, E.g. Doe v. Doe, 633 F.Supp.2d 317 (S.D. Tex. 2009), To. TITLE 18 USC § 2071. U.S.C.A. CONST. ARTICLES 1, 5, 6, 8, AND 14, U.S.C.A. CONST. ART. III § 2, TITLE 28 USC § 2254 (d)(1)(A).

In Sawyer v. Whitley, 112 S.Ct. 2514 (1992), THAT SUPREME COURT HELD, "THE MISCARriage OF JUSTICE EXCEPTION PERMITS A COURT TO HEAR PRISONER'S SUCCESSIVE, ABUSIVE, OR DEFAULTED CLAIMS IF FAILURE TO HEAR CLAIMS WOULD RESULT IN A MISCARriage OF JUSTICE." THE MISCARriage OF JUSTICE EXCEPTION APPLIES WHERE A PRISONER CAN SHOW ACTUAL INNOCENCE OF THE CRIME CHARGED, (I.E., TEX. PENAL CODE § 31.10'S AFFIRMATIVE DEFENSE), OR THE SENTENCE IMPOSED: (E.G., ENHANCED STATE JAIL FELONY, INTO A HABITUAL OFFENDER). SEE, Harvey v. Cockrell, 306 F.3d 257 (5th Cir. 2002), PETITION GRANTED. TEX. PENAL CODES §§ 12.35(a); 12.42(a)(2), SPECIFICALLY, U.S.C.A. CONST. ARTICLES 5, 6, 8, AND 14, TITLE 28 USC § 2254 (d)(1)(A); § 2253 (C)(2). RE: USDC W-14-131, NO. 16-51357'S, 16-PAGE BRIEF FOR (COA), FILED JAN. 5, 2017, DENIED OCTOBER 16, 2017, PETITION FOR DANIEL PETERSON, TIMELY FILED, OCTOBER 28, 2017 VIA'S (OUT-GOING MAILBOX), STOLEN. COMPARE TO, Artigue v. Allen, 452 F.3d 1253 (11th Cir. 2006) (PRISON OFFICIALS 'THWARTED' PRISONER'S EFFORTS). S.Ct. Rule 13. SEE, U.S. v. Thomas, 328 F.3d 305 (7th Cir. 2006). TITLE 28 USC § 2254, ET. SEQ. FRAP Rules 35, 40. S.Ct. Rule 13. U.S.C.A. CONST. ARTICLES 1, 14

"WHEN THE DISTRICT COURT DENIES A CERTIFICATE OF APPEALABILITY (COA) ON PROCEDURAL GROUNDS: (W-14-CV-131, Hornes v. Stephens, DENIED AS SUCCESSIVE, NOV. 3, 2016), § 2254 ORDER ANY LONG FEDERAL HABEAS CORPUS, WITHOUT REACHING THE PRISONER'S UNDERLYING CONSTITUTIONAL CLAIMS A (COA) ^{HUST} ~~ISSUE~~ ISSUE WHEN THE PETITIONER SHOWS AT LEAST, THAT JURISTS OF REASON WOULD FIND IT DUBITABLE WHETHER THE PETITION STATES A VALID CLAIM OF A DENIAL OF A CONSTITUTIONAL

RIGHT AND JURIST OF REASON WOULD FIND IT DEBATABLE WHETHER THE DISTRICT COURT WAS CORRECT IN ITS PROCEDURAL RULING. SEE, IN RE WENSHUP, 397 U.S. 358, 90 S.Ct. 1068 (1970). LO. SEE, SILK V. Mc DANIEL, 120 S.Ct. 1595 (2000). TRV. PRIM CODES §§ 31.10, 12.42(a)(2). U.S.C.A. CONST. AMENDS. 5, 6, 8, AND 14. TITLE 28 USC § 2253(c)(2). COMPARE TO, NO. 16-51357's ORDER DOWLING (COA), FILED OCTOBER 14, 2017. S.Ct. PAGE 13.

IN CAMPBELL V. THOMPSON, 118 S.Ct. AT 1502 (1998), THE SUPREME COURT HELD, "CONVICTING A COURT OF APPEALS MUST ACT TO AVOID A MISCARriage OF JUSTICE..." LO. TITLE 28 USC § 2244(b)(2)(B)(ii). "A CRIMINAL DEFENDANT TRIED BY A PARTIAL JUDGE, CONVICTION SHOULD BE SET ASIDE NO MATTER HOW MUCH EVIDENCE IS AGAINST HIM." SEE, BUSTION V. QUARTERMAN, 534 F.3d AT 672 (5th Cir. 2008). U.S.C.A. CONST. AMENDS. 5, 6, 8, AND 14.

TITLE 28 USC § 2254(d)(1)(a). TITLE 28 USC § 2253(c)(2). "THE MEANING OF ACTUAL INNOCENCE AS FORMULATED BY SAWYER AND CARRISER DOES NOT MERELY REQUIRE A SHOWING THAT A REASONABLE DOUBT EXISTS IN LIGHT OF THE NOW EVIDENT, BUT RATHER THAT NO REASONABLE JURY WOULD HAVE FOUND THE DEFENDANT GUILTY."

SEE, SCHUP AT 868, LO. THAT STANDARD REQUIRES A HABEAS PETITIONER TO SHOW THAT A CONSTITUTIONAL ERROR HAS PROBABLY RESULTED IN THE CONVICTION OF ONE WHO IS ACTUALLY. COMPARE, BRACY V. GRANTLEY, 117 S.Ct. 1793 (1997); TO, SEE, EQ. DUNNIS V. SPARKS, 101 S.Ct. 183 (1980). "JUDGE SUBJECT OF PERSONAL ATTACKS AND LAWSUIT

(i.e., TITLE 28 USC § 351, JUDICIAL COMPLAINT: NO. 09-51052; USDC HO-08-CV-171; MORRIS V. CITY OF HOUSTON, TEXAS, ET AL., FILED NOV. 6, 2009 (5th Cir.) - BY DEFENDANT:

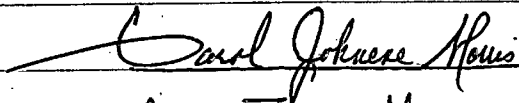
(MORRIS V. JEWELL) COULD NOT PRESTOE. (RE: § 2254 USDC HO-11-CV-021; HO-13-CV-041; HO-14-CV-026, LO.). USCA CONST. AMENDS. 5, 6, 8, AND 14. TITLE 28 USC § 2254(d)(1)(a),

§ 2254, § 1651(a), ALL WRITS ACT. USCA CONST. ART. III § 2. U.S.C.A. COMMERCE CLAUSE, ART. I § 8, CL. 3, TITLE 28 USC § 1358, EMINENT DOMAIN; VERMONT'S CONST. AMEND. ART. I § 17. - U.S.C.A. CONST. AMEND. 5 - JUST COMPENSATION CLAUSE.

CONCLUSION

THE PETITION FOR A WRIT OF CERTIORARI SHOULD BE GRANTED.

RESPECTFULLY SUBMITTED,



CAROL JOHNSON MORRIS

TDCJ-LA # 1681899

DATE: JANUARY 10, 2018