

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

MONTRANCE T. ROBERSON

MONTRANCE T. ROBERSON — PETITIONER
(Your Name)

vs.

THE STATE OF TEXAS — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FIFTH COURT OF APPEALS, DALLAS, TEXAS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MONTRANCE ROBERSON #2058058
(Your Name)

Telford Unit, 3899 State Hwy 98
(Address)

New Boston, TX 75570
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

Since a trial judge is required to line out for the jury the "Law" applicable in this case at hand, and the State law has a provision in it for a defense that could be clearly applied in the case. Does the judge have a responsibility, to at the minimum, ask defense counsel if they wish the jury to be instructed as to that law?

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:

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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☐ is unpublished.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☐ is unpublished.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☒ is unpublished.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 Court of Criminal Appeals, Texas 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☒ is unpublished.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 12/13/17.
A copy of that decision appears at Appendix B.

☐ 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

FOURTEENTH AMENDMENT, UNITED STATES CONSTITUTION - DUE PROCESS

STATEMENT OF THE CASE

This case arises out of the trial court and defense attorney's failure to inform the jury of Texas Penal Code 8.04, which provides for punishment mitigation because of intoxication. There was ample evidence at trial that could have been used by the jury, in favor of finding the defendant was intoxicated at the time. However, neither the judge or the defense attorney informed the jury in thier instructions that Pen.Code 8.04 could apply if they so chose to use it.

REASONS FOR GRANTING THE PETITION

This honorable Court, should look into this matter of a trial judges' responsibility of outlining "all" the law that applies to the case they are dealing with to the jury - for fairness in our judicail system and efficiency. As most reversable errors come from a lack of appointed counsel doing the most basic of tasks to properly represent their clients. And judges have the responsibility to make sure jury charges outline the laws that apply to the case. Why are they not also required to add defense law like Texas Penal Code 8.04? When it clearly applies..

Allowing judges to only focuss on what benifits the State, and ignore what the law provides for a defendant, clearly sets the judge on the side of the State. Instead of being an unbiased party.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: 3/9/18