

No. _____

ALAN WADE JOHNSON,
Petitioner,
VS.
LORIE DAVIS, DIRECTOR, TDCJ, et al.
Respondents.

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

APPLICATION TO JUSTICE SAMUEL ALTIO TO EXTEND
TIME TO FILE PETITION FOR CERTIORARI

RELIEF SOUGHT

ALAN WADE JOHNSON, Petitioner on behalf of himself, requests that Justice Samuel Altio, requests that Justice Altio, Justice for the Fifth Circuit, extend the time for filing a petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit in the matter of ALAN WADE JOHNSON VS. LORIE DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, et al, docket number 16-10534, for a period of 60-days, or from December 12, 2017 up to and including February 12, 2018.

GROUND FOR RELIEF

1.) On May 17, 1976 and June 14, 1976, petitioner was convicted pursuant to plea agreement for three(3) offenses

(a) Aggravated Robbery; (b) Aggravated Rape; and (c) Aggravated Sexual Abuse in the 231th District Court of Tarrant County, Texas, and sentenced to 50-years to operate concurrently with each other.

His negotiated guilty were induced and were measured by the laws in effect on the date of the 1975 offenses.

2.) Petitioner did not file a direct appeal. The facts relied upon in his Title 28 U.S.C. §2254 did not exist when he made the plea agreement.

3.) Petitioner's Grounds One through Five are:

1). His guilty plea was involuntary, because the sentence was altered/modified to impose a LIFE-TIME ban on Free Speech, Anonymous Free Speech, Free Expression, Free Thought, Free Press, and Free Association;

2). His guilty plea was involuntary, because the sentence was altered/modified to impose a LIFE-TIME ban on Sex Offender residence and travel restrictions;

3). His guilty plea was involuntary, because the sentence was altered/modified to impose a LIFE-TIME of Texas Statutes, Mandated, Special and General Parole conditions for Sex Offenders, including 12-components to Special Parole Condition X and highly invasive Sex Offender Treatments;

4). His guilty plea was involuntary, because the sentence was altered/modified to impose Global Monitoring System(GPS for LIFE TIME;

5). His guilty plea was involuntary, because the sentence was altered/modified to impose a LIFE-TIME Sex Offender Registration and Special Sex Offender Driver's License to be renewed every year as opposed to non-registrants who renew every four years, and thereby required to pay four time the amount of non-registrant.

4.) Petitioner's Ground Six asserts his negotiated plea agreement was breached by the State of Texas rending the agreement involuntary and thereby void by their forcibly imposing a LIFE-TIME acute disabilities illustrated in Grounds One through Five became part of his sentences.

The State of Texas altered/modified Petitioner's 1975 sentences by the enactment of codes, statutes and special parole conditions, that were not in existent at the time of his plea agreement. His pleas were involuntary, because the State of Texas without notice applied direct consequences on his 1975 sentences. which he is still in custody for...

The United States District Court and the United States Court of Appeals for the Fifth Circuit misconstrued his grounds were about parole conditions. Petitioner's grounds are actually based upon "guilty pleas were not voluntary, intelligently and knowingly entered, and breach of plea agreement."

5.) In April 2016, Petitioner duly appealed for Certificate of Appealability to issue to the United States Court of Appeals for the Fifth Circuit. This court denied his motion for COA by its Order entered on August 25, 2017. Judgment entered September 12, 2017. (See Attached Opinion, Exhibit A)

JURISDICTION

6.) The Supreme Court will have jurisdiction over this matter Title 28 U.S.C. §1254(1) gives the Court jurisdiction over an appeal of a final judgment of the United States Court of Appeals.

REASONS WHY RELIEF FROM THE TIME LIMIT NEEDED

7.) Under Supreme Court Rule 13.1, time for filing a petition for writ of certiorari in this matter expires on December 12, 2017.

8.) Petitioner, a layperson suffered difficulty concentrating

and suffers from short term memory loss...due to coronary air embolism, spontaneous cardiac arrest during implanting of stents. CPR and shock was applied twice for a period of 31-minutes his heart had stopped beating. Due to this incident of July 1, 2016, he has developed cognitive impairment. Petitioner is currently waiting neurology for diagnostic and specialist evaluation.

Petitioner is not seeking special treatment from the Court, only fair and adequate justice to demonstrate the United States District Court and United States Court of Appeals of Appeals decision was indeed misconstrued and contrary to U.S. Supreme Court and other decisions by this court and the Fifth Circuit. He should have not been time barred pursuant to the miscarriage of justice...

The cognitive impairment causes extreme difficulty for the Petitioner. Due to these extraordinary circumstances extra time is needed. (See Attached two(2) doctors conclusions, Exhibit B)

PERSUASIVE GROUNDS FOR CERTIORARI IN THIS CASE

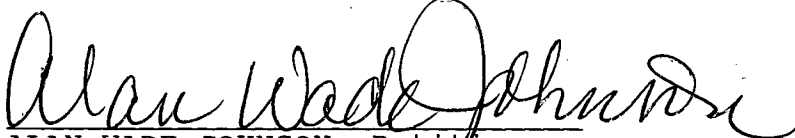
The plea agreement and sentence of Petitioner with imposed LIFE-TIME bans on him and breach of the plea agreement raises grave Constitutional questions which reach far into our changing times. The United States Constitution exist for these moments in our society, when heated passions cloud judgment and lead to decision(s) that fly in the face of fundamental founding principles. This Court more than ever has an enormous responsibility to protect sex offenders' constitutional guarantees. Our Constitution does not protect only the popular and benevolent, but those other

individuals that have deemed unfit to lead a normal life, or unworthy of dignity after having paid their debt to society. Petitioner's negotiated guilty pleas were not voluntary, intelligently and knowingly entered, had he known these statutes, mandates, special parole conditions would be added over decades later, he would have refused the plea agreements and insisted on going to trial.

WHEREFORE PREMISES, CONSIDERED, Petitioner respectfully pray this Honorable Court grant his application to extend Time to file Petition for Writ Certioari for 60-days, or until February 12, 2018. Petitioner also urges the Court to consider appointing him an attorney to assist him due to his struggle for justice.

November 27, 2017.

Respectfully submitted,



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VERIFICATION

Petitioner swears under penalty of perjury that the foregoing Application and its attachments are true and correct of his own personal knowledge. This oath is taken pursuant to Title 28 USC §1746, executed this 27th day of 2017.


Alan Wade Johnson, Affiant