

No: 24-5398

In The Supreme Court Of
The United States

William Michael Talley - Petitioner

V.

State Of Texas - Respondant

On Petition For Writ Of Certiorari To
Texas State Court of Criminal Appeals

Petition For Rehearing

William Michael Talley
I.D. # 2426137
Cole Unit
3801 Silo Road
Bonham, Texas
75418

William Michael Talley
Pro Se Litigant

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The United States
Petition For Rehearing

Ia.

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II

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Petition For Rehearing and Suggestions
In Support

Comes now Petitioner, William Michael Talley, inmate and Pro Se litigant confined in the Texas Department Of Criminal Justice, prays this court to grant Rehearing pursuant Rule 44, and thereafter, grant him a Writ of Certiorari to review the opinion of the Texas Court of Criminal Appeals. In support of petition, Petitioner states the following.

Statement Of Facts

- On November 28, 2022, Petitioner pled guilty to Possession of Control Substance > 4 grams, with intent to deliver, and was sentenced to 30 years in prison, as a habitual offender
- On March 9, 2023, Petitioner filed a Motion to Withdraw Pled of Guilt. Trial Court Case No: 19238
- With no response from the 115 District Court, Upshar County Texas, on June 14, 2023 Petitioner filed a Writ of Mandamus to compell a ruling

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Statement Of Facts - Cont.

- On October 31, 2023, the Twelfth Court of Appeals returned a ruling on Mandamus relief. Denying in part for lack of record, and dismissing in part for lack of jurisdiction C.O.A. No: 12-23-00160-CR. "Making note" that the denial did not discount the merits of the grounds mentioned for relief. Exhibit VII
- On December 7, 2023, Petitioner files a Petition For Discretionary Review, where no action was ordered, directing Petitioner to file 11.07. CCA No: PD-0869-23
- On February 21, 2024, Petitioners State Habeas Corpus was file. Denied May 15, 2024 Without Written order. Reconsideration Denied June 6, 2024. "Without Written Order" Tr. Ct Case No: 19238-A, WR-95,509-01. Exhibit IX

Suggestions In Support Of
Rehearing



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Reasons Meriting Rehearing, and-

Suggestions In Support Of Rehearing

William Michael Talley, Petitioner, has maintained the same five Constitutional violations of his Civil rights since March 9, 2023. This court has the ethical duty by the United States Constitution to establish the law of the land, and assure the Citizens of the United States of America that the lower courts apply that law. When they do not, this court is obligated to hold that court accountable. and see to it that there is "justice for all", as the "Pledge of Allegiance" states.

The lower court turning a "blind eye", and a "deaf ear", to Counsels performance, failing to argue the suppression of illegally obtained evidence. Clearly having conflicting loyalties. Clearly in conflict with Strickland v. Washington 466 U.S. 668 (1984), and Williams (Terry) Taylor 529 U.S. 362 (2000) in determining the prejudice to the Petitioner. Had the Motion to Suppress been argued and granted, there's probability of a different outcome, which ~~be different~~ "Exhibit V"

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Reasons Meriting Rehearing

1. On October 24, 2022, Counsel filed a Motion To Suppress. But on the morning of the Suppression hearing, Counsel meets Petitioner on the parking lot and presents a photo of Petitioner releasing a container that was later found in a trash can at Upshur County jail. Petitioner contends this photo was A.I. generated and not authentic. No drugs were found on Petitioner's person, or his vehicle. Counsel does not argue the Motion to Suppress, Exhibit V

* Counsel's conflicting loyalties gave prejudice and Harm to the Petitioner.

2. Petitioner's Brother-in-law of 20 years, is Upshur County Judge Todd Tefteller. Petitioner's Counsel, 115 District Court Judge, Jerald Dean Fowler II, are all personal friends. 115 District Court Judge is personal friends with Petitioner's sister, who is a adversary. Judge Tefteller is representing Petitioner's son and sister, who are defendants in U.S. Dist. Ct. No: 2:23cv163, where Petitioner is Plaintiff. Clearly creating a conflict of interest and loyalties

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Reasons Meriting Rehearing - Conti

3. Prejudice - United States v. Frady 456 U.S. 152, 170, 102 S.Ct. 1584 (1982) To establish "Prejudice" the Petitioner must shoulder the burden of showing not merely that the error in his Judicial proceedings created the possibility of prejudice, but they worked to his actual, and substantial disadvantage, into infecting his entire constitutional dimensions

115 District Court Judge Jerald Dean Fowler refusal to perform basic ministerial duties, refusal to recuse himself amid clear conflict of interest, loyalties, and bias judgement. Exhibit II

4. Miscarriage of Justice - Schrup v. Delo 513 U.S. 298, 327-29, 115 S.Ct. 851-68 (1995)

No reasonable juror would have found William Michael Talley guilty, nor would he have "pled guilty," if not for the states refusal to suppress illegally obtained evidence. "Fruits of the Poisonous Tree."

Roe v. Flores-Ortega 528 U.S. 470 (2000) even though prisoner, "in the course of pleading guilty," signed what is called an "appeal waiver," that is an agreement foregoing certain, but not all appellate claims

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Reasons Meriting Rehearing - Cont

5.a Exhibit I - Indictment - Clearly shows the same "Core Charge" was used in paragraph A+B to enhancement purposes

6. Exhibit II - Motion To Withdraw Plea of Guilt -

Clearly shows Petitioners plea of guilt was not a knowing or willing plea. Coerced by the Judge, State and Counsel.

Suggestions In Support of Rehearing
"Where Is The Justice"?

William Michael Talley, a tax payer, Water Well Driller, who will be 65 on March 12, given a 30 year sentence, where the harshness of the sentence by far out weighs the gravity of the offence. The question is "Where Is The Justice"?

Prosecutors, Judges, and Politicians are turning courts of law into courts of favoritism, and Personal agenda. They treat some as privileged to break the law, while treating some as prey. Judge Gerald Dean Fowler was sentenced by Judge Tettler to 1 year non-adjudicated Probation for DWI causing Bodily harm. in 2022.



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Suggestions In Support of Rehearing - Cont.

Direct Collateral Review 121 Colum. L. Rev. 159

The author, Z. Payvand Ahdout, Columbia Law School, Academic Fellow & Columbia Fellow, and once law clerk to Justice Ginsburg writes;

Federal courts are vitally important fora in which to remedy constitutional violations that occur during state criminal proceedings. But critics have long lamented the difficulty of obtaining federal review of these violations. The Supreme Court rarely grants certiorari to review criminal convictions, including allegations of constitutional defects, on direct appeal. Likewise, the Court has historically declined to grant certiorari to review habeas claims that originate in state courts. And Congress has circumscribed the ability of all federal courts to grant relief on habeas claims made by state prisoners. The dominant scholarly view, therefore, is that systemic constitutional violations are going unremedied and will go continually unaddressed absent broadscale change.

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Conclusion - William Michael Talley

For the reason brought forth throughout this Petition. At 65 year of age, ask this court to hear his plea for "Just", Justice. We see murders, rapist, child molester receive sentences much less than 30 years.

It's so obvious that "Small Town" political agenda has used the Judicial system as a weapon to facilitate the theft of Petitioners land by family.

William Michael Talley challenges this court to do the right thing, "help pull the needle out of a hay-stack", Hold the Texas Court of Criminal Appeals accountable for the practice of complete disregard, of Due Process of the fourteenth Amendment.

As the for-fathers who wrote it, intended

Respectfully Submitted
William Michael Talley
#2426137 - Cole Unit
3801 Silo Rd
Bonham, Texas
75418

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United States of America

William Michael Talley

V.

State Of Texas

Certificate Of Good Faith

Comes now, Petitioner, William Michael Talley, inmate and Pro Se litigant confined in the Texas Department of Criminal Justice, makes certification that his petition for rehearing is presented to this court in good faith pursuant to rule 44. Petitioner further states the following:

1. This court entered its judgment denying petitioner a Writ of Certiorari on November 4, 2024. Petitioner believes the grounds presented in his state 11.02 are adequate to justify the Due Process of the I, V, XIV amendments of the Constitution of The United States. And this Petition for Rehearing is brought in good faith, and not for delay.



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Certificate Of Good Faith - Cont.

Furthermore, Petitioner believes that based upon the law of this court, and facts of this case, Petitioner is entitled to the relief which he has been unjustly denied. He further challenge this court to review the Texas Court of Criminal Appeals direct violation of individual Constitution right to due process, by denying without written order, application of Habeas Corpus relief, giving no legal basis to question for use of Appeal. Where is the right to Due Process in this practice that is far over due of question?

I declare under the penalty of perjury that the foregoing is true and correct.

Executed this 25th day of November 2024

William Michael Talley

Unsworn Declaration III

My name is William Michael Talley, my date of birth is March 12, 1960, and my ID# is 2426137. I am incarcerated at the Cole Unit in Fannin County Texas. I declare under the penalty of perjury that the foregoing is true & correct

Executed on this 27 day of November 2024

William Michael Talley
Pro Se

