

No. \_\_\_\_\_

ORIGINAL

24-7015

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

MAR 04 2025

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

Matthew Lee Flowers — PETITIONER  
(Your Name)

vs.

The State of Texas — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The United States Court of Appeals Fifth Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Matthew Lee Flowers  
(Your Name)

810 FM 2821 West  
(Address)

Huntsville, Texas 77349  
(City, State, Zip Code)

11/9  
(Phone Number)

### QUESTION(S) PRESENTED

When both the State and Federal Court acknowledge the improbability of a pro se litigant properly/effectively arguing and briefing an ineffective assistance of counsel claim Has the pro se litigant after requesting assistance been denied equal protection because of the advantage afforded to the financially competent litigant who can hire counsel.

Disclaimer: Petitioner has a GED with the highest grade of completion being the 8th Grade. He is aware of his ignorance and deficiency in arguing and briefing law that is why he has at every stage of the appeal process requested counsel including help with this writ.

## 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:

## RELATED CASES

1. *Martinez v. Ryan*, 566 U.S. 1, 132 S. 1309, 1317-18, 182 L. Ed 2d 272 (2012)
2. *Haley v. Estelle*, 632 F.2d 1273
3. *Price v. Johnston*, 334 U.S. 266
4. *Griffith v. State*, 507 S.W.2d 720

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APPENDIX B - *Haley v. Estelle*, 632 F.2d 1273

APPENDIX C - *Price v. Johnston*, 334 U.S. 266

APPENDIX D - *Griswold v. State*, 507 S.W. 3d 720

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## TABLE OF AUTHORITIES CITED

### CASES

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### STATUTES AND RULES

### OTHER

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 \_\_\_\_\_ 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 Oct 10, 2024.

☒ 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 \_\_\_\_\_.  
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

US CS Const. Amend. 14

### Sec. 1

All Persons born or naturalized in the United States, and subject to the Jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall the 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 laws.



## STATEMENT OF THE CASE

Petitioner was arrested on August 17, 2018 for an indicted charge of Continuous sexual abuse of a child victim under 14. He went to trial on November 8, 2021 (after ascertaining his right to speedy trial multiple times and numerous trial dates set and rescheduled) He was acquitted of the indicted charge and two charges of Aggravated sexual abuse. He was convicted of lesser included charge of indecency with a child. Petitioner has filed two Article 11.07, Article 2254 + a Motion for Certificate of Appealability and other motions. He has acknowledged his ignorance and requested assistance of counsel at every stage including this petition. At no time was petitioner afforded the opportunity to develop the records to prove the merits of his claims.

#### REASONS FOR GRANTING THE PETITION

See *Griffith v. State*, 507 S.W.3d 720 "A poor person, of course, like a rich person, can file his habeas application challenging his trial attorney's ineffectiveness, but he will almost certainly fail because, as a pro se litigant, he is likely unversed in the pleading and proof requirements for obtaining habeas relief. See *Martinez v. Ryan*, 566 U.S. 1, 132 S. 1309, 1317-18, 182 L. Ed 2d 272 (2012). (Observing that, "[w]ithout the help of adequate attorney, a prisoner with hinc [ ] difficulties vindicating a substantial ineffective-assistance-of-counsel... May not have been sufficient to ensure that proper consideration was given to a substantial claim"). In contrast, a person who can afford a post-conviction habeas attorney to navigate that procedural scheme will have a reasonable forum to challenge the effectiveness of his trial attorney. The present system works for the rich people and fails for the poor people. Yet, this Court continues to do nothing to fix the broken process, this Court happily sings that everything is alright, which, of course, it is, for non-indigent habeas applicants who can afford to hire counsel." See *Haley v. Estelle*, 632 F.2d 1273 "Prisoners are often unlearned in the law and unfamiliar with the complicated rules of pleading. Since they act so often as their own counsel in habeas corpus proceedings, we can not impose on them the same high standards of the legal art which we might place on the members of the legal profession. Especially is this true in case like this where the imposition of those standards would have a retroactive and prejudicial effect on the petitioner's inartistically drawn petition." *Price v. Johnston*, 334 U.S. 266. In order for movant to be given the same opportunity for redress as financially competent petitioners he would have been granted appointment of counsel. Petitioner, like summary other pro se litigants, has been deprived equal protection because of his financial deficiency. Had he had the money to afford counsel he would of at the very least been afforded the opportunity to develop the record through the various available means. Because of his indigent status he was unable to properly litigate his claims.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Matthew F. Davis", is written over a horizontal line.

Date: 3/4/05