

No. 25-5479

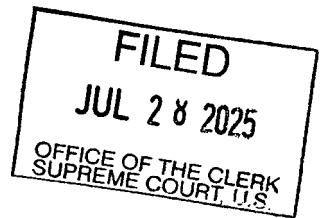
IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

SALVADOR BORJA MATA — PETITIONER
(Your Name)

vs.

THE STATE OF TEXAS — RESPONDENT(S)



ON PETITION FOR A WRIT OF CERTIORARI TO

COURT OF CRIMINAL APPEALS OF TEXAS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

SALVADOR BORJA MATA
(Your Name)

James V. Allred Unit
2101 FM 369 North

(Address)

Iowa Park, Texas 76367-6599
(City, State, Zip Code)

(940)855-7477
(Phone Number)

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

The State of Texas v. Salvador Borja Mata, No. 27021-422 (422nd District Court of Kaufman County, Texas March 19, 2009).

Ex parte Salvador Borja Mata, No. WR-95,742-01 (Tex. Crim. App. July 17, 2024).

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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☐ is unpublished.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☐ is unpublished.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&B 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☒ is unpublished.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☐ is unpublished.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 _____.

☐ 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 7/17/2024.
A copy of that decision appears at Appendix B.

☒ A timely petition for rehearing was thereafter denied on the following date: May 9, 2025, and a copy of the order denying rehearing appears at Appendix A.

☐ 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

The Due Process Clause provides that "[n]o State shall...deprive any person of life, liberty, or property, without due process of law." U.S. CONST. amend. XIV.

The Sixth Amendment to the United States Constitution provides that "[i]n all criminal prosecutions, the accused shall enjoy the right...to have the assistance of counsel for his defense." U.S. CONST. amend. VI.

"[I]t shall be the duty of the convicting court to decide whether there are controverted, previously unresolved facts material to the legality of the applicant's confinement." TEX. CODE CRIM. PROC. art. 11.07 § 3(c).

"To resolve those issues the court may order affidavits, depositions, interrogatories, additional forensic testing, and hearings, as well as using personal recollection." TEX. CODE CRIM. PROC. art. 11.07 § 3(d).

STATEMENT OF THE CASE

In his state habeas corpus proceeding, Petitioner presented a claim that his trial counsel was ineffective for misleading him concerning the sentences and parole thereof for multiple charges.

Petitioner alleged facts that, if true, might entitle him to relief. The trial court decided that there were no controverted, previously unresolved facts material to the legality of Petitioner's confinement. The court did not order any affidavits, depositions, interrogatories, additional forensic testing, or hearings to dispute Petitioner's claims and alleged facts.

The only evidence entered in the record was Petitioner's evidence supporting the facts of his claims.

Petitioner's trial counsel did not respond in any way whatsoever, presumably because the court did not order counsel to do so.

Petitioner requested an evidentiary hearing on the first page of his habeas corpus application presented to the state courts.

REASONS FOR GRANTING THE PETITION

The Due Process Clause provides that "[n]o State shall...deprive any person of life, liberty, or property, without due process of law." U.S. CONST. amend. XIV. The Clause "centrally concerns the fundamental fairness of governmental activity." Quill v. North Dakota, 504 U.S. 298, 312 (1992).

The Sixth Amendment to the U.S. Constitution provides that "[i]n all criminal prosecutions, the accused shall enjoy the right...to have the assistance of counsel for his defense." U.S. CONST. amend. VI.

It shall be the duty of the convicting court to decide whether there are controverted, previously unresolved facts material to the legality of the applicant's confinement." TEX. CODE CRIM. PROC. art. 11.07 § 3(c). To resolve those issues the court may order affidavits, depositions, interrogatories, additional forensic testing, and hearings, as well as using personal recollection. TEX. CODE CRIM. PROC. art. 11.07 § 3(d).

Petitioner presented a claim that his trial counsel was ineffective for misleading him concerning the sentences and parole thereof for multiple charges. Counsel told Petitioner that he would receive 20 years for three charges and that they would run concurrently. Counsel told Petitioner that each of the three charges would discharge 10 years before a separate charge of 30 years discharged. At the plea hearing, the three charges were combined into one 60 year sentence and one charge that would make Petitioner "eligible" for parole after serving one-half of the sentence. Counsel duped Petitioner into a sentence that was three

times longer than what he agreed to and what was explained to him. Further, the 60 years sentence is twice as long as the 30 years sentence for a separate charge.

Article 11.07 of the Texas Code of Criminal Procedure provides for the "Procedure After Conviction Without Death Penalty." See TEX. CODE CRIM. PROC. art. 11.07. In it the trial court is required "[t]o decide whether there are controverted, previously unresolved facts material to the legality of applicant's confinement." TEX. CODE CRIM. PROC. art. 11.07 § 3(c). If the convicting court decides that there are controverted, previously unresolved facts which are material to the legality of the applicant's confinement, it shall enter an order within 20 days...designating the issues of fact to be resolved. TEX. CODE CRIM. PROC. art. 11.07 § 3(d). To resolve those issues the court may order affidavits, interrogatories, additional forensic testing, and hearings, as well as using personal recollection. Id.

The trial court did not enter any such order designating the issues of fact to be resolved. The only facts entered in the record were those supporting facts and evidence presented by Petitioner in his ineffective assistance claim. By deciding that Petitioner's facts were not controverted or previously unresolved, it can be presumed the facts presented were true. Therefore, Petitioner was entitled to relief on his claim. The Court of Criminal Appeals of Texas ultimately decided to deny Petitioner's Application for Writ of Habeas Corpus and the relief requested therein.

Petitioner did request an evidentiary hearing on the first page of his habeas application. No hearing was held and counsel

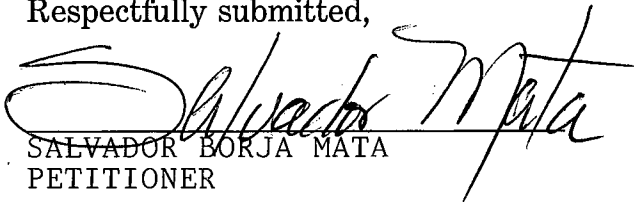
did not respond in any way whatsoever.

It is Petitioner's contention that the Due Process Clause of the U.S. Constitution requires a court to accept facts alleged by a defendant as true when an attorney does not respond to an ineffective-assistance-of-trial-counsel claim or the attorney is required to respond to such a claim. Otherwise, the fundamental fairness of governmental activity fails to exist due to subversion and attorneys will never be held accountable for their ineffectiveness.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



SALVADOR BORJA MATA
PETITIONER

Date: July 28, 2025

*Justices Sonia Sotomayor, Elena Kagan, ... help
me please, I am not a bad person in any way;
I am only poor and Mexican.
I hold a Master's Degree in Education.*