

25-6210

No. _____

FILED

SEP 26 2025

OFFICE OF THE CLERK
SUPREME COURT U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

Ronnie James Monroe — PETITIONER
(Your Name)

vs.

Eric Guerrero — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Ronnie James Monroe
(Your Name)

2101 Elm 369 W Alred Unit
(Address)

Iowa park TX 76367
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- 1) Whether District Court error by dismissing habeas corpus 2254 Application as untimely ~~and~~ without considering a timely filed ~~and~~ motion for Ch 64 DNA testing as "other collateral review" that tolled AEDPA Limitation under 28 U.S.C. 2244
- 2) Whether the trial court failed to ask the State to elect which Count it's going to use to convict
- 3) Whether the trial court failed to hold a hearing after issuing an order designating issue.
- 4) Whether the State use misleading and false evidence to convict
- 5) Whether the error in playing video of Applicant Interrogation without his Miranda warnings read.

List of Parties

All Parties do not Appear in the caption of the case on the cover

BOBBY Lumpkin - Director, Texas department of Criminal Justice

MR NATHAN Tademba - Assistance Attorney General

Related case

Monroe V. Bobby Lumpkin 4:24-cv-942 Northern District court for
Texas - Fort Worth.

Monroe V. Eric Guerrero NO. 25-16222 United STATES Court of
Appeal - Fifth Circuit

Table of Authorities cited

Pgs

Brown V Secy for the Dept of Corr.	530 F3d 1335.	.....
Ex Parte Adams	768 S.W.2d 281 (1989 Tex. Crim App. 39).	.....
Ex Parte Carver	579 S.W.2d 249 (1979 Tex. Crim App. Lexis 1398).	.....
Ex Parte Curry	2022 Tex. Crim App. Unpub. Lexis 399.	.....
Ex Parte NANNIE	1998 Tex. App. Lexis 2661.	.....
Huskey V State	2000 Tex. App. Lexis 4722.	.....
Hutson V Quateman	508 F3d 236 246 (5 th Cir 2007).	.....
MASSER V State	1997 Tex. App. Lexis 518.	.....
NAHE V Illinois	360 U.S. 264 (79 S. Ct 1173).	.....
Ochoa V State	982 S.W.2d 904 (1998 Tex. App. 173).	.....
Oliver V State	81 Tex. Crim 529 (1975 SW 185).	.....
ROS-BAROHANIR V State	2019 Tex. App. Lexis 7447.	.....
Rumbaugh V State	589 S.W.2d 414.	.....
Thompson V Keohavua	516 U.S. 99. 116 S. Ct 457 (1995).	.....
U.S. V. Hunter	708 F3d 938, 947-48 (7 th Cir 2013).	.....

STATUTES AND Rules

Tex. Code Crim Proc Art. 11.07.	.....
Tex. Code Crim Proc Art 38.22.	.....

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4-12
REASONS FOR GRANTING THE WRIT	13
CONCLUSION.....	14

INDEX TO APPENDICES

APPENDIX A: Decision of United States Court of Appeal - Fifth Circuit

APPENDIX B Decision of United States District Court

APPENDIX C Decision of Texas Court of Criminal Appeal

APPENDIX D Decision of United States Court of Appeal Fifth Circuit rehearing

APPENDIX E

APPENDIX F

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 A to the petition and is

☐ reported at N/A; 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 B to the petition and is

☐ reported at N/A; 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 C to the petition and is

☐ reported at NA; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the N/A court appears at Appendix N/A 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 JUNE 18th 2025.

[] 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: July 18th 2025, and a copy of the order denying rehearing appears at Appendix D.

[] An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (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 11-9-22.
A copy of that decision appears at Appendix C.

[] A timely petition for rehearing was thereafter denied on the following date: N/A, 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 N/A (date) on N/A (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

28 U.S.C. § 2253	(App. A2)
8 U.S.C. § 1252	
28 U.S.C. § 2254	(App. A1)
28 U.S.C. § 2244	
Constitutional 5 th Amendment	(pg 5 - 10)
Constitutional 14 th Amendment	(pg 5 - 10)
Due Process Clause	(pg 5 - 10)
Tex. Code Crim Proc. Art 64	(Exh. A)
Tex Code Crim Proc. Art 38.22	(pg 4)
Tex Code Crim Proc Art. 11.07	(Exh. B)

STATEMENT OF THE CASE

1) District court error in dismissing Petitioner habeas corpus 2254 Application as untimely without considering motion for ch 64 testing as "other collateral review" that tolled Aedpa statute of limitation

On 13th day of September 2018 Second Court of Appeal Affirmed Monroe Conviction. See Monroe v. State NO 02-17-00118-CR 2018 WL 4354398 (Tex. App. Fort Worth Sept 13, 2018) On 14th day of February 2019 Monroe file a timely and proper motion of a ch 64 DNA testing that were granted (exh A) Brown v. Sec'y for the dept corr 536 f3d 1355 (2008 U.S. App Lexas 12912) (hold: Motion was not rejected for failure to meet the condition of filings. As a result concluded that Motion for DNA testing was proper filed for Aedpa tolling purpose). Hutson v. Quarterman 508 f3d 236, 240 (5th cir 2007) (hold: It found that DNA testing qualified as "other collateral review" and thus tolled the limitation period under 28 U.S.C 2244) Monroe Motion for DNA testing tolled limitation until hearings on 7th day of November 2021. On 20th day of January 2022 filed his Second habeas corpus that tolled Aedpa Limitation for another 210 days. On 11th day of August 2024 Monroe filed his ~~habeas~~ habeas corpus 2254 in the federal court making his 2254 timely. Therefore Monroe respectfully asks this court to remanded back for COA

2) Trial court failed to require the state to elect which count it's going to use to convict Violated Applicant due process 5th and 14th Amendment state and federal Constitutional Double Jeopardy Clause

State charged Monroe with a three count indictment cause no 1491623 R.

Count one: on or about 22nd day of July 2015 through 11th day of June 2016 Aggravated Sexual Assault by Penetration and/or Indecency with a Child by Contact. Count two: on or about 11th day of June 2016 Sexual Assault by Penetration. Count three: on or about 11th day of June 2016 Indecency with a child by contact. All three count arose from same person, same act, same transaction. See (PR 0613: 210-212) Monroe was acquitted on Count one and two and found guilty by jury on count three. See Rios v. Barahona v State 2019 Tex App Lexis 7447 (hold: Indecency with a child is a lesser included offense of Aggravated Sexual Assault with a child when both offense are predicted on same act) Massey v State 1997 Tex App Lexis 518 (hold: Because the offense of which Appellant was convicted occurred in the same criminal episode, the same transaction, and with the same parties they were the same offense for double jeopardy.)

Debo v State 982 SW2d 904 (1998 Tex App Lexis 173) (hold: Judgment vacating defendant's conviction of Indecency with a child was proper as that crime was lesser-included of the conviction for Aggravated Sexual Assault both violation arose from the same specific act).

Therefore the trial court failed to require the State to elect which Count it's going to convict. See (CRVD 5:40-41) Huskey v State 2000 Tex App LEXIS 4722 (hold: Trial court error in failing to ask the State to elect which offense it's would seek to convict of Sexual Assault of a child undercuts the unanimity require of Jury Verdict and violate Appellant Substantial rights.) Therefore Monroe Askins this court to remanded back for Acquitted.

3) Trial court failed to hold an evidentiary hearings on Applicant Unresolved Violated his Due Process 5th and 14th Amend State and Federal Constitutional.

On 22nd day of January 2022 Monroe timely filed his Second habeas Corpus 11.07 writ Pursuant to Tex. Code Crim. Proc. Art. 11.07. The State timely reply. on 8th day of MARCH 2022 trial court issues an order designating issue. That there are controverted previously unresolved facts material legality to the Applicant confinement exist, And Appointed counsel. Ex Parte Ryan 2001 Tex. App. Lexis 16372 (hold: In Post-conviction writ of habeas corpus governed by Tex. Code Crim. Proc. Art. 11.07 A Applicant is entitled to a hearing ~~on~~ if there are controverted previously unresolved issue of fact that are material to legality of Applicant restraints And Appellate court has the Authority to Abate An Appeal at anytime for evidentiary hearings) On 21st day of October 2022 The trial court send Monroe habeas Corpus 11.07 writ to the Texas court criminal Appeal without conclusion of facts or findings of facts. on 9th day of November 2022 The Texas Court of Criminal Appeal deny Monroe habeas Corpus 11.07. without hearings. Conclusion of law or findings of facts, of findings. Ex Parte Carver 579 Sw. 249 (1979 Tex. crim. App. Lexis 1398) (hold: if the Allegation

of facts in a petition for a writ of habeas corpus are material
an implicit finding pursuant Tex. Code Crim. Proc. Art. 11.67, §(2)(c)
that there no controverted previously unvested fact material to the
legality of the applicant confinement is obviously an abuse of the
discretion in the absence of a statement of fact from the evidentiary
hearings of findings of facts to show that the issues have been resolved).
Ex parte Narvaen 1998 Tex App LEXIS 2661 (hold: a hearing and other
facts of findings procedure were required). Therefore Monroe respectfully
asks this court to remand back for evidentiary hearings.

4) The State use misleading and false evidence that violated Applicant due Process 5th and 14th Amend State and Federal Constitution.
The State use misleading and false evidence from the victim and victim mother. The victim testify that she seen no blood in her panties (RR Vol 4: 72) later testify that she seen a little blood. (RR Vol 4: 74)
The victim mother testify that she seen fleshy blood in the panties (RR Vol 3: 250-51) (exhc). See Valdez v State 2018 Tex Crim App Unpub. Lexis 474 (hold: The Prosecutor constitutional duty to correct knowingly false evidence is well establish), Napue v Illinois 360 U.S. 264 (79 S.Ct 1173) (312d 2d 1217) (1959 US Lexis 811) (hold: Prosecutor failure to correct testimony of a witness that prosecutor knew to be false violated the due process clause of the fourteenth amendment even though other testimony regarding witness credibility was introduced. The State intention show the jury the underwear were the blood suppose to be (RR Vol 3: 250-51) (exhc) See Ex Parte Cherry 2022 Tex. Crim. App Unpub Lexis 399 (hold: A false evidence claims must be supported by facts showing that some evidence was presented to the jury that was demonstrably false or misleading), Ex Parte Adams 768 S.W2d 281 (1989 Tex Crim App 39) (hold: A Prosecutor's knowingly and intentional use of perjury testimony to obtain a conviction violated the defendant due process rights and deny him a fair trial). Therefore Monroe respectfully asks this Court for Acquittal.

5) The State Play Video of Applicant Interrogation without Miranda Warnings read Violated Monroe due Process, State And Federal Const. 5th And 14th Amendment

on 11th day of June 2016 Ft Worth Police officer restricted Monroe freedom of movement by placing Monroe in the backseat of A Lock Police Car without telling Monroe he was not under Arrest (R.R. 3:300-301) United State v. C. A. Shear 539 F.3d 1673, 1682 (9th Cir 2008) (hold: A Suspect is in custody and must be given such a warning if he or she has been deprived of freedom of movement.) Ft Police officer taken Monroe in the back seat of A Lock Police car to LCU (Crime against children unit) And place Monroe in A secure building on third floor in A tiny room to be interrogated (R.R. 0013:309) Thompson v. Kenshaw 516 U.S. 99, 112, 116 S.Ct. 457, 133 L.Ed.2d 383 (1995) (hold: The Miranda test for custody does not ask whether the suspect was told that he was free to leave. The test ask whether A reasonable person would have felt he or she was not at liberty to terminate the interrogation and leave). The detective considered Monroe A suspect and ask openly question reasonably to elicit incriminating ~~response~~ response (R.R. 001323) Le. Sullivan 768 F.3d 938, 947-48 (7th Cir 2013) (hold: function equivalent of interrogation because detective ask open-ended question that was reasonably likely to elicit incriminating response). Detective never told Monroe that he was been

Recorder. Rumbush v. State 589 S.W.2d 414 (1979 Tex. Crim. App. Lexis 1523)

(hold: Oral Confession by defendant that was tape recorded without his knowledge was Inadmissible at the Punishment Stage of defendant trial.)

Tex. Code Crim. Proc. Art 38.22.5(2)(A) (hold: before Statement may be admitted into evidence State must show that Prior to Statement but the recording the Accused is given the warnings in Tex Code Crim. Proc Art 38.22.) See Oliver v. State 81 Tex Crim 529 (1973) (185) (1917 Tex. Crim. App. 193) (hold: Trial court erred in Admittins defendant confession was not Made in an examine Court and the Confession was not reduce to a writing and was not Signed by the defendant) Therefore Monroe respectfully ASKING this Court to remand for a new Trial.

Respectfully Submitted
Rennie James Monroe

Rennie James Monroe
TDCS 02127052
Adrian Unit
2101 Pm 369 U
Iowa Park Tx 76367

REASONS FOR GRANTING THE PETITION

This Petition should be granted to review the decision of serious Constitutional violation that was committed by the lower courts that resulted in an unreasonable application. This Petition should not be treated differently from other cases that were granted with the same error, Constitutional violation, due process clause violation and reviewing this Petition. This court will overlook the petitioner and other petitioner that have the same error of being actually innocent. Therefore petitioner respectfully asks this court to grant this Petitioner

Respectfully Submitted
Ronnie Monroe
Ronnie James Monroe
#02127652

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Renn Menise

Date: Sept 24, 2025