

IN THE SUPREME COURT OF THE UNITED STATES

No. 25-6240

JOEL CONTRERAS-AGUILAR, PETITIONER

v.

STATE OF TEXAS, RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI
TO THE TEXAS COURT OF CRIMINAL APPEALS

PETITIONER'S REPLY BRIEF

TO THE HONORABLE SUPREME COURT:

Joel Contreras-Aguilar, Petitioner in docket number 25-6240, submits this Reply Brief in support of his request to remand the case for a new trial pursuant of U.S.C.S. Supreme Ct Rule 15.

ARGUMENT

The Brief in Opposition argues that Petitioner's immigration status was evident from the fact "Petitioner needed to use an English to Spanish translator during the trial" and that "Petitioner fled the country to Mexico after learning about the charges, and ultimately lived there for nearly a decade" (Brief in Opposition, pg. 10).

The Respondent reasons that "even if Petitioner's trial counsel did not explicitly state that Petitioner was an illegal alien, the jury would have likely inferred as much from the proceedings" (id) and thus counsel made a strategic decision to approach Petitioner's immigration status head-on even though it had no bearing on the case.

Petitioner would like to highlight the following:

Firstly, a jury could only speculate, not infer Petitioner's immigration status based on his primary language and flight to Mexico.

Not all Spanish-speakers are illegal aliens. Spanish-speakers can legally gain antry in the the U.S. as a tourist, permanent resident, refugee or Green card holder. They can even become naturalized citizens. So the primary lanuage that a person speaks doen not infer that they are illegal aliens.

Secondly, a U.S. born citizen can just as easily flee to Mexico and live there upon learning about criminal charges. Although this flight could be considered as evidence of consiousness of guilt, it has absolutely no bearing or elevance on his immigration status. Even if that U.S. born citizen was of Hispanic descent, it does not infer that they are illegal aliens.

The State's arguments emphasize the dangerous prejudice that can arise against people in our society when people speculate about things such as immigration status. This is without doubt

a topic that is extremely ripe considering current public dialogue on immigration status.

This issue that this case raises is the fact counsel turned a speculation into a confirmed fact. The jury may have harboured speculations that Petitioner was an illegal alien, but counsel confirmed it in a way that completely separated him from American society. His counsel who was obligated to defend him against such biases labeled him a criminal and an outsider here in this country in the most illegal of ways. A prejudice based upon a confirmed fact is greater than one based merely on speculation. (conscious or unconscious).

It is here that the State failed as well. It has been well documented that the only way to undo this damage is by way of the court intervening, and jury instruction. But it is known that such inflammatory, prejudicial information has no remedy except for mistrial. This could not happen because it was his own defense that presented the crippling blow.

This raises the question: Would it be permissible for counsel to disclose that his client was homosexual if it had no bearing on the case? Can counsel disclose their political affiliation? How about the race of their spouse, or economic status? Would it be acceptable for counsel or the court to disclose the same of the complainant? The answer is No.

CONCLUSION

Wherefore, Petitioner respectfully requests that this Court deny the Respondent's objections, and grant Certiorari in this case.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'JC' with a long horizontal stroke extending to the right.

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