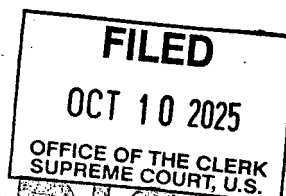


No. 25-6545



ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

GREGORY MONTGOMERY — PETITIONER
(Your Name)

vs.

ETIC GUERRERO — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS OF THE 5TH Cir.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

GREGORY MONTGOMERY
(Your Name)

1100 FM 655 RAMSEY I UNIT
(Address)

ROSHARON TEXAS 77583
(City, State, Zip Code)

NA
(Phone Number)

QUESTION(S) PRESENTED

1. WHETHER THE INDICTMENT WAS barred by the STATUTE OF LIMITATIONS and there were NO PENDING Prosecution UNDER DUE PROCESS OF LAW OR WHETHER THE COURT CHANGED the LEGISLATURE INTENT. In a COURT PROCEEDINGS is that LEGAL UNDER the CONSTITUTION...
2. WHETHER THE COURT VIOLATED the DUE PROCESS OF LAW. From a Mandatory Provision in a COURT PROCEEDING by adding and Subtracting From LEGISLATURE INTENT OR WHETHER the COURT IGNORED the CONSTITUTIONAL PROVISIONS) CAN they do that.
3. WHETHER the WHISTLEBLOWER OF the 460,000 THOUSAND SUSPENDED Criminal CASES at H.P.D. Criminal Lab. WAS discovered WHEN PETITIONER Filed his MOTION OR WHETHER the PETITIONER is being RETALIATED. WHISTLEBLOWER ACT. what does that MEAN?

SUPREME COURT - RULE 10 U.S.C.S.

(a) A UNITED STATES COURT OF APPEALS has entered a decision in CONFLICT with the decision of ANOTHER UNITED STATES COURT OF APPEALS ON the SAME important matter, has decided an important Federal Question in a way that CONFLICTS with a decision by a state COURT OF LAST RESORT, OR has so FAR departed FROM the ACCEPTED and USUAL course OF JUDICIAL PROCEEDINGS OR SANCTIONED such a departure by lower COURT. AS to CALL FOR AN EXERCISE OF THIS COURT'S SUPERVISORY POWER...

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

MONTGOMERY GREGORY V 208th DISTRICT COURT
Trial case No 1536350 JUDGEMENT ENTERED
FROM HARRIS COUNTY TEXAS OCT. 31 - 2018

MONTGOMERY GREGORY V. 14th COURT OF APPEALS
CAUSE No 14-17-00025-CR. JUDGEMENT ENTERED
AUGUST 1, 2017 COURT OF APPEALS OF TEXAS 14th D.

MONTGOMERY GREGORY V. COURT OF CRIMINAL APPEALS
CAUSE No 91-154-01 JUDGEMENT ENTERED
AUGUST 23-2023

MONTGOMERY GREGORY V. EMIL GUERRERO UNITED
STATES DISTRICT COURT CAUSE No 4-23-CV-2342
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS
JUDGEMENT ENTERED FEBRUARY 20 2025.

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
STATE V. Tainidad	7383
STRICKLAND V. Washington	104 S.Ct. 2052
Powell V. Alabama	287 S.Ct. 77
Gideon V. Wainwright	372 S.Ct. 722
Martinez V. Ryan	132 S.Ct. 1309
EX-PARTE WARD V. STATE	560 SW2d 660
VASQUEZ V. STATE	557 SW3d 779
EX-PARTE SMITH V. STATE	650 SW2d 88
HULTIN V. STATE	171 SW2d 221
STATE V. WADE	388 U.S. 218
SIMMON V. U.S.	390 U.S. 377
STATUTES AND RULES	
RULE 21-19 T.C.D.C.R.	
RULE 21-21 T.C.D.C.R.	
RULE 111 F.R.A.P.	
RULE 271 F.R.A.P.	
<u>S. U.S.C. 702</u>	
S. U.S.C. 552	
TEXAS CONSTITUTION 1. SEC. 10	
ART. V. SEC. 6 First Amendment	
ART. 3 Fourth Amendment	

OTHER

U.S.C.A. ART. 1. SEC. 9	
Hamilton V. McCotter	772 F.2d 171
DOYLE V. STATE	F76-1319 ND
BEASLEY V. STATE	864 SW2d 908
LEINIS V. STATE	
Hammond's V. STATE	12
JONES V. ESTELLE 722	

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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 A to the petition and is

☐ reported at 2025 App LEXIS 11560; 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 A to the petition and is

☐ reported at 2025 App LEXIS 11560; 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 B to the petition and is

☐ reported at 2020 TEX. CRIM. APP. LEXIS 237; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the lower state court appears at Appendix C to the petition and is

☐ reported at 2017 TEX. APP. LEXIS 7178; 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 May 13, 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: May 13, 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 October 10 (date) on July 18, 2025 (date) in Application No. 25A 66.

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 Feb. 20, 2025. A copy of that decision appears at Appendix A.

[] A timely petition for rehearing was thereafter denied on the following date: JUNE 13, 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 OCTOBER 10 (date) on July 18, 2025 (date) in Application No. 25A 66.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

PETITIONER ASSERT WHETHER HIS CONSTITUTIONAL RIGHTS HAS BEEN VIOLATED IN A STATE COURT PROCEEDING. OR WHETHER BY STATE AND FEDERAL LAW HE HAS THE RIGHT TO PROPERLY USE HIS PRE-TRIAL RECORDS THAT THE COURT HAD IMPROPERLY ADMITTED EVIDENCE OF EXTRANEAS OFFENSE HE WAS ACCUSED OF COMMITTING IN 1989) THAT THE PROSECUTION WAS ON ITS FACE THAT THE PROSECUTION FOR THE OFFENSE IS BARRED BY A LAPSE OF TIME. AN SO FUNDAMENTALLY FLAWED THAT THE OFFENSE WERE NOT VALID UNDER THE SIXTH AMENDMENT UNITED STATES CONSTITUTIONAL AND FROM ARBITRARY AND VANDICTIVE ACTIONS WHEN IT HELD THAT A DEFENDANT WHO MUST FACE FELONY CHARGES IN STATE COURT WITHOUT ADEQUATE ASSISTANCE OF COUNSEL BY THE SIXTH AMENDMENT HAS BEEN DENIED TO DUE PROCESS OF LAW. AGAINST EX-POST FACTO LAWS TO PREVENT PROSECUTION AND PUNISHMENT WITHOUT FAIR WARNING AND APPLYING IT RETROACTIVELY. DEPRIVES THE STATUTORY LIMITATION DEFENSE. THE POST TRIAL CHANGE IN LAW CERTAINLY DEPRIVES DUE PROCESS. THE COURT HAVE NO POWER TO LEGISLATE IT IS THE COURT DUTIES TO OBSERVE NOT TO DISREGARD STATUTORY PROVISIONS. COURTS CAN NEITHER IGNORE NOR EMASCULATE ON STATUTORY NOR

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

do they HAVE POWER to Add too or
TAKE From legislature has Plains Penal-
ities and remedies that which the
legislature has made Mandatory in
a PENALTY STATUTE the COURTS are RE-
QUIRED to Follow them not to Add Nor
Subtract From it. The Trial COURT and
the STATE and it's District Attorney -
HAVE GROSSLY CLAUSE AN EXTREME AND
UNPRECEDENT UNDER DELAY HAVE BLATENTLY
IGNORED THE COURT ORDER AND HAVE IGNORED
all the legislature DEADLINES For Filing -
Pursuant to SPECIFICALLY to APPEAL OR
APPLICANT'S ART. 11.07) THE COURT OF
APPEALS HAS DUG A HOLE and barred
the APPLICANT CONSTITUTIONAL RIGHTS to
DUE PROCESS OF LAW THE COURT OF
CRIMINAL APPEALS HAS FAILED to a Fair
Trial Right to APPEAL by the sixth
AMENDMENT DUE PROCESS OF LAW
THE TEXAS RULES OF APPELLANT Proceed-
ing. or Procedures POSTCONVICTION W.D.N
O. P. F. W.D. H.C. SECTION 36) 731-A
Pursuant to ARTICLE 11.07 DUTY OF
THE CLERK to perform their RESP-
ONSIBILITY IN COURT PROCEEDING COURT
CAN NOT Add NOR Subtract From LEG-
ISLATURE MANDATORY LAW VIOLATES the
SIXTH AMENDMENT and FOURTEENTH AMEND-
MENT as well OF the TEXAS CONSTITUTION

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

(1) This Honorable Court Has Jurisdiction
To Provide Counsel Pursuant To ART. I.D.51
(d) 3) AND ART. 11.07 OF VERNON ANN TEX.
C.C.P. ON 1-11-17 This COURT CONVICTED
Applicant in Cause No 1536350 That
DePrives the STATUTORY Limitation defense
(2) Ex-Parte DICKERSON 549 S.W 2d 202-203.

THE PETITIONER STATES HE HAS MERITORIOUS
Claims, That HE IS ILLEGALLY INCARCERATED
and is UNABLE TO EXERCISE his constitutional
Rights to Due Process and that the courts is
acting beyond it's Limits of it's Power. U.S.U.
in ONE OF THREE WAYS (1) WHEN THE COURTS HAS
NO POWER to deal with the kind of Matter
at issue, (2) WHEN THE COURTS HAS NO POWER
(3) to deal with PARTICULAR PERSON'S CONCERNED OR
WHEN THE JUDGEMENT OR ORDER ISSUED IS OF
a kind that has NO POWER to ISSUE A COURT
DEPARTURE FROM RECOGNIZED ESTABLISH OF THE
REQUIREMENTS OF LAW DESPITE APPARENT ADHER-
ANCE TO THE PROCEDURAL FROM THE EFFECT OF
WHAT WHICH IS A DEPRIVATION OF ONE'S CONSTIT-
UTIONAL RIGHTS) EX-POST FACTO LAWS...
TEX. CRIM. APP. 1977) EX-PARTE SMITH 178 SW
2d at 801-2 RULING ON AN APPLICATION FOR
WRIT OF HABEAS CORPUS FOR AN ABUSE OF
DISCRETION EX-PARTE WHEELER 203 SW 3d 317)

THE TRIAL COURTS AND THE STATE and it's
District Clerk by and through it's District
ATTORNEY HAVE GROSSLY CLAUDE AN EXTREME
and UNPRECEDENT UNDER DELAY HAVE BLATENTLY
IGNORED COURT ORDER'S AND LEGISLATURES DEADLINES

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

STATUTORY LAW OR PROVISIONS ACCORDINGLY TO THE FIRST AMENDMENT CONSTITUTIONAL RIGHT'S TO EXERCISE THAT RIGHT HE HAS A FEDERAL RIGHT TO AN EFFECTIVE ASSISTANCE OF COUNSEL ON APPEAL. EXTENT THAT RIGHT TO APPEAL WAS PROVIDED BY STATE LAW AND IT IS EQUALLY CLEAR THAT IF A DEFENDANT RIGHT'S TO MAKE A REQUEST FOR DISCRETIONARY REVIEW IF IT WAS ABRIDGED OR DENIED THROUGH THE MISFEASANCE OR NON FEASANCE OF COUNSEL AS A RESULT. UNITED STATES CONSTITUTIONAL PROCEEDING PROVISION CONSTITUTE THESE PROCEEDINGS CONSTITUTE A miscarriage OF JUSTICE WHEN A GROSSLY UNFAIR OUTCOME IN A JUDICIAL PROCEEDINGS AS A DEFENDANT IS CONVICTED DESPITE A LACK OF EVIDENCE ON AN ESSENTIAL ELEMENT OF CRIME WAS COMMITTED IF A COMPARISON OF THE DATE ON WHICH THE OFFENSE IS ALLEGED TO BEEN COMMITTED AND THAT ON WHICH THE CHARGING INSTRUMENT WAS PRESENTED WITHIN APPLICABLE PERIOD OF LIMITATION THEN ON THE PETITIONERS MOTION THE CHARGING INSTRUMENT MUST BE DISMISSED - UNDER STATUTORY PROVISIONS GENERALLY THE RETURN OF AN INDICTMENT OF THE FILING OF AN INDICTMENT OR INFORMATION

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

on which no valid conviction or judgment can be had will not in the absence of a statutory or statute expressly so providing operate to stop the runnings of the statute of limitation whether they knew that the indictment was on it's face that the defendant said to have been committed more than 25 years. The state appellate court chooses to ignore in it's opinion a federal constitutional claim squarely raised in petitioner brief. This petitioner follows that it was error for the court of appeals to rest a conclusion of exhaustion upon respondent presentation of his claim in petition for allocation according to the habeas corpus requirement it cannot be used as a vehicle to create new constitutional rules of criminal procedure unless those rules would apply retroactively to all defendant on collateral review. It is equally obvious that a district court committee's plain error in assuming that a habeas corpus petitioner must fail to raise in the state court a meritorious claim

CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED

it is that he is incarcerated in the violation of the Constitution if the State Appellate Court opinion contains no reference to the claim it is properly certain that the Petitioner did not fail to bring the claim up in pre-trial court hearing court proceedings. Accordingly to Due Process and Equal Protection Clause under Texas Constitution through section 9 and prohibited the United States Constitutional Provision has made mandatory in a penalty it is for the legislature not the courts to remedy defects or supply deficiencies in the law and give relief from unjust and unwise legislation or a miscarriage of justice. A grossly unfair outcome in a judicial proceeding as when a defendant is convicted despite a lack of evidence on a essential element of the crime it is so a true failure of justice. However here rules of procedure in criminal cases are prescribed by legislature the courts are required to follow them not to add nor subtract from it regardless of what the ultimate result might be. According to *EX PARTE DERRICK* 608 3d 327 2022 Also see *STRICKLAND V WASHINGTON* 104 Sct. 2052,

STATEMENT OF THE CASE

THE PETITIONER WAS INDICTED IN JUNE 2015 FOR AN OFFENSE THAT OCCURRED IN 1989 AND WAS BENCHMA RANT FROM PRISON TO THE 208th DISTRICT COURT OF HARRIS COUNTY TEXAS. THE D.N.A. TESTING DID NOT OCCUR UNTIL 2013. THE PETITIONER SOUGHT HABEAS CORPUS RELIEF BASED ON THE STATUTE OF LIMITATION. THE PRE-TRIAL WRIT OF HABEAS CORPUS IS AN EXTRAORDINARY REMEDY. PRE-TRIAL HABEAS RELIEF IS GENERAL NOT APPROPRIATE TO TEST THE SUFFICIENCY OF A CHARGING INSTRUMENT AN EXCEPTION APPLIES WHEN PROSECUTION OF THE OFFENSE IS BARRED BY THE STATUTE OF LIMITATIONS BECAUSE THE DEFECT IS INCURABLE AND IRREPARABLE THEREFORE IF THE PLEADINGS ON ITS FACE SHOW THAT THE OFFENSE IS BARRED BY LIMITATIONS THE COMPLAINT, INFORMATION OR INDICTMENT, IS SO FUNDAMENTALLY DEFECTED THAT THE TRIAL COURT DOES NOT HAVE JURISDICTION AND HABEAS CORPUS RELIEF SHOULD BE GRANTED THERE IS CONFLICT AMONG THE COURT OF APPEALS ON THE QUESTION PRESENTED.

THE DISTRICT COURT 208th OF HARRIS COUNTY. ADDED OR SUBTRACTED FROM THE LEGISLATURE INTENT WHAT IS THAT IS THIS LEGAL UNDER THE UNITED STATES CONSTITUTIONAL PROVISIONS.

STATEMENT OF THE CASE

THE PETITIONER FILED HIS MOTION TO QUASH AND DISMISS THE INDICTMENT FOR PROSECUTION BARRED BY LIMITATION MAY 13 2016 TO THE TRIAL COURT WHICH WAS DENIED AND THE FOURTEENTH COURT OF APPEALS MADE THE FINAL JUDGEMENT ON THE TRIAL COURT DECISION AND RULING. ON OR ABOUT 07-17-19 THE PETITIONER FILED HIS HABEAS CORPUS PURSUANT TO ARTICLE 11.07 IN THE 208TH DISTRICT COURT OF HARRIS COUNTY. AFTER THE PLEA DEAL WAS CONFIRMED ON OR ABOUT 10-31-2018 THE DISTRICT COURT 208TH OF HARRIS COUNTY NEVER COMPLIED WITH THE PURSUANT ARTICLE 11.07 ON OR ABOUT 03-19-2020 THE PETITIONER FILED HIS ORIGINAL APPLICATION FOR WRIT OF MANDAMUS IN THE TEXAS COURT OF CRIMINAL APPEALS WHICH ORDERED ON OR ABOUT JUNE 17 2020 FROM THE 208TH DISTRICT COURT OF HARRIS COUNTY AND HARRIS COUNTY DISTRICT ATTORNEY'S OFFICE TO COMPLY WITH T.C.C.A. ORDER WITHIN THIRTY DAYS THIS MOTION FOR LEAVE TO FILE WILL BE HEARD.

THE PURSUANT ARTICLE 11.07 NOR THE APPLICATION FOR THE WRIT OF MANDAMUS WAS NEVER ANSWERED BY THE 208TH DISTRICT COURT OF HARRIS COUNTY WHAT DOES THAT MEAN'S...

STATEMENT OF THE CASE.

THE HARRIS COUNTY DISTRICT ATTORNEY'S OFFICE STATED THAT THE GRAND JURY RETURNED THE INDICTMENT THERE IS NO DOCUMENTATION ON THE GRAND JURY REINDICTED THE PETITIONER IT FRAUD, THE DISTRICT ATTORNEY'S OFFICE HAS NO PROOF THAT THE GRAND JURY RETURNED THIS INDICTMENT. THESE CASE'S WERE SUSPENDED FOR MANY YEARS IN FACT THERE OR UNDER AN FEDERAL INVESTIGATION AT THIS TIME BY MAYOR JOHN WHITMIRE OF HOUSTON WITH NO TIME LINE. THE PETITIONER WAS THE WHISTLE BLOWER THAT THESE CASE'S WAS DEFECTED OF FORM'S 460,000 THOUSAND CASE'S SINCE 2001 THE INVESTIGATOR MENTIONED IN HIS E-MAIL TO THE 208TH DISTRICT COURT THAT THIS CASE WAS CLOSED BY THE LAPSE OF TIME. THE COURT APPOINTED ATTORNEY FILED AND IN ADEQUATE BRIEF WITH THE COURT OF APPEAL'S FOURTEENTH DISTRICT THE FOURTEENTH DISTRICT COURT OF APPEAL'S MENTIONED IN THEIR STATEMENT THAT THE LEGISLATURE WOULD HAVE TO RE-WRITE THE STATUTE OF ARTICLE 12.01(1)(C). THE FOURTEENTH DISTRICT COURT OF APPEAL'S STATED THAT THIS ARTICLE DO NOT APPLY TO THIS CASE.

STATEMENT OF THE CASE.

A STATE APPELLATE COURT CHOOSES TO IGNORE IN IT'S OPINION A FEDERAL CONSTITUTIONAL CLAIM SQUARELY RAISED IN PETITIONER BRIEF, THE PETITIONER FOLLOWS THAT IT WAS ERROR FOR THE COURT OF APPEALS TO REST A CONCLUSION OF EXHAUSTION UPON RESPONDENT PRESENTATION OF HIS CLAIM IN PETITION FOR ALLOCATOR. ACCORDING TO THE HABEAS CORPUS RE QUINEMENT IT CANNOT BE USED AS A VEHICLE TO CREATE NEW CONSTITUTIONAL RULES OF CRIMINAL PROCEDURE. UNLESS THOSE RULES WOULD APPLY RETROACTIVELY TO ALL DEFENDANT ON COLLATERAL REVIEW THEN WILL NOT REWRITE THE STATUTE THE 460,000 THOUSAND SUSPENDED CASE'S REST UPON THIS COURT REVIEW THE NEWLY EVIDENCE WAS FORBIDDEN BY THESE APPEAL JUDGE'S ACCORDING TO DUE PROCESS AND EQUAL PROTECTION CLAUSE UNDER TEXAS CONSTITUTION 1 THOUGH SECTION 9 AND PROHIBITED THE UNITED STATES CONSTITUTIONAL PROVISION'S SIXTH AND FOURTEENTH AMENDMENT'S THESE CASE NUMBER'S OR FRAUD UNDER THE FRAUDULENT CONCEALMENT ACT.

STATEMENT OF THE CASE

THE FIRST GROUND OF REVIEW appellants argues that the COURT OF APPEALS did err in holding that the Trial Court did not err in denying his pre-trial motions to dismiss more specifically appellants argues that the COURT OF APPEALS erred in holding that the STATE WAS NOT REQUIRED TO Plead SUFFICIENT FACTS IN THE INDICTMENT DEMONSTRATING THAT THE STATUTE OF LIMITATION had been tolled the Appellate Point's out the E-Mail that WAS presented to the COURT that the PROSECUTION WAS ~~on~~ on it's FACE THE PETITIONER Point's out that although the STATUTE OF LIMITATION'S period for the offense he argues that the COURT OF APPEALS erred in refusing to reach the merits of his argument that the EVIDENCE WAS LEGALLY INSUFFICIENT TO SUPPORT his CONVICTION FOR THE offense where the STATE Failed to PROVE that the OCCURRED WITHIN STATUTE OF LIMITATION period.

THE OFFICE OF THE ATTORNEY GENERAL CRIMINAL APPEAL'S DIVISION HAS NO SUBSTANTIAL PROOF THAT CHALLENGES THE PETITIONER'S ONE YEAR LIMITATION PERIOD OF 28. USC § 2244 IN HIS COA PLEADING. what do that mean's...

REASONS FOR GRANTING THE PETITION

IN THE INTEREST OF JUSTICE THERE IS A NEGLECT OF JUSTICE IN STATE COURTS, THE INEFFECTIVENESS OF ONE EQUAL CIVIL RIGHTS AND HIS, ACCORDINGLY TO THE SIXTH AND FOURTEENTH AMENDMENT, DUE PROCESS OF LAW. THE UNITED STATES CONSTITUTION, STATES ALL PERSON BORN IN THE UNITED STATES ARE CITIZENS OF UNITED STATES NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABIDGE IN PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE UNITED STATES NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, PROPERTY, WITHOUT DUE PROCESS OF LAW NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAWS. IN ALL CRIMINAL PROSECUTIONS THE ACCUSED SHALL ENJOY THE RIGHT TO A SPEEDY AND PUBLIC TRIAL BY AN IMPARTIAL JURY THE STATE AND DISTRICT WHERE IN THE CRIME SHALL HAVE BEEN COMMITTED. APPLICANT STATES HE HAS MERITORIOUS CLAIMS THAT HE IS ILLEGALLY INCARCERATED AND IS UNABLE TO EXERCISE OF JURISDICTION IN A COURT ACTING BEYOND ITS LIMITS OF ITS POWER U.S.C. IN ONE OF THREE WAYS "WHEN THE COURTS HAS NO POWER TO DEAL WITH THE KIND OF MATTER AT ISSUE."

REASONS FOR GRANTING THE PETITION

OR WHETHER THE COURT HAS ITS POWER
TO DEAL WITH THE KIND AND PARTICULAR
CONFLICT OF INTEREST CONCERNED
FROM RECOGNIZED ESTABLISHED REQUIRE-
MENTS OF LAW TO THE PROCEDURAL
FROM THE EFFECT OF WHAT WHICH
IS A DEPRIVATION OF ONE'S CONSTITUTIONAL
RIGHT'S, WHETHER IT'S A LIBERTY INTEREST
OR HAS IT BECOME A PUBLIC INTEREST OF
ONE'S CONSTITUTIONAL RIGHT'S, HULTIN
V. STATE, STATE V. DRUMMOND OR
MARBOCH V. STATE, POWELL V. ALABAMA
IT IS A GREAT NEED FOR THIS PETITION
TO BE GRANTED. UNDER THE AMENDMENTS
TO FEDERAL HABEAS CORPUS STATUTES
EMBODIED IN THE ANTI-TERRORISM AND
EFFECTIVE DEATH PENALTY ACT. OF
1986 C.A.E.U.P.A. THE DISTRICT ATTORNEY
AND ITS DISTRICT CLERK OFFICE HAVE
GROSSLY CAUSED AN EXTREME AND
UNPRECEDENTED UNLAWFUL DELAY HAVE
IGNORED THESE COURT'S ORDERS AND
HAVE IGNORED LEGISLATED DEADLINES
COURT OF CRIMINAL APPEALS ORDER'S
REGARDING THE WRIT OF MONETAMUS

STATE OF DISASTER) SEE TEX
CODE CRIMINAL PROCEDURE art
11.07 3(c) and (d) TEX. R. APP
P. 73(4 b) 5)

REASONS FOR GRANTING THE PETITION

THE WRIT OF HABEAS CORPUS WAS
UNOBTAINABLE DISMISSED WITHOUT
ANY WRITTEN ORDER, THERE WERE NO
SUPPLEMENTAL RECORDS FILED, THE STATE
COURT'S NOR CLERK'S OFFICE NOR THE
TEXAS COURT OF CRIMINAL APPEALS
THIS IS A CLEAR CUT DUE PROCESS
VIOLATION UNDER THE FRAUDULENT
CONCEALMENT ACT. THESE ARE GROUNDS
FOR GRANTING THIS PETITION CONFLICT
OF INTEREST OF STATE APPELLATE COURTS
THIS CASE AND IT'S ACTION CAUSE A
UNLAWFUL AND FUNDAMENTAL MISFEASANCE
OF JUSTICE MARTINEZ V. RYAN AND
TREVINO V. THALER) UNDER THE
WHISTLEBLOWER ACT 1984) A FEDERAL
OR STATE LAW PROTECTING A PERSON
FROM RETALIATION FOR PROPERLY DIS-
CLOSING STATE OR FEDERAL EMPLOYEES
WRONGDOING SUCH AS VIOLATING A LAW
OR REGULATION. THE 460 000 THOUSAND
SUSPENDED CASES WAS ENDANGERING
PUBLIC HEALTH AND SAFETY THE TRIAL
COURT ABUSING IT'S AUTHORITY FEDERAL
LAW'S CONTAINING WHISTLEBLOWER PROVISION
INCLUDE THE WHISTLEBLOWER ACT SUSCA
(21) BRYANT V SCOTT, LYONS V. MC-
COTTER, SHILOH T V DIRECTOR.

REASONS FOR GRANTING THE PETITION

Accordingly to The Texas Code of Criminal Procedure Article 11.07 became the Petitioner de facto Appeal, but the motion was filed by the Texas Department of Criminal Justice Institutional Division June 13 2024 by Judge Charles Eskridge the Respondent motion was granted that the Petitioner motion to dismiss and Quash was denied. by the - Statute of Limitations bars the Petitioner Petition under 28- U.S.C 2254 For a writ of habeas corpus accordingly to The Anti Terrorism and Effective Death Penalty Act The Substantive Law will identify which facts are material or whether the conflict of interest shall apply Ex-Parte Derrick V. Hayward McManis V Richardson The Fourteenth Court of Appeals of Texas stated that the Petitioner appellate counsel filed an inadequate brief on Appeal and the Petitioner was reindicted by the District Attorney's Office on March 4, 2016 ...

REASONS FOR GRANTING THE PETITION

THE TEXAS CRIMINAL PROCEDURE CODE
AND RULES THE DISTRICT ATTORNEY'S
OFFICE UNDER ILLEGALLY STANDARDS HAD
REINDICTED AN SUSPENDED INDICTMENT
RULE 21-19 DEFECT OF FORM'S STATES
AN INDICTMENT SHALL NOT BE HELD
INSUFFICIENT NOR SHALL THE TRIAL COURT
OR JUDGEMENT OR OTHER PROCEEDINGS
THEREON BE EFFECTED BY REASON
OF ANY DEFECT OF FORM WHICH
DOES NOT PREJUDICE THE SUBSTANTIAL
RIGHTS OF THE DEFENDANT, THESE'S
CAUSE NO. WERE SUSPENDED UNDER
THE CODE OF DEFECT (VENUE) MATTER'S
460,000 THOUSAND THE DISTRICT ATTORNEY'S
OFFICE NEVER KNEW THAT THESE CAUSE
NO. WERE SUSPENDED UNDER THE
TEXAS OPEN RECORDS ACT (P.I.A.)
TEXAS GOV. CODE. ART. 552.001. ET
THERE'S NO SUBSTANTIVE PROOF OF
GRAND JURY REINDICTING THIS CAUSE
NO RECORD THAT OBTAIN THE NAME'S AGES
GENDER, RACE, MINUTE'S, AND TRANSCRIPT
OF LAWFULLY EMpaneled GRAND JURY
AND IT'S FIVE PERSON'S MEMORANDUM FOR
ANY INDICTMENT NO. ASSIGNED TO
DEFENDANT, "

REASONS FOR GRANTING THE PETITION

THE ATTORNEY GENERAL KEN Paxton
LEAD ATTORNEY REFUSE TO COMPLY
with TEX. GOVT. CODE SEC. 552.001.
This responsive information has
BEEN DETERMINED TO BE PUBLIC IN-
FORMATION KNOWLEDGE TO ENSURE
TRUE accountability/Transparency
of it's elected Leader's as Provided
by TEXAS LAW, it is IN the sole
CUSTODY of the DISTRICT ATTORNEY'S
office (TEX. GOVT. CODE ART. 41.008
records.) (a) (b) (c) and (d) AG V.
GONVALES. THE LEGAL STANDARD
OF THIS PETITION should be con-
strued Liberally and held to a
LESS STRINGENT standard than as
if drafted by a Lawyer. Hernandez
v. Thaler, Hains v. Kerner, Rule
56(a) of the Federal Rules of
Civil Procedure provide's that
THE SIXTH and FOURTEENTH AMENDMENT
show's that THE DUE PROCESS has
been violated and appropriate.
when the Pleadings and EVIDENCE
ON FILE show's that THE ISSUE
EXIST'S as to any material fact.
matter of LAW. Anderson v Liberty
Lobby INC, Nola Spice Designs
LLC. V. Haydel Enterprises INC.

TEXAS OPEN RECORDS ACT. P.I.A) TEX. GOVT. CODE SS2.001.

According to THE ON GOING INVESTIGATION WITH THE TEXAS ATTORNEY GENERAL OFFICE KEN PAXTON AND HOUSTON TEXAS CITY MAYOR JOHN WHITMIRE CONCERNING THE 460,000 THOUSAND SUSPENDED CRIMINAL INDICTMENTS HARRIS COUNTY DISTRICT CLERK MARILYN BURGESS WAS IN FACT IMPLICATED IN THE MANUFACTURE OF FRAUDULENT INDICTMENTS, DOYLE V STATE) BEASLEY V STATE) HAMILTON V. MCCOTTER) U.S. COURT OF APPEALS DISTRICT CLERK NATHAN OCHSNER, IT HAS COME TO MY ATTENTION THAT SAID INDICTMENTS HAS BEEN INTENTIONALLY PRESENT AS FRAUD BEFORE THE COURT AND LEGAL FICTION" According to HAMILTON V MCCOTTER THEREFORE SUCH ACT ARE EX. DOLO MALO DECEITFUL HOLDING THAT SUCH ACT ARE TANTAMOUNT TO KIDNAPPING AND PROVIDES A BARTO ALL PROSECUTORS ACCORDINGLY TO TEXAS CONSTITUTION ART. 1 SEC. 10....

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Gregory Montgomery

Date: _____