

APPENDIX INDEX - Exhibits 1–3, D–F, and G–J were preserved and filed before the Fifth Circuit in Case No. 25-50840. This Appendix reproduces the same evidentiary record for compliance with Supreme Court Rule 14.1(i).

Exhibit	Title	Description	Legal Authority	Pages
1	Police-authored Criminal Complaint	Filed Dec. 21, 1998 by Officer Arlie Jones; notarized but unsigned by any judicial officer. Used as de facto arrest warrant without judicial review.	<i>Gerstein v. Pugh</i> , 420 U.S. 103 (1975); <i>Manuel v. City of Joliet</i> , 580 U.S. ____ (2017)	A-1
2	Arrest Record Executed Same Day	Arrest executed using complaint case number as simulated warrant; no judicial probable cause determination.	<i>County of Riverside v. McLaughlin</i> , 500 U.S. 44 (1991)	A-2
3	Unsigned Judicial Order from First Appearance	Dated Dec. 22, 1998; judge read charge aloud but did not affirm probable cause or sign order.	<i>Gerstein v. Pugh</i> ; <i>County of Riverside v. McLaughlin</i>	A-3
D	Discovery Packet & Forensic Kit	Provided in 2010 by Eric Augesen; includes suppressed forensic evidence and original filings never disclosed pretrial.	<i>Brady v. Maryland</i> , 373 U.S. 83 (1963); <i>Herrera v. Collins</i> , 506 U.S. 390 (1993); <i>Schlup v. Delo</i> , 513 U.S. 298 (1995); FRCP 60(b)(2)	A-4
E	Harwell Legal Letter	Dated June 16, 2025; confirms Indiana's misclassification of Texas conviction and refusal to correct record.	Full Faith & Credit Clause, U.S. Const. art. IV § 1; Ex Post Facto Clause, art. I § 10; ADA Title II, 42 U.S.C. § 12132	A-5
F	Indiana DOC Letter Misclassifying Conviction	Dated Apr. 27, 2017; classifies Petitioner as "Serious Sex Offender" under IC § 35-42-4-14 despite Texas conviction under § 22.011(a)(1).	Double Jeopardy Clause, U.S. Const. amend. V; ADA retaliation, 29 U.S.C. § 794; <i>Kalb v. Feuerstein</i> , 308 U.S. 433 (1940)	A-6
G	Eleventh Court of Appeals Order (Texas)	July 2025 order reframing conviction, misusing case numbers, and refusing to adjudicate innocence claims.	Full Faith & Credit Clause; Due Process (<i>Carey v. Phipps</i>); Equal Protection	A-7
H	David Arthur Filing	Contract counsel filing under Indiana AG's authority falsifying Texas statutes and records.	Ex Post Facto Clause; Double Jeopardy; <i>Napue v. Illinois</i> , 360 U.S. 264 (1959)	A-8
I	Indiana Court of Appeals Order	2021 order adopting falsified Texas law, layering fabricated child-based classification.	Full Faith & Credit Clause; <i>Baker v. GM</i> , 522 U.S. 222 (1998); ADA Title II	A-9
J	Indiana Supreme Court Order	2023 order reinforcing altered Texas conviction, compounding reputational harm and discrimination.	Supremacy Clause; ADA retaliation; <i>Hazel-Atlas Glass Co.</i> , 322 U.S. 238 (1944)	A-10

Exhibit 1 (EXHIBIT D) – Notarized criminal complaint filed by Officer Arlie Jones and notarized by Connie Casas (Dec 21, 1998) - USCA 5 In Re Mapes No. 25-50840 Exhibit A

- **Violation:** No judicial signature, no sworn affidavit, no probable cause review
- **Strategic claim:** Arrest initiated without neutral judicial oversight
- **Function:** Complaint used as a de facto arrest warrant, bypassing judicial review
- **Supporting case:** Gerstein v. Pugh, 420 U.S. 103 (1975)
- **Held:** The Fourth Amendment requires a judicial determination of probable cause for any significant pretrial restraint of liberty; a prosecutor's assessment alone is insufficient.
- **Application:** The complaint—executed solely by a police officer and a notary—was used to justify arrest without judicial review. Gerstein mandates a neutral probable cause determination, which was absent.

SEXUAL ASSAULT, FELONY 2

Case #98-24248

THE STATE OF TEXAS

VS.

Eric Joshua Mapes

STATE OF TEXAS
COUNTY OF ECTOR

DOCKET # _____

COMPLAINT

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS:

I THE UNDERSIGNED AFFIANT DO SOLEMNLY SWEAR THAT I HAVE GOOD REASON TO BELIEVE AND DO BELIEVE THAT Eric Joshua Mapes, IN THE CITY OF ODESSA, COUNTY OF ECTOR, AND THE STATE OF TEXAS ON OR ABOUT THE 19 DAY OF December, A.D. 1998, AND BEFORE THE MAKING AND FILING OF THIS COMPLAINT DID UNLAWFULLY COMMIT THE OFFENSE OF SEXUAL ASSAULT, A FELONY OF THE SECOND DEGREE, TO WIT: Eric Joshua Mapes DID THEN AND THERE, INTENTIONALLY AND KNOWINGLY HAVE SEXUAL INTERCOURSE WITH, C.H., HEREINAFTER REFERRED TO AS THE COMPLAINANT, WITHOUT THE EFFECTIVE CONSENT OF THE COMPLAINANT A FEMALE NOT HIS WIFE, AND

Against the peace and dignity of the State.

[Signature]
Affiant

Before me, Connie Casas on this day personally appeared Arllie Jones, known to me [or "proved on the oath of N/A," or "through N/A to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 21 day of December, A.D. 1998.

Connie Casas
Notary Public in and for Ector
County, Texas

Rev. 10/97, 22.011



CONNIE
Notary Public
My Comm.
NOVEMBER

Exhibit 2(EXHIBIT D) – Arrest record executed same day without judicial probable cause (Dec 21, 1998) - USCA 5 In Re Mapes No. 25-50840 Exhibit B

- **Violation:** Arrest executed using complaint case number as simulated warrant
- **Strategic claim:** No valid warrant, no judicial probable cause
- **Function:** Arrest record reflects simulated warrant authority without judicial oversight; the officer claimed a warrant but relied on a complaint lacking judicial signature or review
- **Supporting case:** Manuel v. City of Joliet, 580 U.S. ____ (2017)
- **Held:** Pretrial detention violates the Fourth Amendment when it lacks valid probable cause—even if legal process has technically begun.
- **Application:** The arrest proceeded without a valid warrant or judicial review. Manuel confirms detention under color of legal process is unconstitutional when probable cause is fabricated or absent.

Information Message From State

DESCRIPTOR;
DISPOSITION;

DISPOSITION DATE;

REFERRED TO: TX0680000 ODESSA SO ECTOR CO

TRACKING INCIDENT NO: 901527228X
ARREST NAME: MAFRS, ERIC JOSHUA

ARREST DATE: 12-21-1995 A

** ARREST **

AGENCY: TX0680200 ODESSA PD

AGENCY CASE NO: JID122111

AGENCY ARREST NO: 75235

*TRB: A001 LEVEL: FELONY 2

CHARGE:

SEXUAL ASSLT

22.011(a)(1) PC

DESCRIPTOR;

DISPOSITION: HELD

DISPOSITION DATE: 11-21-1998

REFERRED TO: TX068015A ODESSA DA

UNAUTHORIZED USE OR DISCLOSURE OF THE INFORMATION CONTAINED IN THIS RECORD
MAY RESULT IN SEVERE CRIMINAL PENALTIES.
SEE SECTION 411.085, TEXAS GOVERNMENT CODE.
END OF PART 1

CRIME RECORDS SERVICE DPS AUSTIN TX 12/24/1998
END OF RECORD

Exhibit 3 – Judicial order lacking probable cause signature (post-arrest appearance, Dec 22, 1998) - USCA 5 In Re Mapes No. 25-50840 Exhibit C

- **Violation:** Judge read the charge and advised rights but did not affirm probable cause or sign any judicial determination authorizing arrest or continued detention
- **Strategic claim:** No judicial affirmation of probable cause at first appearance
- **Function:** Demonstrates failure to satisfy the Fourth Amendment's 48-hour requirement
- **Supporting case:** County of Riverside v. McLaughlin, 500 U.S. 44 (1991)
- **Held:** A judicial probable cause determination must occur within 48 hours of arrest; failure violates the Fourth Amendment.
- **Application:** The post-arrest appearance lacked judicial affirmation. McLaughlin establishes that omission or delay is unconstitutional; the absence of a signed probable cause order within 48 hours triggers federal scrutiny.

STATE OF TEXAS

COUNTY OF ECTOR

VS.

Allyson, Eric

This is to certify that on 12-22-48 at 10:15 ^{PM}
the above named individual appeared before me in Odessa, Ector County, Texas, at which time I
informed him of his rights, as stated below, in a clear language as required by article 15.17 of the
Texas Code of Criminal Procedure.

1. You are charged by affidavit of probable cause and of complaint with Sexual Assault (1st) (K2) JPY
2. You have the right to hire a lawyer.
3. You have the right to say nothing during questioning by peace officers or attorneys representing the state.
4. You have the right to have a lawyer present during any questioning by peace officers or attorneys representing the state.
5. You have the right to end the questioning at any time and say nothing further.
6. You have the right to have a lawyer appointed to represent you if you are too poor to hire a lawyer.
7. You have the right to an examining trial.
8. You have the right not to make any statement and any statement you make will be used against you.
9. You will also be granted a reasonable amount of time to consult with a lawyer if you so desire.

Amount of Bond: 20,000.00

Signature of Defendant [Signature] Address of Defendant _____

Witness and/or Interpreter [Signature] Agency _____

I further certify that I am a duly elected Justice of the Peace or appointed Magistrate of
Odessa, Ector County, Texas.

Signature of Justice of the Peace [Signature] Magistrate _____

MAGISTRATE'S DETERMINATION OF PROBABLE CAUSE

I hereby acknowledge that I have examined the evidence against the accused and have
determined that probable cause (does/does not) exist for the arrest of the above named individual.

Signature of Magistrate/Justice of the Peace _____

**Exhibit D (ALSO 1-3) – Discovery packet and forensic kit from recused attorney
(2010) -USCA 5 In Re Mapes No. 25-50840 Exhibit D(A-C)**

- **Violation:** Suppressed forensic evidence and filings never disclosed pretrial
- **Strategic claim:** Brady suppression; concealment of innocence evidence
- **Function:** Demonstrates actual innocence and prosecutorial misconduct
- **Supporting cases:** Brady v. Maryland, 373 U.S. 83 (1963); Herrera v. Collins, 506 U.S. 390 (1993); Schlup v. Delo, 513 U.S. 298 (1995)
- **Held:** Brady requires disclosure of exculpatory evidence; Herrera acknowledges actual innocence claims; Schlup provides gateway review when constitutional violation is coupled with new evidence.
- **Application:** The forensic exclusion evidence was withheld, invalidating the conviction and meeting the Schlup gateway for innocence review.

Sturgeon & Sturgeon

Attorneys and Counselors at Law

Ms. A. 9. 2. 16. 17. 18.

P.O. Box 4724

Address, Texas 79760

6041-237 (EFT)

Wm. Edwards Davis

MESSAGE

10

—

DATE _____

[illegible]

Sigurd

Information Message From State

DESCRIPTOR:

DISPOSITION:

REFERRED TO: TX0680000 ODESSA SO ECTOR CO

DISPOSITION DATE:

TRACKING INCIDENT NO: 901527228X

ARREST DATE: 12-21-1998 A

ARREST NAME: MAPES, ERIC JOSHUA

** ARREST **

AGENCY: TX0680200 ODESSA PD

AGENCY CASE NO: JTD122111

AGENCY ARREST NO: 75235

*TR: A001 LEVEL: FELONY 2

CHARGE:

SEXUAL ASSLT

22.011(a)(1) PC

DESCRIPTOR:

DISPOSITION: HELD

DISPOSITION DATE: 12-21-1998

REFERRED TO: TX068015A ODESSA DA

UNAUTHORIZED USE OR DISCLOSURE OF THE INFORMATION CONTAINED IN THIS RECORD
MAY RESULT IN SEVERE CRIMINAL PENALTIES.

SEE SECTION 411.085, TEXAS GOVERNMENT CODE.

END OF PART 1

CRIME RECORDS SERVICE

DPS AUSTIN TX 12/24/1998

END OF RECORD

NO. C-27,442

THE STATE OF TEXAS

IN THE DISTRICT COURT

VS

OF ECTOR COUNTY, TEXAS

ERIC JOSHUA MAPES

244TH JUDICIAL DISTRICT

STATE'S RESPONSE TO FIRST PRE-TRIAL ORDERS

DOCUMENTARY EVIDENCE:

- A. Signed statements of the defendant: none
- B. Oral statements of the defendant: enclosed
- C. Defendant's statements to the Grand Jury: none
- D. Warrants: enclosed
- E. Written consent to search: none
- F. Defendant's fingerprints & reports of same: none
- G. Scientific test reports & experts' reports: enclosed
- H. Photographs of scene: none
- I. Waiver of rights before statements: enclosed
- J. Criminal record of defendant: enclosed
- K. Enhancement documents: none
- L. Video of defendant/victim: none

WITNESSES AND INFORMATION:

- A. Investigating officers of Odessa Police Department:

Arlie Jones
Larry Bartoll
Dean McCann
Rick Pippins
M. Baeza

Other officers in the chain of custody.

Any officers to prove enhancement documents, if any.

SEXUAL ASSAULT EXAMINATION AND FORENSIC REPORT FORM

Please print legibly. To be filled out with medical information gathered from the survivor. Please inform the survivor that, should the case go to court, it may be necessary to gather additional evidence at a later time. Please fill all spaces with information or N/A.

Name of Survivor: _____ DOB: ____ Sex: ____ Race: ____
 Address: _____ Phone: _____
 Survivor Brought in by: _____ Agency or Relationship of Escort: _____
 Survivor Number: _____ Law Enforcement Case Number: _____
 Exam Date: _____ Time of Collection: ____ Date of Assault: ____ Time of Assault: ____
 Number of Assailant(s): ____ Sex of Assailant(s): ____ Race of Assailant(s): ____

VITAL SIGNS: Time ____ Blood Pressure ____ Pulse ____
 Respiration ____ Temperature ____
 Known Allergies: _____
 Current Medications: _____

HISTORY OF ASSAULT: (Survivor's description of pertinent details of the assault—oral, rectal, vaginal penetration; digital penetration or use of foreign object; oral contact by assailant; oral contact by survivor; ejaculation and location of such, if known by survivor)

Prior to evidence collection, survivor has: ☒ Douched ☒ Wiped/Washed ☒ Bathed
☒ Showered ☒ Urinated ☒ Defecated ☒ Vomited ☒ Had Food or Drink
☒ Brushed Teeth or Used Mouthwash ☒ Changed clothes ☒ Other _____ None of the Above

At time of assault, was:

Contraceptive foam or spermicide present?
 Lubricant used by assailant?
 What kind?

☐ Yes ☐ No ☐ Unknown
☐ Yes ☐ No ☐ Unknown

Condom used by assailant?
 During entire assault?

☐ Yes ☐ No ☐ Unknown
☐ Yes ☐ No ☐ Unknown

Tampon present?

☐ Yes ☐ No ☐ Unknown

Survivor menstruating?

☐ Yes ☒ No ☐ Unknown

Assailant injured during assault?

☐ Yes ☐ No ☐ Unknown If so, where _____

Was there penetration?

☐ Oral ☐ Vaginal ☐ Rectal ☐ Other ☐ Unknown

Did he ejaculate?

☐ Oral ☐ Vaginal ☐ Rectal ☐ Other ☐ Unknown

At time of exam, was tampon present? ☐ Yes ☒ No Menstruation at time of exam? ☐ Yes ☒ No

Was survivor bleeding from any wounds inflicted by assailant? ☐ Yes ☒ No If so, where _____

Where did the assault take place?

When was the survivor's most recent sexual contact with a male up to 1 week prior to the assault?

Race of that individual _____

If the response is less than 24 hours, inform the survivor of the possibility that blood and semen samples may be requested from that individual at a later date.

2

SEXUAL ASSAULT EXAMINATION AND FORENSIC REPORT FORM, Page 2

SIGNIFICANT PAST MEDICAL HISTORY:

Last normal menstrual period: _____
 Have they used vaginal tampons: _____
 Contraceptives: _____
 Vaginal surgical procedure: _____

GENERAL APPEARANCE: (behavior, affect) _____

BODY SURFACE INJURIES: (include all details of trauma; abrasions, bite marks; presence of blood or other secretions on body.)

BODY DIAGRAMS: Document injuries and observations on the accompanying body diagrams.

GENITAL EXAMINATION:

Labia Majora _____
 Labia Minora _____
 Wood's Lamp _____
 Hymen _____
 Vagina _____
 Cervix _____
 Uterus, Adnexa _____
 Colposcope _____
 Check for Sperm ☐ Positive ☐ Negative Motile ☐ Yes ☐ No
 Tanner Staging ☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5
 Penis/Scrotum _____
 Rectum _____
 Gular _____

Document injuries and observations on the attached diagrams of genitalia

DIAGNOSTIC TESTS: (Do not include in evidence collection kit)

☐ Pregnancy Test: ☐ Positive ☒ Negative
☐ VDRL/FTA/RPR
☐ GC Cultures: ☐ Oral ☒ Vaginal ☐ Urethral ☐ Rectal
☐ Chlamydia Cultures: ☒ Vaginal ☐ Urethral ☐ Rectal
☐ Additional Tests

TREATMENT:

Prophylaxis for STD: ☐ Yes ☐ No Medication: _____ Dosage: _____ Time: _____ RN: _____
 Prophylaxis for Pregnancy: ☐ Yes ☐ No Medication: _____ Dosage: _____ Time: _____ RN: _____
 Other prescribed medication: Medication: _____ Dosage: _____ Time: _____ RN: _____
 Condition: _____
 Tetanus Toxoid Given: ☐ Yes ☒ No
 Surgical Procedures: _____

COMMUNICABLE DISEASES OF RISK TO LAB PERSONNEL: (e.g., Hepatitis, TB, Herpes, HTLV/III, etc.) and/or presence of parasites (e.g., head lice, pubic lice, body lice, mites, etc.)



SEXUAL ASSAULT EXAMINATION AND FORENSIC REPORT FORM, Page 3

EVIDENCE ITEMS INCLUDED IN KIT

<input checked="" type="checkbox"/> # of Oral Swabs (2)	<input checked="" type="checkbox"/> # of External Penile Swabs (2)	<input checked="" type="checkbox"/> Fingernail scrapings	<input checked="" type="checkbox"/> Tampon, diaper, sanitary pad, sponge
<input checked="" type="checkbox"/> # of Oral Smears (1)	<input checked="" type="checkbox"/> # of External Penile Smears (1)	<input checked="" type="checkbox"/> Head Hair Combing & Comb	<input checked="" type="checkbox"/> Dried Blood Stains
<input checked="" type="checkbox"/> # of Vaginal Swabs (4)	<input checked="" type="checkbox"/> # of Saliva Swabs (2)	<input checked="" type="checkbox"/> Head Hair Pulled Standards	<input checked="" type="checkbox"/> Foreign Matter
<input checked="" type="checkbox"/> # of Vaginal Smears (1)	<input checked="" type="checkbox"/> # of Yellow Blood Tube(s)	<input checked="" type="checkbox"/> Pubic Hair Combing & Comb	
<input checked="" type="checkbox"/> # of Rectal Swabs (4)	<input checked="" type="checkbox"/> # of Purple Blood Tube(s)	<input checked="" type="checkbox"/> Pubic Hair Pulled Standards	
<input checked="" type="checkbox"/> # of Rectal Smears (1)	<input checked="" type="checkbox"/> # of Red Blood Tube(s)	<input checked="" type="checkbox"/> Panties (if they fit in box)	
<input checked="" type="checkbox"/> Other (Please Specify)	<i>Swabs - 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000</i>		

EVIDENCE ITEMS INCLUDED IN KIT

☒ Clothing ☐ # of paper bags ☐ Photographs ☐ X-Rays ☐ Other (Specify) _____

(Please list clothing or miscellaneous items) (Available)

Article

Description (tears or stains)

1 pair blue jeans with white button } *finger stain in crotch*
other nothing not } *white hole in crotch*
reported by own doctor that there were

PATIENT FOLLOW-UP CARE/LEGAL CHECKLIST:

<input type="checkbox"/> GYN/Medical/STD follow-up appointment	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Sexual assault counseling referral	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Written and verbal information given to patient	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Medical facility received permission to contact survivor <input checked="" type="checkbox"/> by telephone <input type="checkbox"/> by mail	<input type="checkbox"/> permission denied
<input type="checkbox"/> Authorization for Release of Evidence to Law Enforcement Agency completed	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Law enforcement/Children's Protective Services notified if suspect child abuse	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Impressions from exam:

Physical exam of the patient
no physical trauma to the head, neck, chest, abdomen, or extremities
no physical trauma to the genital area or rectum

Examining Physician/Nurse Examiner—Signature

Assisting Nurse—Signature

Examining Physician/Nurse Examiner—Printed Name

Assisting Nurse—Printed Name

Name of Hospital *Medical Center*Address *500 W. 4th St.*City *Alaska*State *TX*Zip *79701*

- 9 -

RECEIPT OF INFORMATION

I have received the following items (check those which apply):

- ☒ One sealed evidence kit
 ☐ X-rays or copies of X-rays
 ☐ Photographs
☐ Sealed clothing bag(s) _____ # of bags
☐ Other _____

Signature of person receiving
information and/or articles: _____

Date _____

Time 7:11

ID #/Badge #/Title _____

Agency F-1

Name of person releasing articles: _____

Printed Name _____

Signature _____

*Reference
C. H.*

HUNTER, CRYSTAL JEAN
DOB 00010144
ADM OFFICE
ED PHYSICIAN

White—Medical Facility Yellow—Lab Copy Pink—Law Enforcement Representative

2011

END OF PAGE

STEP 15

RECEIPT OF INFORMATION

I have received the following items (check those which apply):

- ☐ One sealed evidence kit
 ☐ X-rays or copies of X-rays
 ☐ Photographs
☐ Sealed clothing bag(s) _____ # of bags
☐ Other _____

Signature of person receiving
information and/or articles: _____

Date _____

Time _____

ID #/Badge #/Title _____

Agency _____

Name of person releasing articles: _____

Printed Name _____

Signature _____

AUTHORIZATION TO ASSIGN PAYMENT

I hereby authorize _____ to request payment for this evidence collection examination from the law enforcement jurisdiction to which the crime was reported

Signature of Survivor or Parent or Guardian

Note: Once form is signed, it should be sent to the law enforcement jurisdiction of authorization of payment

I hereby authorize payment for the evidence collection examination for _____ by _____

(Survivor Name)

_____ in the amount of _____

(Law Enforcement Agency)

Authorized Signature

Note: Please return this form to the hospital within 10 days. Texas Civil Statute Article 44471 requires that law enforcement agencies pay for evidence collection examinations in the case of reported sexual assault


 HINTER CRYSTAL JEAN EEE P
 MAR 00013344
 ADM 121978
 EDPHYLC ANG

Exhibit E – Harwell legal letter confirming Indiana’s unlawful modification (June 16, 2025) - USCA 5 In Re Mapes No. 25-50840 Exhibit H

- **Violation:** Indiana misclassified Texas conviction and refused correction
- **Strategic claim:** Interstate record fraud; cross-jurisdictional contamination
- **Function:** Written confirmation that Indiana altered Texas judicial records and their legal effect
- **Supporting authority:** Full Faith and Credit Clause (U.S. Const. art. IV § 1); Ex Post Facto Clause (U.S. Const. art. I § 10); ADA Title II (42 U.S.C. § 12132)
- **Held:** Sister-state judgments and records must be honored; retroactive enhancements and reclassification violate ex post facto; ADA requires equal access.
- **Application:** Indiana knowingly enforced a fabricated classification contrary to certified Texas records, violating Full Faith and Credit and ADA protections.



HARWELL GRAY
LEGAL COUNSEL LLC

jonathan@hglegalcounsel.com

www.hglegalcounsel.com

156 E. Market St. Ste. 300, Indianapolis, Indiana 46204

Phone: 317-600-4435 | Text: (317) 666-6483

June 16, 2025

Eric Mapes

Via e-mail: mr.e.mapes@gmail.com

Mr. Mapes:

Per my review of your case, it is important to note that you can no longer proceed with your case in Indiana. Previous rulings establish that further attempts to file are barred by *res judicata* (already ruled upon). Be aware that the courts may impose penalties for any additional filings per the prior orders. Furthermore, your deadline to appeal has expired, as any appeal needed to be filed within thirty (30) days following the last order.

It is important to clarify that our review indicates a what on our review appears to be misunderstanding by both the DOC and the court regarding your case and its classification of your conviction leading to you being placed on the registration for more time than you should be. Representing yourself may have limited your ability to convey your circumstances clearly leading to the rulings.

To pursue relief effectively, consider filing a post-conviction relief (PCR) petition, especially given the evidence at hand. Your case appears to be strong. Ensure that the petition needs to be submitted in Texas, specifically in the county of your conviction. I can assist you in locating an attorney in Texas and will also keep in touch with the Innocence Project for updates on your case. As previously mentioned, we will refund \$3,500.00 of your fee to you or to the attorney you designate, due to our inability to file a petition in Indiana. Please inform us of your preferred next steps. If you have any questions, do not hesitate to reach out at (317) 313-4418 or jonathan@hglegalcounsel.com.

Respectfully Submitted,


Jonathan Harwell
Attorney & Founder

Exhibit F – Indiana DOC letter misclassifying conviction (Apr 27, 2017) - USCA 5
In Re Mapes No. 25-50840 Exhibit R

- **Violation:** Classified Petitioner as “Serious Sex Offender” under IC § 35-42-4-14 despite adult-only Texas conviction under § 22.011(a)(1)
- **Strategic claim:** Double jeopardy and ADA retaliation through successive punishment and access exclusion
- **Function:** Shows unlawful registry enforcement and reputational harm
- **Supporting authority:** Double Jeopardy Clause (U.S. Const. amend. V); Section 504 (29 U.S.C. § 794); Kalb v. Feuerstein, 308 U.S. 433 (1940)
- **Held:** Successive punishment is barred; discrimination in access is unlawful; void judgments and jurisdictional fraud are legal nullities.
- **Application:** Indiana imposed successive punishment and discriminatory barriers based on a misclassified offense, rendering enforcement unlawful and void.



STATE OF INDIANA
Department of Corrections

100 West Washington Street, Indianapolis, Indiana 46204-2711
Phone: (317) 232-5711 Fax: (317) 232-6788 Website: www.in.gov/doc

Robert E. Carter Jr.
Director

Eric J. Hoxcomb
Attorney

April 22, 2011

Mr. Mares
P.O. Box 3000
Indianapolis, IN 46206

Mr. Mares:

Thank you for contacting our office concerning your registration requirements. This letter is a response to the letter dated our office received on April 11, 2011 concerning your registration responsibility as

Upon receipt of your appeal, our office completed a review of your registration requirement. According to our records, you were convicted of "Count 1 Sexual Assault" as a felony under Case No. C-27422 on November 1, 1999.

Upon your release from the Indiana Department of Corrections, you are required to register as a Sex Offender for life under Indiana Code §11-8-8-4.5 and Indiana Code §11-8-8-4.6. Additionally, you are a "Serious Sex Offender" as defined by Indiana Code §35-42-4-14.

Your appeal is denied.

Robert E. Carter Jr.
Director
Department of Corrections
100 West Washington St., E-320
Indianapolis, IN 46204
(317) 232-5711
www.in.gov/doc

Exhibit G – Eleventh Court of Appeals order (Texas, July 2025)

- **Violation:** Misuse of case numbers, reframing conviction, refusal to adjudicate innocence claims
- **Strategic claim:** Jurisdictional fraud and procedural sabotage at the appellate level
- **Function:** Demonstrates abdication despite preserved record and certified Texas law
- **Supporting authority:** Full Faith and Credit Clause; Carey v. Piphus, 435 U.S. 247 (1978); Equal Protection (U.S. Const. amend. XIV)
- **Held:** States must respect judicial records; procedural due process violations are actionable; discriminatory procedural exclusion violates Equal Protection.
- **Application:** The appellate court ignored certified records and deferred innocence, compounding constitutional injury.

Opinion filed July 25, 2025



In The

Eleventh Court of Appeals

No. 11-25-00190-CR

IN RE ERIC J. MAPES

Original Mandamus Proceeding

MEMORANDUM OPINION

This court's former opinion and judgment dated July 24, 2025, are withdrawn. This court's opinion and judgment dated July 25, 2025, are substituted therefor. Relator, Eric J. Mapes, pleaded guilty in 1999 to sexual assault, a second-degree felony, and was sentenced to imprisonment for a term of two years. *See* TEX. PENAL CODE ANN. § 22.011(a)(1) (West Supp. 2024). On June 16, 2025, Relator filed a "Motion to Vacate" his 1999 conviction in the 244th District Court of Ector County, Texas, the convicting court. Accompanying Relator's motion were unredacted

ACCEPTED
11-25-00190-CR
ELEVENTH COURT OF APPEALS
EASTLAND, TEXAS
7/22/2025 10:12 AM
Marla Hanks
CLERK

No. 11-25-00190-CR

In the Court of Appeals for the
Eleventh District of Texas at Eastland

FILED IN
11th COURT OF APPEALS
EASTLAND, TEXAS
7/22/2025 10:12:15 AM

Marla Hanks
Clerk

No. C-27,445

In the 244th District Court
Ector County, Texas

In re
Eric J. Mapes
Relator

v.

The Hon. Lori Ruiz-Crutcher
Respondent

The State of Texas
A real party in interest

STATE'S RESPONSE TO RELATOR'S
PETITION FOR WRIT OF MANDAMUS

DUSTY GALLIVAN
District Attorney, Ector County

MICHELLE R. TOWNSEND
Assistant District Attorney, Ector County
State Bar Number: 24049295

Ector County Courthouse
300 N. Grant, Room 305
Odessa, Texas 79761
Tel.: (432) 498-4230
Michelle.Townsend@ectorcountytexas.gov

STATEMENT OF FACTS

On April 12, 1999, Relator was indicted in cause number C-27,442 for two counts of the second-degree felony offense of sexual assault of a child. *See State's Appendix*, Exhibit 1; *see also* TEX. PENAL CODE ANN. § 22.011(a)(2), (f) (West 1997).

On November 8, 1999, Relator appeared in open court with counsel and, pursuant to his agreement with the State, entered a plea of guilty to one count of the indictment, was admonished, found to be mentally competent, adjudged guilty, and sentenced to 2 years in prison. *See State's Appendix*, Exhibits 2, 3, 5.

As part of the plea bargain agreement, Relator waived his right to appeal and the State moved to dismiss the second count of the indictment. *See State's Appendix*, Exhibits 2, 3, 4.

In 2015, Relator began attacking his conviction and sex offender registration consequences stemming from that conviction. *See Ex parte Mapes*, WR-83,771-01 (Tex. Crim. App. 2015) (application not on prescribed form and dismissed without written order for non-compliance with TEX. R. APP. P. 73.1); *Ex parte Mapes*, WR-83,771-02 (Tex. Crim. App. 2015); (motion for leave to file original application for writ of habeas

Exhibit H – Filing by David Arthur (Indiana AG contract counsel) falsifying Texas laws - USCA 5 In Re Mapes No. 25-50840 Exhibit U

- **Violation:** Falsification and alteration of Texas statutes and records in Indiana filings
- **Strategic claim:** Fraud upon the court; ex post facto and double jeopardy violations
- **Function:** Shows direct, intentional alteration and misrepresentation by counsel under state authority
- **Supporting cases:** Napue v. Illinois, 360 U.S. 264 (1959); Ex Post Facto Clause; Double Jeopardy Clause
- **Held:** False statements to courts violate due process; retroactive legal alterations and successive punishments are unconstitutional.
- **Application:** The filing evidences deliberate fabrication to sustain unlawful classification and enforcement.

Filed: 5/7/2021 12:39 PM

IN THE
COURT OF APPEALS OF INDIANA

No. 21A-PC-250

ERIC J. MAPES,
Appellant-Petitioner,

v.

STATE OF INDIANA,
Appellee-Respondent.

Appeal from the Marion Superior
Court, Criminal Division 34,

No. 49D34-2102-PC-4134

The Honorable Amy Jones,
Judge.

**BRIEF OF APPELLEE
STATE OF INDIANA**

DAVID A. ARTHUR
Attorney
Attorney No. 2461-48

OFFICE OF THE ATTORNEY GENERAL
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, IN 46204-2770
765-623-7834 (telephone)
317-232-7979 (fax)
David.Arthur@atg.in.gov

Attorney for Appellee State of Indiana

Brief of Appellee State of Indiana

period of time ordered by Texas. *See Herron v. State*, 918 N.E.2d 682 (Ind. Ct. App. 2009)." App. 2.

On February 10, Mapes filed a notice of appeal, a motion to correct error, and a notice of citizen's arrest of the trial court judge for treason. Online CCS and filings. It is requested, again, that the Court take judicial notice of these filings: they are part of the history of the proceedings, but none is germane to the issues at this time. Other post-trial motions were filed as well, but none is relevant to the issues in this appeal so they are not listed here. *Id.* By order dated February 16 (filed February 18), the trial court denied the motion to correct error with a lengthier explanation of her ruling that Indiana is the wrong state in which to challenge a Texas conviction. *Id.* Yet again, it is requested that judicial notice of this ruling be taken. It is not included in Mapes's appendix.

STATEMENT OF THE FACTS

Mapes was convicted of sexual assault under Texas Penal Code 22.011(a)(1) in 1999 for having sexual intercourse with a 14-year-old girl.³

³ The statute under which he is convicted provides:

(a) A person commits an offense if:

(1) the person intentionally or knowingly:

(A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;

(B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or

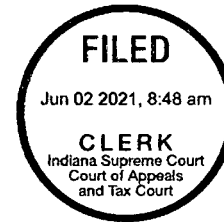
(C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth,

Exhibit I – Indiana Court of Appeals order adopting falsified layered Texas laws (2021) - USCA 5 In Re Mapes No. 25-50840 Exhibit S

- **Violation:** Adoption of falsified Texas law; layering fabricated child-based classification over adult-only adjudication
- **Strategic claim:** Full Faith and Credit violation; ADA Title II access exclusion
- **Function:** Demonstrates interstate adoption of false records and resulting discrimination
- **Supporting cases:** Baker v. General Motors Corp., 522 U.S. 222 (1998); Underwriters Nat'l Assurance Co. v. North Carolina, 455 U.S. 691 (1982); ADA Title II
- **Held:** States cannot alter the effect of another state's judgment; final judgments must be honored; public services must be accessible.
- **Application:** Indiana's order entrenched a fabricated classification contrary to Texas's final judgment, denying equal access and due process.

MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



APPELLANT PRO SE

Eric J. Mapes
Indianapolis, Indiana

ATTORNEYS FOR APPELLEE

Theodore E. Rokita
Attorney General of Indiana

David A. Arthur
Deputy Attorney General
Indianapolis, Indiana

IN THE COURT OF APPEALS OF INDIANA

Eric J. Mapes,
Appellant-Petitioner,

v.

State of Indiana,
Appellee-Respondent.

June 2, 2021

Court of Appeals Case No.
21A-PC-250

Appeal from the Marion Superior
Court

The Honorable Amy M. Jones,
Judge

Trial Court Cause No.
49D34-2102-PC-4134

Per curiam.

Statement of the Case

- [1] Eric J. Mapes appeals the trial court's denial of his petition to remove his name from Indiana's sex offender registry pursuant to Indiana Code Section 11-8-8-22. Mapes presents a single issue for our review, namely, whether the trial court erred when it denied his petition.
- [2] We affirm.

Facts and Procedural History

- [3] On December 19, 1998, Mapes committed sexual assault against a minor in Ector County, Texas. Mapes was convicted of sexual assault under Texas Penal Code Section 22.011 and sentenced, and he was ordered to register as a sex offender. At some point, Mapes moved to Indiana and registered as a sex offender here.
- [4] On February 6, 2021, Mapes filed with the trial court a "Notice Petition and Request Pursuant to 11-8-8-22" ("petition"). In his petition, Mapes "request[ed] to be removed from the Indiana Sex Offender Registry pursuant to Indiana Constitution Art. 1 Sec. 12 and Indiana Code Section 11-8-8-22[(d)]." Appellant's App. Vol. 2 at 3. Mapes also stated that his petition was made "pursuant to TITLE VI-INNOCENCE PROTECTION ACT OF 2004 Sec. 401." *Id.* Mapes alleged that "the original trial court records from Texas . . . support his factual innocence[.]" *Id.* He asserted that DNA evidence would exonerate him.

**Exhibit J – Indiana Supreme Court order reinforcing alterations and modifications
(2023) – USCA 5 In Re Mapes No. 25-50840 Exhibit T**

- **Violation:** Reinforcement of altered Texas conviction; reputational harm and discrimination
- **Strategic claim:** Procedural sabotage at the highest state level; ADA retaliation; fraud upon the court
- **Function:** Confirms systemic ratification of unlawful record alteration and exclusion
- **Supporting cases:** Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238 (1944); Supremacy Clause; Burlington Northern v. White, 548 U.S. 53 (2006)
- **Held:** Fraud upon the court voids judgments; federal supremacy controls over conflicting state actions; retaliation includes reputational harm and procedural exclusion.
- **Application:** The order ratifies false classifications, perpetuates harm, and triggers federal intervention to restore constitutional compliance.

2 73

In the Indiana Supreme Court

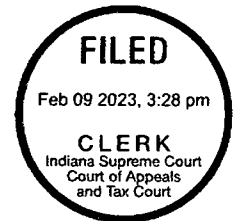
Eric J. Mapes,
Appellant,

v.

State of Indiana,
Appellee.

Court of Appeals Case No.
22A-MI-2489

Trial Court Case No.
08C01-2112-MI-27



Published Order Denying Transfer and Admonishing Appellant

The trial court dismissed this case, in which Appellant challenges his sex-offender registration requirements, as barred by res judicata. After Appellant initially attempted impermissibly to appeal that decision directly to this Court, we transferred jurisdiction to the Court of Appeals. Ind. Appellate Rule 6. The Court of Appeals denied leave to proceed *in forma pauperis* and later dismissed this appeal for failure to timely file an Appellant's Brief. App. R. 45(D). We now deny transfer and issue this published order to caution Appellant that continuing his pattern of misuse of motions practice, and his misuse of Clerk's Office resources and abuse towards its personnel, will likely result in the Court restricting his filings and his communications with Clerk personnel. To the extent Appellant seeks the Chief Justice's recusal, that matter is addressed by a separate order.

Background

Since July 2019, Appellant has initiated ten separate Court of Appeals or Supreme Court cases, including this one, into which he has made at least 140 distinct filings (not inclusive of attachments to those filings). See *Mapes v. Hatcher*, No. 19A-SC-1566; *Mapes v. State*, No. 20A-PC-550; *Mapes v. State*, No. 20A-CR-574; *Mapes v. State*, No. 21A-PC-250; *Mapes v. State*, No. 21A-IF-1619; *State ex rel. Mapes v. State*, No. 21S-OR-379; *Mapes v. Jones*, No. 22S-MI-336; *Mapes v. State*, No. 22S-MI-337, *Mapes v. Jones*, No. 22A-MI-2488.

Only one of those ten cases—his appeal from the denial of post-conviction relief in No. 21A-PC-250—survived to a decision on the merits. Six others were dismissed—in this case, for failure to timely file an Appellant's Brief; and in five others, because they did not challenge a final judgment or interlocutory order appealable of right. Two more, including this case, were transferred because they were filed in the wrong court. And one was an original action in this Court that was dismissed as seeking an inappropriate remedy.

His cases have also consistently involved procedural or substantive deficiencies. At least five, including this one, involved multiple defective attempts to obtain leave to proceed *in forma pauperis*, failing to correct defects unambiguously identified in Notices of Defect. And at least six

of them, including this one, involved challenges to Appellant's sex-offender registration requirements—making at least five of them repetitive and barred by *res judicata*, after those challenges were decided adversely to Appellant in No. 21A-PC-250.

Moreover, many of Appellant's individual filings are repetitive, immaterial, or otherwise abusive of the judicial process—as typified by his recent filings in this case:

- From January 5–9, Appellant filed twelve immaterial “motions,” “notices,” and “declarations”—including a “Notice of Citizens Arrest” of and a “Civil Complaint” against the State's counsel, and a “Motion for Default Judgment” erroneously (and prematurely) alleging that the State had not timely filed a response brief. On January 11, this Court denied some of those motions and struck others as additional merits arguments under the guise of motions practice. *See Care Group Heart Hosp., LLC v. Sawyer*, 93 N.E.3d 743 (Ind. 2018) (disapproving “repeated attempts . . . to submit unauthorized supplemental merits briefs under the pretext of motions practice”).
- Within hours of that order, Appellant filed a “motion to correct error” and a “Formal Legal Notice of Retaliation and Deprivations of Rights by the Indiana Supreme Court Pursuant to 28 C.F.R. 35.134 and 42 U.S.C. 12203.” On January 12, this Court denied the motion, and denied the “notice,” which included no prayer for relief, as moot.
- From January 12–17, Mapes filed five more documents of similar character to the others. This Court summarily denied some and denied others as moot on January 18.

Pending Matters and Conduct Towards Clerk's Office Staff

Besides Appellant's petition to transfer, five more documents, filed January 18–19 and January 27, are now before the Court:

- “Appellant's Final Notice to the Court,” which in substance seeks the Chief Justice's recusal;
- a “Verified Civil Complaint,” which appears to be a copy of a **proposed** civil action against the Chief Justice under 42 U.S.C. § 1983 in the Northern District of Indiana;
- a copy of a letter from Alaska sex-offender registration authorities, filed without explanation using the “Motion to Amend” e-filing code;
- “Appellant's Notice of Retaliation and Deprivations of Rights,” which also seeks the Chief Justice's recusal; and
- “Appellant's Affidavit and Ex Post Facto Claim” (accompanied by a copy of the same letter from Alaska sex-offender registration authorities previously filed under the “Motion to Amend” e-filing code), which advances further arguments on the merits of Appellant's claims outside of the briefing permitted by Indiana Appellate Rule 57(C)–(E).

Finally, the Clerk of this Court reports that Appellant has for several years engaged in a pattern of repeated, lengthy phone calls to Clerk personnel—typically daily or more frequently, and typically 20–30 minutes at a time—with questions that Clerk staff cannot answer, or simply venting about his cases. And on at least one occasion (August 11, 2021), Appellant during one such call directed an unacceptable and explicit epithet at the Case Manager he was speaking to.

Such calls are not good-faith efforts for Appellant to receive appropriate information regarding the status of a case; they serve only to prevent Clerk personnel from addressing legitimate business for other filers.

Appellant's right of access to the courts is not a license to engage in such conduct with impunity. "There is no right to engage in abusive litigation, and the state has a legitimate interest in the preservation of valuable judicial and administrative resources." *Zavodnik v. Harper*, 17 N.E.3d 259, 264 (Ind. 2014). And "[e]very resource that courts devote to an abusive litigant is a resource denied to other legitimate cases with good-faith litigants." *Id.* Courts have the inherent authority to impose reasonable restrictions on any abusive litigant, *id.* at 265, "tailored to the litigant's particular abusive practices," *id.* at 266—including instructing "the clerk to reject without return for correction future filings that do not strictly comply with applicable rules of procedure and conditions ordered by the court." *Id.* at 269.

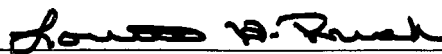
Despite our findings of Appellant's abusive conduct and our inherent authority to restrain it, the Court declines to impose protective restrictions on Appellant **at this time**. However, **the Court cautions Appellant** that if he continues similar abuse of motions practice and of Clerk's Office personnel and resources, such restrictions will likely be ordered against him—for example, rejection without opportunity to cure for any filings that do not comply strictly with the Rules of Appellate Procedure, and limitation to written communications with the Clerk's Office.

Conclusion

This matter has come before the Indiana Supreme Court on a petition to transfer jurisdiction following the issuance of a decision by the Court of Appeals. The petition was filed pursuant to Indiana Appellate Rule 57. The Court has reviewed the decision of the Court of Appeals. Any record on appeal that was submitted has been made available to the Court for review, along with all briefs that may have been filed in the Court of Appeals and all the materials filed in connection with the request to transfer jurisdiction. Each participating member of the Court has voted on the petition. Each participating member has had the opportunity to voice that Justice's views on the case in conference with the other Justices.

Being duly advised, the Court DENIES the appellant's petition to transfer jurisdiction. All other pending matters are DENIED AS MOOT. However, Appellant is CAUTIONED that further abuse of the appellate process will likely result in imposition of restrictions. No petition for rehearing is permitted. *See* App. R. 58(B).

Done at Indianapolis, Indiana, on 2/9/2023.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.