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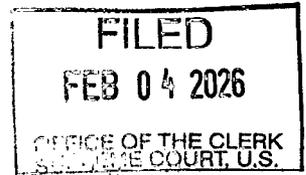
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IN THE  
SUPREME COURT OF THE UNITED STATES

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ROJELIO ESTRACA, JR., - PETITIONER

vs.

THE STATE OF TEXAS - RESPONDENT

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ON PETITION FOR A WRIT OF CERTIORARI TO THE  
COURT OF APPEALS OF TEXAS, THIRTEENTH DISTRICT

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PETITION FOR WRIT OF CERTIORARI

Pro Se Petitioner  
Rojelio Estraca Jr.  
TDCJ-CID No. 02477244  
John B. Connally Unit  
899 F.M. 632  
Kenedy, Tx 78119

## QUESTIONS PRESENTED

1. Should this Honorable Court reexamine its destruction of evidence standard set out in Arizona v. Youngblood; specifically, a reform to the 'bad faith' requirement, due to significant changes in jurisprudence and society since its inception?
2. Did the State of Texas misapply the Youngblood standard when it found no due process violation or bad faith, despite State testimony that acknowledged the lack of fairness to Petitioner due to spoliation?
3. Because the State of Texas enacted the Michael Morton Act, Tex.Code.Crim.Proc. 39.14, and held that this Act guarantees defendants discovery rights beyond Due Process. Does it violate Due Process if Texas does not enforce or protect these rights when spoliation occurs to evidence not turned over in violation of the Act?

## LIST OF PARTIES

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### 5. Trial Court

Honorable Judge David Klein, Nueces County, Texas  
148th District

## RELATED CASES

- State of Texas v. Estraca, 18FC-3778-E, 148th Judicial District of Nueces County, Texas, Judgment entered on Oct. 30th, 2023
- Estraca v. State, No.13-23-00482-CR, Judgment affirmed on Jan. 30th, 2025 by Thirteenth Court of Appeals of Texas
- In re Estraca, No. PD-0264-25, Discretionary Review Refused on Sep. 3rd, 2025, Motion for Rehearing denied Nov. 6th, 2025 by Court of Criminal Appeals of Texas

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Youngblood in Practice: How the Bad Faith Standard Preserves Wrongful Convictions and Creates Perverse Incentives, 75 Rutgers U. L. Rev. 1307, 1307, Evan S. Glasner (2023)	10

### OPINIONS BELOW

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:

- This case is from a state court:

The opinion of the Court of Appeals of Texas, Thirteenth District appears at Appendix A and is unpublished.

### JURISDICTION

From the state court:

The date on which the highest state court decided my case on the merits: January 30th, 2025. (Estraca v. State, No. 13-23-00482-CR, 2025 Tex.App.LEXIS 9202, 2025 WL 339173) A copy of the Memorandum Opinion appears at Appendix A, from the Court of Appeals of Texas, Thirteenth District.

- A timely Petition for Discretionary Review was filed and refused by the Court of Criminal Appeals of Texas on September 6th, 2025. (In re Estraca, PD-0264-25, 2025 Tex.App.LEXIS 616). Appendix B
- A timely Motion for Rehearing was filed and denied by the Court of Criminal Appeals on November 6th, 2025. (In re Estraca, PD-0264-25, 2025 Tex.Crim.App.LEXIS 833). Appendix C

### CONSTITUTIONAL AND STATUTORY PROVISIONS

- United States Constitution, Fourteenth Amendment
- Texas Code of Criminal Procedure 39.14
- Texas Code of Criminal Procedure 2A.209 (prev. 2.1397)

## STATEMENT OF THE CASE

Petitioner was arrested on August 13th, 2018 (CR:11-12). After the initial outcry where one, Officer Jordan Armstrong responded to. Officer Armstrong recorded this interaction on his body camera footage. (CR:214-15).

Defense Counsel filed several motions for discovery over the next year however, the State never turned over the body cam footage. (CR:150). The Trial Court held a hearing on this issue and at that hearing the State attempted to use a ransomware attack that the Robstown Police Department as its reason for not turning over the footage. (RR19:p.26;14-17).

Defense Counsel argued that the State, specifically, law enforcement signed a discovery compliance affidavit and swore that all the evidence had been provided to the Defense, an entire year before the ransomware attack. Further, law enforcement admitted that they knew of the footage's existence but could not initially locate it and then much later the ransomware attack occurred. (RR25:pgs.13;16-25 - p.14;1-10).

Defense Counsel filed a motion to dismiss based on spoliation. (CR:214). The Trial Court carried it through trial. At trial, Defense Counsel uncovered through testimony that law enforcement knew about the footage could not locate it and signed a discovery compliance anyways and not disclosing the fact that they could not locate the footage despite Officer Armstrong noting it on his reports. Further, the detective testified that he would not swear to that affidavit of compliance again as he did in the past. (RR26:pgs.26;18-25 - p.232;1-7). Further, law

enforcement conceded at trial that Petitioner did not receive a fair trial because of the spoliation and Defense Counsel consistently brought this to the Trial Court's attention with no rebuttal from the State on this point. (RR29:p.11;3-8).

The Trial Court ultimately ruled against Petitioner because it found no 'bad faith' on behalf of the State. (RR29:p.27;11-21).

On direct appeal, the Appellate Court weighed Petitioner's issue with the Youngblood standard and ultimately ruled against Petitioner writing that it found no bad faith on the State and that the evidence was not exculpatory.

Petitioner then filed a petition for discretionary review but review was refused, Petitioner then filed a motion for rehearing but it was denied.

## REASONS FOR GRANTING PETITION

1. Should this Honorable Court reexamine its destruction of evidence standard set out in Arizona v. Youngblood; specifically, a reform to the 'bad faith' requirement, due to significant changes in jurisprudence and society since its inception?

### A. Youngblood's Inception

Since this Honorable Court set down Arizona v. Youngblood, 488 U.S. 51, 109 S.Ct. 333, 102 L.Ed.2d 281 (1988); almost forty years ago, it has received heavy criticism and been met with much dissent. Beginning with this Honorable Court's own Justices: Justice Blackmun's Dissent

Justice Blackmun joined by Justices Brennan and Marshall dissented from the majority opinion in Youngblood, 488 U.S. at 61. Justice Blackmun laid out his principal concerns from the beginning: "The Constitution requires that criminal defendants be provided with a fair trial, not merely a "good faith" try at a fair trial." (Blackmun, J., dissenting).

In regard to the majority's articulation of the 'bad faith' requirement, Justice Blackmun wrote: "Apart from the inherent difficulty a defendant would have in obtaining evidence to show a lack of good faith, the line between "good faith" and "bad faith" is anything but bright, and the majority's formulation may well create more questions than it answers." Id. at 66 (Blackmun, J., dissenting).

### Justice Stevens's Concurrence

Justice Stevens concurred in the majority's decision only and refused to join its opinion. Specifically, because of the majority's 'bad faith' requirement, writing: "In my opinion,

there may well be cases in which the defendant is unable to prove that the State acted in bad faith but in which the loss or destruction of evidence is nonetheless so critical to the defense as to make a criminal trial fundamentally unfair." Id. at 61. (Stevens, J., concurring).

### B. Youngblood's Rejection

The reasoning from the Justices that disagreed with Youngblood resound in the holding of the states that have rejected it.

The Delaware Supreme Court rejected Youngblood in Lolly v. State, 611 A.2d 956 (Del.1992), writing: "Short of an admission by the police, it is unlikely that a defendant would ever be able to make the necessary showing to establish the required elements for proving bad faith." Id. at 960.

Many other states before and after Lolly have rejected the Youngblood approach. Just six months after the decision the Alaska Supreme Court turned from it. Thorne v. Department of Pub. Safety, 774 P.2d 1326 (Alaska 1989).

According to Petitioner's research (20) states have departed from or offer more leeway than Youngblood. Accord Ex Parte Gingo, 605 S.2d 1237 (Alabama 1992); Thorne, 774 P.2d 1326 (Alaska 1989); State v. Morales, 657 A.2d 585 (Connecticut 1995); Lolly, 611 A.2d 956 (Delaware 1992); State v. Matafeo, 787 P.2d 671 (Hawaii 1990); Stuart v. State, 907 P.2d 783 (Idaho 1995); Cost v. State, 10 A.3d 184 (Maryland 2010); Commonwealth v. Henderson, 582 N.E.2d 496 (Massachusetts 1991); State v. Hawkinson, 829 N.W.2d 367 (Minnesota 2013); Mitchell v. State, 368 So.3d

1252 (Mississippi 2023); Williams v. State, 50 p.3d 1116 (Nevada 2002); State v. Smagula, 578 A.2d 1215 (New Hampshire 1990); State v. Chouinard, 634 P.2d 680 (New Mexico 1981); State v. Barnett, 543 N.W.2d 774 (North Dakota 1996); State v. Zinsli, 966 P.2d 1200 (Oregon 1998); State v. Cheeseboro, 552 S.E.2d 300 (South Carolina 2001); State v. Ferguson, 2 S.W.3d 912 (Tennessee 1999); State v. Tiedemann, 162 P.3d 1106 (Utah 2007); State v. Gibney, 825 A.2d 32 (Vermont 2003); State v. Osakalumi, 461 S.E.2d 504 (West Virginia 1995).

But, despite this divide, "a clear majority of states - thirty-nine in all - plus the federal government and the District of Columbia, now either reject the bad faith standard under their own constitutions or have passed innocence protection acts that impose either a blanket or qualified post-conviction duty to preserve DNA evidence." Norman C. Bay, Old Blood, Bad Blood, and Youngblood: Due Process, Lost Evidence, and The Limits of Bad Faith, 86 Wash. U. L. Rev. 241, 287 (2008).

And this majority speaks to one of the concerns listed in Youngblood.

### C. The Burden To Preserve Evidence

In Youngblood concern arose from all sides about the burden that law enforcement would have to bear if this Honorable Court imposed on them, an absolute duty to preserve all evidence in a case. Id. at 58 ("Part of it stems from our unwillingness to read the "fundamental fairness" requirement of the Due Process Clause, see Lisenba v. California, 314 U.S. 219, 236 (1941), as imposing a duty on the police an undifferentiated and ab-

solute duty to retain and to preserve all material that might be of conceivable evidentiary significance in a particular prosecution.").

"Due Process must also take into account the burdens that the preservation of evidence places on the police." Id. at 71 (Blackmun, J., dissenting).

This concern no longer carries the same weight that it did over three decades ago. The statutes enacted across the country since Youngblood alleviate this concern by showing that the Legislative Branches across the nation have already taken into account the burden of preservation.

For example, in Texas the state is required to preserve evidence containing biological evidence "for not less than 40 years." Texas Code Criminal Procedure 38.43

Although, this case does not implicate DNA evidence, that does not take away from Petitioner's position. This case involves digital evidence, specifically, body camera footage. And, Due Process encompasses all evidence.

#### D. Bad Faith's Impracticability

Petitioner reiterates that Justice Stevens would not join the majority opinion in Youngblood because he believed that in many cases a defendant would not be able to show bad faith and yet, still receive an unfair trial. Id. at 61 (Stevens, J., concurring).

This concern rings true all these decades later and this is validated by the significantly minute number of cases that have shown 'bad faith' since 1988: "In a study examining the over

1,600 published cases that cited Youngblood as of 2007, the bad faith requirement was satisfied in only seven." Rita Elfarissi, Reimagining Youngblood's Bad Faith Requirement: Safeguarding Criminal Defendants' Due Process Rights Through A Burden-Shifting Framework, 123 Mich. L. Rev. 51, 55 (2024).

Therefore, even if this Honorable Court decides not to reexamine Youngblood in its entirety. It should look to its 'bad faith' requirement and consider reform.

#### E. The Ambiguity of Bad Faith

In Youngblood this Honorable Court did not define the term 'bad faith'. 488 U.S. at 66 ("The line between "good faith" and "bad faith" is anything but bright, and the majority's formulation may well create more questions than it answers.")(Blackmun, J., dissenting).

Because of its ambiguity various jurisdictions across the nation apply different definitions to 'bad faith'. Bay, supra, at 289-90 ("Central to Youngblood is the meaning of bad faith. Even on such a fundamental issue, jurisdictions have formulated an assortment of definitions.").

This ambiguity and differing definitions spread to the United States Court of Appeals as well. Bay, supra, 290 ("The federal courts of appeals are no more consistent than the states; they offer a mix of definitions as well.").

Texas has held that 'bad faith' requires "more than simply being aware that one's action or inaction could result in the loss of something that is recognized to be evidence," and that "bad faith entails some sort of improper motive, such as per-

sonal animus against the defendant or a desire to prevent the defendant from obtaining evidence that might be useful." Ex Parte Napper, 322 S.W.3d 202, 238 (Tex.Crim.App.2010).

The Thirteenth Court of Appeals recently held that: "The State's inability to maintain a proper case management system and find evidence--however problematic--is not evidence of bad faith where it remains undisputed that the State does not know what happened to the lost evidence." State v. Villarreal, 692 S.W.3d 844, 850 (Tex.App.--Corpus Christi [13th DIST] 2024, pet. ref'd).

Further, the Thirteenth Court of Appeals held that the prosecutor's delay in notifying the defendant about the missing evidence did not equate to 'bad faith'. Id. at 851.

#### F. The Confusion Surrounding Youngblood

"Jurisdictions at both the state and federal level are unable to agree on the relationship between Trombetta and Youngblood, as well as the analytical approach to be used in cases involving lost or destroyed evidence of varying exculpatory value." Bay, supra, at 294.

It seems that some jurisdictions apply Trombetta v. California, 467 U.S. 479, 104 S.Ct. 2528, 81 L.Ed.2d 413 (1984), to exculpatory evidence and dispense with the bad faith requirement when the exculpatory value of that evidence is apparent. And Youngblood to evidence labeled as potentially useful with a bad faith showing necessary. See United States v. Wright, 260 F.3d 568, 572-74 (6th Cir. 2001).

But, other jurisdictions combine Youngblood and Trombetta to forge another standard that requires bad faith no matter what.

Wenzel v. State, 815 S.W.2d 938, 940-41 (Arkansas 1991).

This confusion echoes the concern from the dissent in Youngblood that the bad faith standard would create a "bright-line rule". 488 U.S. at 66 (Blackmun, J., dissenting).

This ambiguity and confusion remains prevalent throughout this case, as Petitioner will show. It also remains prevalent throughout the nation.

It seems that national jurisprudence clamors for such a reexamination. The developments in technology and changes in society, along with the ambiguity and confusion surrounding Youngblood make this issue ripe for review. Does this case present this Honorable Court with the opportunity to do just that?

After all, Larry Youngblood himself was later exonerated due to advanced DNA testing on the "degraded DNA evidence originally collected from the victim[.]" Evan S. Glasner, Youngblood in Practice: How the Bad Faith Standard Preserves Wrongful Convictions and Creates Perverse Incentives, 75 Rutgers U. L. Rev. 1307, 1318 (2023).

2. Did the State of Texas misapply the Youngblood standard when it found no due process violation or bad faith, despite State testimony that acknowledged the lack of fairness to Petitioner due to the spoliation?

A. The Case At Bar

On August 3rd, 2018, Officer Jordan Armstrong responded to the initial outcry. (RR19:p.37;1-9). Officer Armstrong recorded this interaction with the victim and the victim's family on his body camera. (CR:214-15). On August 13th, 2018, Petitioner was

arrested. (CR:11-12).

Defense Counsel filed his first discovery motion on February 6th, 2019 (CR:64). And with this motion invoked the Michael Morton Act, Tex.Code.Crim.Proc.39.14. From then on, Morton required the State to turn over all listed evidence "as soon as practicable". Tex.Code.Crim.Proc.39.14(a).

On March 20th, 2019, Defense Counsel filed another discovery motion (CR:71). In both motions Defense Counsel specifically requested, "body-worn recordings". (CR:64, 71).

On March 3rd, 2020, Defense Counsel filed a motion for continuance to allow the State to produce critical evidence. (CR:150). The Trial Court held a hearing on the discovery issues.

During this hearing, the State introduced evidence that a ransomware attack struck the Robstown Police Department on September 13th, 2019 and wiped out all the data in the agency's possession from January 1st--August 4th of 2019. (RR19:p.47;1-5). Including, the body cam footage at issue.

Also, by the time of this hearing Officer Armstrong could not be located and he no longer worked at Robstown Police Dept. (CR:193).

Here, the ambiguity and confusion surrounding Youngblood arose. The State argued that unless they possessed knowledge beforehand of the exculpatory value of the evidence or were grossly negligent in allowing it to be destroyed then no prejudice existed. (RR19:p.52;1-10).

The Trial Court responded by stating:

The problem with that, Mr. Norman, is if the evidence is missing how can they show it had -- or didn't have prejudicial -- it they don't have access to it, how can they -- the only way they can determine if it's -- if it's exculpatory is by looking at it. And then, what may be not exculpatory to the State may be exculpatory to the Defense, depending on what their strategy is. So, that's the problem with that.

(RR19:p.52;15-23).

The Trial Court did not issue a ruling then COVID struck and nothing occurred until 2023.

After COVID, Defense Counsel filed a motion for continuance based on due process (CR:193). And, a motion titled 'Defendant's Motion To Dismiss Based On Spoliation Of Evidence and Violation of Chapter 2, Tex.Crim.Proc.Art...2.1397, The Richard Miles Act'. (CR:214).

Defense Counsel wrote in the spoliation motion that earlier in that month he learned that the State located Officer Armstrong and that he would appear at trial via Zoom. (CR:214-15). And, that he spoke with Officer Armstrong and that the officer confirmed that body cam footage did in fact exist. (CR:215).

The Trial Court held another hearing during which the confusion and ambiguity surrounding Youngblood arose again.

Defense Counsel argued that the body cam footage fell under the exculpatory category and so he had to show bad faith. (RR25: pgs.9;22-25 - p.10;1-3). Defense Counsel attempted to show bad faith by pointing out that the State attempted to use the ransomware attack as its reason for not turning over the evidence and its subsequent spoliation, although the ransomware attack

did not occur until September 2019. A whole year after the State filed its discovery compliance affidavit in September of 2018. (RR25:pgs.13;16-25 - p.14;1-10).

The State refuted this and in doing so highlighted the impracticability of the bad faith requirement:

(THE STATE): There was evidence out there that we now know existed, it wasn't in the file, but there's very few cases where the defendant's actually been able to prove bad faith in connection with the loss or destruction of the evidence. In fact, I'm not aware of any cases that set precedent for this court.

(RR25:p.24;13-19).

Then, Defense Counsel explicitly requested that new precedent be set:

(DEFENSE COUNSEL): So, I think there's some showing of bad faith there, and I think maybe this is the time to set that precedent that Mr. Norman says has not been set. Just because -- you know, just because an exact point made on precedent hasn't been made yet that doesn't mean that it couldn't be made today.

(RR25:p.28;1-6).

Ultimately, the Trial Court carried the spoliation motion through trial. (RR25:p.33;7-9).

During trial another exchange unfolded over the spoliation with the Trial Court trying to resolve the proper standard and remedy:

(TRIAL COURT): I agree with you, I mean -- okay. So let's say the officer fraudulently or perjurally (sic), if that's a word, signed off on a statement saying "I've given you every thing I have," you know, I -- there's got to be a consequence for that, right?

(RR27:p.21;14-19).

Defense Counsel relied on Detective Armando Lopez's testimony that revealed another responding officer's--present with Officer Armstrong at the outcry--body cam footage did not make it into discovery neither. (RR27:pgs.4;20-25 - p.5;1-5).

And that Detective Lopez acknowledged on the stand, the unfairness to Petitioner, and the State did not rebut this:

(DEFENSE COUNSEL): Compliance is now impossible, nor will it ever be possible. Detective Lopez admitted Mr. Estraca cannot get a fair trial because he, the detective, did not turn over all the evidence.

(RR27:p.8;8-12).

The Trial Court then stated that 'bad faith' must be shown and Defense Counsel again requested new precedent be set:

(DEFENSE COUNSEL): But precedent can be set in any case. This case could set precedent.

(TRIAL COURT): But as a court of law I am bound to follow existing law.

(RR27:p.23;1-12).

The Trial Court again held off on its ruling.

Finally, the Trial Court's ruling came down. Defense Counsel reiterated Detective Lopez's testimony to argue that Petitioner did not receive a fair trial:

(DEFENSE COUNSEL): And Detective Lopez, I would argue, himself agreed with this during his testimony agreed that what had happened was not fair to Mr. Estraca.

(RR29:p.6;12-14).

Additionally,

(DEFENSE COUNSEL): And so, Your Honor, Bagley final requirement is that there be a deprivation of a fair trial for the accused, and Detect-

ive Lopez himself did agree on the stand that his actions were unfair and unjust to Mr. Estraca, and he refused, very tellingly, to swear on the stand that he had complied with 39.14.

(RR29:p.11;3-8).

But, the Trial Court ultimately denied the motion stating that evidence had been lost but it was not exculpatory and no bad faith was found by it and therefore no violation of Petitioner's due process or due course of law rights and denied the motion.

(RR29:27;11-21).

#### Direct Appeal

On appeal, the Thirteenth Court of Appeals of Texas ruled against Petitioner on this issue writing: "Lopez's testimony does not show bad faith on the part of the State. There is no evidence that the State intentionally destroyed the footage and attempts the State later made to locate the footage was hampered by the Robstown PD ransomware attack . . . And, there is no evidence that Lopez had an improper motive or desire to prevent Estraca from obtaining useful evidence." (Memorandum Opinion pg.22).

The Appellate Court went on to reason that because the evidence no longer existed, the State did not violate Petitioner's discovery rights. (Mem.Op.pg.24).

It seems the Appellate Court ignored the fact that the State attempted to use the ransomware attack as its excuse for turning over the evidence. Even though, that did not occur until a year after Detective Lopez swore that he turned over all evidence. It also seemingly ignored Detective Lopez's testimony that he knew about the body cam footage because Officer Armstrong did

note it in his report. And, that when he could not initially locate it he decided to put forth no more effort to find it and did not notify the Defense about his inability to find it.

Detective Lopez testified at trial that he would not swear to that same affidavit now as he did then. (RR26:p.231;18-25 - p.232;1-7). And he also testified that what occurred with the spoliation was not fair. (RR29:p.11;3-8).

Finally, Detective Lopez also testified that he remained suspicious about Ana Val--the outcry witness--because the statements she provided to Officer Armstrong differed significantly from the one she gave him. (RR26:p.234;2-14).

Therefore, credibility and possibly impeachment issues arose out from the State's spoliation and no doubt interfered with Petitioner's right to present a meaningful and complete defense and a fair trial.

With all this in mind, did the State of Texas misapply Youngblood here when it ruled against Petitioner on his spoliation issue?

3. Because the State of Texas enacted the Michael Morton Act, Tex.Code.Crim.Proc. 39.14, and held that this Act guarantees defendants discovery rights beyond Due Process. Does it violate Due Process if Texas does not enforce or protect these rights when spoliation occurs to evidence not turned over in violation of the Act?

A. The Michael Morton Act

"In 2013, however, the Michael Morton Act "revamped Article 39.14 completely," "overhaul[ed]" discovery in Texas, and "[o]n the whole" made "disclosure the rule and non-disclosure the ex-

ception" in Texas." State v. Heath, 696 S.W.3d 677, 691-92 (Tex. Crim.App.2024)(quoting Watkins v. State, 619 S.W.3d 265, 291 (Tex.Crim.App.2019)).

Therefore, with the Michael Morton Act, the State of Texas created a right that exceeds beyond the bounds of federal due process and established a high ceiling. Further, Morton placed upon the State a duty to disclose and an obligation to turn over evidence, a duty and obligation like never before. Watkins v. State, 619 S.W.3d at 277 ("Our Legislature did not limit the applicability of Article 39.14(h) to "material" evidence, so this duty to disclose is much broader than the prosecutor's duty to disclose as a matter of due process under Brady v. Maryland.").

**B. When Spoliation Occurs Texas Courts Turn Back To Youngblood**

Spoliation occurs when the State loses or destroys evidence and spoliation claims are governed by Youngblood, and to satisfy that standard a defendant must prove 'bad faith'. State v. Villarreal, 692 S.W.3d 844, 849-50 (Tex.App.--Corpus Christi [13th DIST] 2024 pet. ref'd).

This occurred on Petitioner's direct appeal. Petitioner argued:

C. The State's Failure to Disclose, and Subsequent Spoliation of Michael Morton Evidence, violated Estraca's Due Process Rights under Texas Code of Criminal Procedure Articles 39.14 and 2.1397.

(Appellant's Brief pg.49).

However, in its analysis the Appellate Court turned to Youngblood and wrote that they did so because the Morton and Art. 2A.209 (prev. 2.1397) provide no remedy. (Mem.Op.pg.24).

The flaw in this analysis is that the evidence at issue spoliated while in the State's possession nearly a year before

the ransomware attack and over a year after Morton placed the duty on the State to turn over evidence.

Because of Morton in Texas spoliation may often implicate discovery and Art. 2A.209. Yet, Texas Courts have been ruling on these issues in this way turning to Youngblood and ignoring the State's duty to disclose under Morton. See Villarreal, 692 S.W.3d 844.

But, if Morton bestows rights beyond federal due process it seems strange that Texas Courts can just waive these rights away because spoliation occurs.

C. The Morton Act and Art.2A.209 provide discovery rights beyond Due Process, therefore Texas must enforce and protect these rights even when spoliation occurs.

"[I]f a State has created appellate courts as an "integral part of the . . . system for finally adjudicating the guilty or innocence of a defendant," Griffin v. Illinois, 351 U.S. at 18, the procedure used in deciding appeals must comport with the demands of the Due Process and Equal Protection Clause of the Constitution." Evitts v. Lucey, 469 U.S. 387, 393, 105 S.Ct. 830, 83 L.Ed.2d 821 (1985).

"We think a person's liberty is equally protected, even when the liberty itself is a statutory creation of the State." Wolff v. McDonnell, 418 U.S. 539, 558, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974).

"Due process," the court explained, "does not countenance procedural sleight of hand whereby a state extends a right with one hand and then takes it away with another." Gutierrez v. Saenz,

606 U.S. 305, 313, 145 S. Ct. 2258, 222 L.Ed.2d 531 (2025)(quoting Gutierrez v. Saenz, 565 F.Supp.3d 892, 911 (S.D. Tex 2021)).

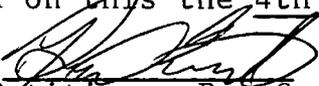
The Youngblood standard does not take into account Morton and its expanded rights. Therefore, it is inadequate to protect and enforce those rights, when spoliation occurs. Texas should not be allowed to rely on precedent extracted from federal due process, to measure the harm of a violation to a right that Texas has explicitly held exceeds that same federal due process.

#### CONCLUSION

For all of the reasons listed above, Petitioner prays that this Honorable Court grant his writ of certiorari to reexamine a precedent that seemingly causes confusion due to its ambiguity across all jurisdictions at every level in this nation. And, to determine whether the State of Texas must articulate an independent state standard or remedy when the State fails to turn over evidence in violation of its expanded discovery laws and then that evidence spoliates.

Petitioner so prays.

Respectfully submitted on this the 4th day of February, 2026.

  
Petitioner Pro Se  
Rojelio Estraca Jr.