

No. _____
(CAPITAL CASE)

IN THE
Supreme Court of the United States

CEDRIC RICKS,

Petitioner,

v.

TEXAS,

Respondent.

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

PETITIONER'S APPENDIX

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APPENDIX A



**IN THE COURT OF CRIMINAL APPEALS
OF TEXAS**

NO. WR-85,278-02

EX PARTE CEDRIC ALLEN RICKS, Applicant

**ON APPLICATION FOR POST-CONVICTION WRIT OF HABEAS
CORPUS AND MOTION TO STAY EXECUTION
FROM CAUSE NO. C-371-W012797-1361004-B
IN THE 371ST JUDICIAL DISTRICT COURT
TARRANT COUNTY**

Per curiam.

ORDER

We have before us a subsequent application for a writ of habeas corpus filed pursuant to the provisions of Texas Code of Criminal Procedure Article 11.071 § 5 and a motion to stay Applicant's execution.¹

¹ All references to "articles" in this order refer to the Texas Code of Criminal Procedure unless otherwise specified.

In May 2014, a jury convicted Applicant of capital murder for the 2013 killing of Roxann Sanchez and her 8-year-old son, Anthony Figueroa, during the same criminal transaction. *See* TEX. PENAL CODE § 19.03(a)(7). Based on the jury's answers to the special issues submitted under Article 37.071, the trial court sentenced Applicant to death. This Court affirmed Applicant's conviction and sentence on direct appeal. *Ricks v. State*, No. AP-77,040 (Tex. Crim. App. Oct. 4, 2017) (not designated for publication).

This Court subsequently denied Applicant relief on his initial Article 11.071 writ application. *Ex parte Ricks*, No. WR-85,278-01 (Tex. Crim. App. Nov. 18, 2020) (not designated for publication).

On February 26, 2026, Applicant filed in the trial court this, his first subsequent writ application. Therein, Applicant raises four claims: (1) a *Batson v. Kentucky*, 476 U.S. 79 (1986) claim; (2) a suggestion to reconsider, on our own motion, the denial of one of Applicant's previously raised ineffective assistance claims; (3) a claim that the alleged injection of race into Applicant's proceedings violated due process; and (4) a claim that the State elicited false and misleading testimony.

We have reviewed the application and find that Applicant has failed to show

that he satisfies the requirements of Article 11.071 § 5. Accordingly, we dismiss the application as an abuse of the writ without reviewing the merits of the claims raised. Art. 11.071 § 5(c). We deny Applicant's motion to stay his execution.

IT IS SO ORDERED THIS THE 4th DAY OF MARCH, 2026.

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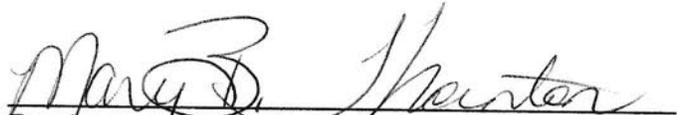
APPENDIX B

DECLARATION OF
MARY B. THORNTON

1. My name is Mary B. Thornton. My date of birth is _____ . My law office address is 3901 Race Street, Fort Worth, Texas, 76111-5958.
2. On or about May 16, 2014, I was appointed to represent Cedric Allen Ricks in his appeal of cause number 1361004R, in which he was convicted of the offense of capital murder and assessed a sentence of death by lethal injection.
3. On August 4, 2015, I filed Mr. Ricks' brief in cause number AP - 77,040, in the Court of Criminal Appeals in Austin, Texas.
4. I investigated and researched several issues raised by defense counsel at trial in order to determine if they were viable points of error with a reasonable chance of proving that Mr. Ricks was denied a fair trial as a result of reversible error.
5. One point of error involved a **Batson v Kentucky** issue that was raised by defense counsel at the conclusion of the voir dire. Trial counsel contended that the State exercised peremptory challenges on two out of four African American jurors based solely on their race. The defense made a request, denied by the trial court, to include in the appellate record all material that the prosecutors utilized during the voir dire process to determine their peremptory strikes.
6. Because the appellate record only contained the limited information that two of four African American jurors were struck by the State, with nothing else, I believed, based upon my research, that the presentation of this issue as a point of error would have been baseless with no hope of proving that reversible error occurred.
7. I recently reviewed this additional material that the prosecutors utilized during the voir dire process. Had this information been made a part of the appellate record, I would have developed the **Batson** issue and included it as a point of error in Mr. Ricks' brief to the Court of Criminal Appeals on direct appeal.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Tarrant County, Texas on February 23, 2026.


Declarant, Mary B. Thornton

APPENDIX C

DECLARATION OF CATHERINE CLARE BERNHARD

1. My name is Catherine Clare Bernhard. I am an attorney and was licensed to practice in Texas on November 6, 1987.
2. I was appointed by the 371st District Court of Tarrant County Texas on May 22, 2014, to represent Cedric Ricks in state habeas proceedings arising from his capital murder conviction and death sentence. On June 13, 2016, I filed an Application for Writ of Habeas Corpus raising eleven claims for relief, including a claim that appellate counsel was ineffective for failing to raise a claim under *Batson v. Kentucky*, 476 U.S. 79 (1986).
3. As part of my representation of Mr. Ricks, I asked the attorney representing the State to be able review the State's complete file in connection with its prosecution of Mr. Ricks's case. I made this request before filing Mr. Rick's habeas application. Getting access to the State's file turned out to be a difficult process. Eventually, the State turned over numerous CDs and indicated that the remainder of its file was available electronically via Tarrant County's discovery sharing platform, ECFS. I reviewed all of the materials that the State turned over to me.
4. Federal habeas counsel showed me the State's notes from jury selection, including a panel list and a strike zone chart annotated to reflect the race of potential jurors. These materials were not part of the files turned over to me by the State.
5. Had the State's notes from jury selection been in the files turned over to me by the State, I would have used them to support the allegation in Mr. Ricks's habeas application that the State violated *Batson* during his trial.

My name is Catherine Clare Bernhard, my date of birth is _____, and my law office address is PO Box 506, Seagoville, Texas 75159.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Dallas County, Texas on February 13, 2026.



Catherine Clare Bernhard
Declarant