

No. 25-7188

ORIGINAL

Supreme Court, U.S.
FILED

JAN 23 2026

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Joseph Wuensch Ray — PETITIONER
(Your Name)

vs.

State of Texas — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Texas Court of Criminal Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Joseph Wuensch Ray
(Your Name)

#2510040 - 12071 FM 3522
(Address)

Abilene, TX 79601
(City, State, Zip Code)

NA
(Phone Number)

QUESTION(S) PRESENTED

Whether Texas Penal Code 21.02 violates the Sixth and Fourteenth Amendments right to an unanimous jury verdict and requires a burden of proof that is significantly less than 'beyond a reasonable doubt'?

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

NA

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STATUTES AND RULES

Texas Penal Code 21.02

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OTHER

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 _____ to the petition and is

- reported at _____; 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 is unpublished.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 _____ to the petition and is

- reported at _____; 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 is unpublished.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 A to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the Fifth District Court of Appeals court appears at Appendix B to the petition and is

- reported at _____; 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 is unpublished.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 _____.

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: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A ____.

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 23rd Oct 2025
A copy of that decision appears at Appendix A.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A ____.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Texas Penal Code 21.02

Sixth Amendment

Fourteenth Amendment

STATEMENT OF THE CASE

Petitioner was convicted of Continuous Sexual Abuse pursuant to Texas Penal Code 21-02 and sentenced to 52 years without parole.

Petitioner now challenges the constitutionality of Texas Penal Code 21-02 on its face.

REASONS FOR GRANTING THE PETITION

A State Court has decided an important question of federal law that has not been, but should be, settled by this Court [RULE 10(c)]

On the basis that the Texas Legislature expressly used the word "element" in reference to the enumerated 'acts of sexual abuse' in Texas Penal Code 21.02, the Petitioner contends that by failing to require jury unanimity as to the specific acts of sexual abuse committed by the accused, on its face, 21.02 violates the right to an unanimous jury verdict guaranteed by the United States Constitution.

For the same reason, Petitioner also contends that a conviction under 21.02 requires a burden of proof which is significantly less than the mandatory 'beyond a reasonable doubt' standard and thus denies Due Process on its face.

The provision which violates the Sixth and Fourteenth Amendments is Texas Penal Code 21.02(d) which reads:

"Members of the jury are not required to agree unanimously on which specific acts of sexual abuse were committed by the defendant or the exact date when those acts were committed"

21.02 defines the offense of Continuous Sexual Abuse in terms of multiple violations of other penal codes. See, 21.02(c).

The lower courts have held that the individual acts of sexual abuse that make up the series of acts are not themselves "elements" of the offense, and are merely the "manner and means" by which the actus reus element (the pattern of behavior or series of acts) is committed. See,

HOWEVER, in both 21.02(g)(2) and (3) the Legislature included the language:

"the commission of any of the acts of sexual abuse alleged as an element of the offense"

Within the statute itself, the Legislature expressly used the word "element" in direct reference to the enumerated 'acts of sexual abuse'. As such, it is reasonable to conclude that the acts of sexual abuse are NOT merely the "manner and means" and require jury unanimity.

For this reason, Petitioner requests that this Court grant Certiorari.