

DOCKET NO. 25-7191

SUPREME COURT OF THE UNITED STATES

Calvin Gary Walker

Vs.

State of Texas

**On Petition for Writ of Certiorari to the United States Court
of Appeals for the Fifth Circuit**

PETITION FOR REHEARING

Calvin Gary Walker

3710 Roland Road

Beaumont, Texas 77708

Calvinwalker5@outlook.com

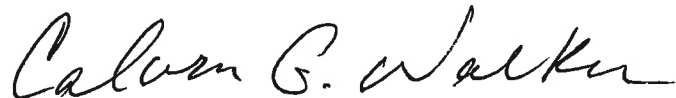
Ph. 337-244-0801

CERTIFICATE

I hereby certify that the basis for the rehearing is on grounds that are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

Calvin G. Walker

June 30, 2026

A handwritten signature in cursive script that reads "Calvin G. Walker". The signature is written in black ink and is positioned below the printed name.

IN THE UNITED STATES SUPREME COURT

NO. 25-7191

July 1, 2026

Calvin Gary Walker

Petitioner

v.

State of Texas

Respondent

PETITION FOR REHEARING

To the Honorable Justices of the United States Supreme Court:

Dear Justices:

I respectfully request that this Petition for Rehearing be accepted for further review in this matter.

Basis for Rehearing Under Supreme Court Rule 44. Pursuant to Rule 44 of the Rules of the Supreme Court of the United States, I submit this petition on the grounds that intervening circumstances of substantial effect, and other substantial grounds not previously presented, warrants a rehearing.

The newly identified language and supporting authority were not discovered before the original petition for writ of certiorari was filed. As a result, this discovery has not previously been presented to this Court.

Due Process Claim. The lower Texas courts appear to have misunderstood the due process issue presented here. In Calvin Walker's case, the Ninth Court of Appeals in Beaumont, Texas, the United States District Court for the Eastern District of Texas, Beaumont Division, and the United States Court of Appeals for the Fifth Circuit treated the claim differently from comparable decisions by other state supreme courts. Although the Texas courts acknowledged that my evidence showed an agreement with then-District Attorney Tom Maness, they did not address the detrimental harm I suffered by accepting that plea agreement—an essential element of the due process violation asserted here. None of the lower-court opinions addressed that detrimental harm.

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Texas Courts' Treatment of the Due Process Claim

The Texas courts have demonstrated, through their own opinions, that they did not consider the full scope of the due process claim before rejecting it. In particular, the United States District Court for the Eastern District of Texas, Beaumont Division acknowledged the case has merit, by stating on page 12 of the Report and Recommendations of the United States Magistrate Judge. Dated: October 16, 2025. The opinion states “at most, the evidence shows that Mr. Maness did not intend to pursue state charges at the time petitioner entered into the federal plea agreement”. But did not address the submitted detrimental loss suffered. *All elements are required to legitimately litigate a due process claim.*

In addition, the Ninth District Court of Appeals at Beaumont stated on page 16 of its memorandum opinion: “Again, the evidence Walker submitted to support his habeas application does not support a promise by Maness to never prosecute Walker. The evidence only suggests that at the time of the statement, Maness had no plans to bring state charges against Walker.” The court again did not address the submitted detrimental loss accompanying the due process claim—an omission that may have affected the outcome.

The United States Court of Appeals for the 5th Circuit affirmed those decisions.

Comparable Due Process Authorities

Commonwealth of Pennsylvania v. William Bill Cosby. In June 2021, the Pennsylvania Supreme Court ruled that Cosby’s criminal prosecution and conviction violated his due process rights.

The Cosby decision is relevant because it addressed whether the government may later prosecute a defendant after the defendant detrimentally relied on a prosecutorial commitment.

Several Texas courts appear to have distinguished detrimental reliance in considering my due process claim.

The Pennsylvania Supreme Court noted: DA casters press release, **without more**, does not necessarily create a due process entitlement. Rather, the due process implications arise because Cosby **detrimentally relied upon the Commonwealth decision**. Once a defendant has fulfilled their portion of the plea agreement, it gets detrimentally harmed when the District Attorney reneges on the promise made in the plea agreement.

Calvin Walker’s Agreement. My plea agreement required me to accept one charge of willful failure to pay a tax due and owing, a monetary forfeiture in the form of my retirement annuities totaling \$4.2 million, five years of federal probation, and 1,600 hours of

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community service. In exchange, the Government would dismiss a 37-count indictment and to never prosecute me again for those charges. The District Attorney also agreed. I understood this agreement would resolve the matter with both federal and state authorities. I accepted that agreement in reliance on that understanding.

By accepting and relying on that agreement, I suffered substantial detrimental losses, including: forfeiture of \$4.2 million; completion of 1,600 hours of community service; five years of federal probation; 274 days in county jail; revocation of my electrical licenses; closure of my electrical company; four years served so far, on a ten-year state probation term; a state-court restitution order requiring payment of an additional \$1,172,973.01 on the same charges that was resolved in federal court; seizure of investment properties valued at \$485,000.00; and ongoing monthly payments of \$1,000.00 to a purported victim. I now face nearly a decade—approximately 9½ years—in prison, despite evidence showing that no crime was ever committed and there are no victims.

State v. Johnson, 360 S.W.3d 104 (ARK.2010) Arkansas Supreme Court: Established that the government must honor an agreement not to prosecute a prospective defendant if the defendant has performed obligations and acted to their detriment or prejudice in reliance upon that agreement. After hearing arguments from the State and the defense at a later hearing on February 4, 2009, the circuit court, relying on *Hammers v. State*, 261 Ark. 585, 550 S.W.2d 432 (1977), concluded that “[a] deal was made, and the defendant followed through,” and that therefore this was “a case in which the term ‘equitable relief’ should be applied, and in my opinion . . . , the defendant is deserving of equitable relief. He made a deal with the prosecutor, fulfilled his terms of the deal, and now the prosecutor wants to renege after acceptance and performance.”

People v. Smollett, 2024 IL 130431 In January 2019 in the Illinois Supreme Court.

OPINION ¶ 1 “The public justifiably expects the State, above all others, to keep its bond.” *Bowers v. State*, 500 N.E.2d 203, 204 (Ind. 1986). ¶ 2 Today we resolve a question about the State’s responsibility to honor the agreements it makes with defendants. Specifically, we address whether a dismissal of a case by nolle prosequi allows the State to bring a second prosecution when the dismissal was entered as part of an agreement with the defendant and the defendant has performed his part of the bargain. We hold that a second prosecution under these circumstances is a due process violation, and we therefore reverse defendant’s conviction.

Hammers v. State, 261 Ark. 585, 550 S.W.2d 432 (1977) is a landmark ARKANSAS Supreme Court ruling establishing that valid, authorized plea agreements and prosecutorial promises are enforceable on **equitable estoppel grounds**. Once a defendant acts in good faith on the agreement, the State cannot back out.

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Case Details

- **Citation:** 261 Ark. 585, 550 S.W.2d 432 (1977)
- **Court:** Supreme Court of Arkansas
- **Key Holding:** The court enforced a promise made by a prosecuting attorney. The decision determined that if a defendant detrimentally relies on a prosecutor's promise and fully performs their end of the bargain the State is bound to honor the deal.

Case comparison.

- **Smollett's Agreement:** Cook County State's Attorney Kim Foxx agreed to drop the initial disorderly conduct charges in 2019 in a negotiated deal without typical plea-bargaining. When a new special prosecutor later revived the case, the Illinois Supreme Court ruled it was arbitrary and fundamentally unfair to prosecute Smollett twice for the same conduct after he completed the terms of the deal.
- **Cosby's Agreement:** Former Montgomery County District Attorney Bruce Castor promised in 2005 not to criminally prosecute Cosby so the entertainer would testify in a related civil lawsuit. A new DA subsequently used those self-incriminating civil depositions to charge and convict Cosby a decade later. The Pennsylvania Supreme Court found this to be an egregious violation of both due process and his Fifth Amendment rights against self-incrimination.
- **Calvin Walker's Agreement:** My plea agreement required me to accept one charge of willful failure to pay a tax due and owing, forfeit \$4.2 million, serve five years of federal probation, and complete 1,600 hours of community service. I understood that agreement to resolve the matter with both federal and state authorities. In exchange, the federal government agreed to dismiss the 37-count indictment, and District Attorney Tom Maness agreed not to pursue any of the charges listed in that indictment. I accepted the agreement in reliance on that understanding.

After District Attorney Maness retired, his successor, Cory Crenshaw, took the same 37-count indictment, condensed it into six separate state cases, and re-prosecuted me in state court.

As a result of accepting and relying on that agreement, I suffered substantial detrimental losses, including forfeiture of \$4.2 million; completion of 1,600 hours of community service; five years of federal probation; to date, 274 days in county jail; revocation of my electrical licenses; closure of my electrical company; four years served so far on a ten-year state probation term; a state-court restitution order requiring me to pay an additional \$1,172,973.01 on the same charges resolved in

IN THE UNITED STATES SUPREME COURT

federal court; seizure of investment properties valued at \$485,000.00; and ongoing monthly payments of \$1,000.00, borrowed from family and friends, to a purported victim so that I may remain out on bond while awaiting the outcome of my probation revocation. That revocation is based on my inability to pay \$9,500.00 per month in restitution, even though my monthly income is \$2,125.00 from Social Security. I now face nearly a decade—approximately 9½ years—in prison, despite evidence showing that no crime was ever committed.

Equal protection

Equal protection means that a government must apply its laws fairly and cannot treat people differently without a valid reason. Individuals in similar situations should be treated alike under the law.

Cases Granting Relief Based on Due Process and Detrimental Reliance

Commonwealth of Pennsylvania v. Bill Cosby, No. 21-793 — Pennsylvania

People v. Smollett, 2024 IL 130431 — Illinois Supreme Court

State v. Johnson, 360 S.W.3d 104 (Ark. 2010) — Arkansas Supreme Court

Hammers v. State, 261 Ark. 585, 550 S.W.2d 432 (1977) — Arkansas Supreme Court

Bowers v. State, 500 N.E.2d 203, 204 — Illinois Supreme Court

Case Denying Relief Despite Claimed Due Process Detrimental Loss

Calvin Walker v. Texas, No. 25-7191 — Texas

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Procedural Due Process

This claim is arguing that the government and state used unfair methods to take away my life, liberty, and property.

To support that claim, I must demonstrate 2 elements.

- **Deprivation of a protected interest:** I must establish that I suffered a loss of a recognized life, liberty (e.g. *Physical freedom, Fundamental rights*), or property interests (e.g. public employment, Welfare benefits, or a driver's license). I have done so.
- **Constitutionality Inadequate procedures:** I must show that the government failed to provide the required standard of fundamental fairness before or immediately after the deprivation. This generally requires 3 core protections.
 1. **Adequate notice:** I must be reasonably and formally notified of the government's intended action and the specific grounds for it. *Had I known the state had plans to pursue charges I would never have taken the plea deal.*
 2. **An opportunity to be heard:** I must be given a timely, meaningful chance to present my side, cross examination. Witnesses. and offer evidence. Although I submitted evidence of detrimental loss to the Texas courts, neither Texas court addressed that issue when evaluating my due process claim. This omission directly supports the question of whether the Texas courts erred by denying me a hearing to present the merits of my case.
 3. **An impartial tribunal:** The decision must be made by a neutral and unbiased decision maker.

CONCLUSION

For the foregoing reasons, I respectfully request that this court Grant a rehearing to my Writ of Certiorari.

Respectfully submitted,

Calvin G. Walker

Calvinwalker5@outlook.com

Phone (337)244-0801

Calvin G. Walker
July 1, 2026

IN THE UNITED STATES SUPREME COURT

July 1, 2026

CERTIFICATE OF COUNSEL, PRO SE, I HEREBY CERTIFY THAT THIS PETITION IS PRESENTED IN GOOD FAITH AND NOT FOR DELAY.

CERTIFICATE OF SERVICE: I HEREBY CERTIFY THAT ON JULY 1, 2026, I SUBMITTED A COPY OF THIS PETITION FOR RE-HEARING TO THE TEXAS ATTORNEY GENERAL'S LITIGATION DIVISION: 300 WEST 15TH STREET AUSTIN, TX. 78701

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Calvin Gary Walker
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