

No. _____

25-7265

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

FEB 05 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

In Re

Billy Bond

(Your Name)

Texas Court of Criminal Appeals

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR AN EXTRAORDINARY WRIT OF HABEAS CORPUS

Billy Bond

(Your Name)

C.T. Terrell Unit, 1300 FM 655

(Address)

Rosharon, Texas 77583

(City, State, Zip Code)

N/A

(Phone Number)

(1)

QUESTION(S) PRESENTED

- 1) Is the judgment in this instant case "void," due to the lack of jurisdiction of municipal court at the jail, that imposed judgment in this "felony case?"
- 2) Is Petitioner "actually innocent" of aggravated sexual assault due to prosecutorial misconduct by withholding an exculpatory eyewitness statement to investigators by the child's mother, who was present during the alleged act, a clear "Brady Violation?"
- 3) Was the initial judgment and/or sentence in this instant case due to a "void agreement" pursuant to Tex. Code Crim. Proc. art. 42.12 § 5 (d)(2)(A)(B)?
- 4) Was Petitioner denied effective assistance of trial counsel by "conflict of interest," denying Petitioner his right to trial, and counsel's failure to investigate the facts or interview witnesses, including exculpatory witness?
- 5) Did the district attorney engage in "selective prosecution" in instant case?
- 6) Was there class bias and/or prejudice on prosecutor's part in news article?
- 7) Did trial counsel, who was also the investigating and charging city's attorney, conspire with prosecutor to coerce Petitioner to plead guilty by threat?

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:

Kerr County Dist. Attorney Donnie Coleman, 700 Main St., Kerrville, TX 78028.

Bobby Lumkin, TDCJ Exec. Director, 209 W. 14th St., Ste. 500, P.O. Box 13084, Austin, TX 78711.

RELATED CASES

Bond v. State, No. 04-02-00170-CR, 2002 Tex. App. LEXIS 2186 (Tex. App. Mar. 27, 2002).

Ex parte Billy Dale Bond, CCRA No. 74,568 (Tex. Crim. App. Unpub. Mar. 10, 2003).

Bond v. State, No. 04-03-00218-CR, 2003 Tex. App. LEXIS 8617 (Tex. App. Oct. 8, 2003).

In re Bond, No. PD-1793-03, 2004 Tex. Crim. App. LEXIS 422 (Tex. Crim. App. Mar. 3, 2004).

Ex parte Billy Dale Bond, W/R-54,015-02 _____ Denied Without Written Order. 2/2008

~~Bond v. Quarterman, No. 3:08-CV-0523 N(BH), 2008 U.S. Dist. LEXIS 59552 (N/A~~

Billy Bond v. Nathaniel A. Quarterman, No. 5:08-CV-00748-OLG (W.D. Tex. U.S. Dist.)^{San Antonio 4th. 9/2008}

In re Bond, No. 10-50704, 2010 U.S. App. (5th Cir.) 8/2010.

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR AN EXTRAORDINARY WRIT OF HABEAS CORPUS

OPINIONS BELOW

The opinion of the United States court of appeals appears at Appendix B
the petition and is

[] reported at _____; or, _____ to
[] has been designated for publication but is not yet reported; or,
☒ is unpublished. _____

The opinion of the United States district court appears at Appendix C
the petition and is

[] reported at _____; or, ~~to~~ to
[] 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 Texas Court of Criminal Appeals court
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.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was August 31, 2010.

☒ 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 2/06/2008.
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: N/A in TX, 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).

JURISDICTION

Petitioner cites this Honorable Court's jurisdiction, and files this petition for extraordinary writ of habeas corpus under the All Writs Act, 28 U.S.C. § 1651(a). "The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law."

The writ will be in aid of the Court's appellate jurisdiction as the Texas Court of Criminal Appeals (CCA) denied Petitioner's application for post-conviction habeas corpus relief from final felony conviction, without written order.

Petitioner excepted a plea agreement by erroneous advisement of trial counsel, claims that he was denied effective assistance of trial counsel which led to signing of a "void agreement" in the Kerr County, Texas Municipal Court at the jail which did not have jurisdiction over felony offenses per Tex. Code Crim. Proc. art. 4.14.

CJA denied all requests by Petitioner for a written order or opinion, showing merits were addressed. The "void agreement" was entered into not knowingly or voluntarily, all leading to a fundamental miscarriage of justice. CJA's staff clerks review all postconviction habeas corpus applications which thereafter are assigned to a single judge for review, voting in absentia for the remaining four justices of the court, making his sole opinion theirs.

"The instant habeas application is representative of hundreds, and possibly thousands, of procedurally similar applications that are being disposed of as if they had been considered by a quorum of this court, but in actuality are seen and considered by only a single judge of the court." Ex parte Dawson, 509 S.W.3d 294, 296 (Tex. Crim. App. 2016). (Hon. Keasler's filed concurring opinion).

Without a written order or opinion from CJA, Petitioner has no reference of law applied to the merits of his habeas application. These

exceptional circumstances warrant the exercise of this Honorable Court's

discretionary powers, and relief cannot be obtained in any other form

or from any other court due to : CCA having refused to address any

of Petitioner's grounds raised in his habeas corpus for postconviction relief

application, provided by Tex. Code Crim. Proc. art. 11.07 on the merits

and/or U.S. Constitutional violations that led to a fundamental mis-

carriage of justice that has held Petitioner illegally confined ~~27~~²⁴ years.

Petitioner now comes before this Honorable Court, as his last

opportunity to show Petitioner was denied a fair trial, effective assist-

ance of counsel due to several pre-trial U.S. Constitutional violations, and

no opportunity to prove actual innocence, and no other court to go to for

relief.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- 1) Texas Constitution, Article V. § 1 - Judicial Power Vested in Courts.
 - a) Tex. Code Crim. Proc. art. 4.14(c); Tex. Gov't. Code § 29.003(a)(c).
- 2) Actual Innocence & Miscarriage of Justice, Brady Violation, Compulsory Process (Sixth Amendment Violations of Due Process), Ineffective Assistance of Counsel, and Denied a Fair Trial.
- 3) "Void Agreement" (Plea Agreement not authorized by law).
- 4) U.S. Const, Sixth Amendment, Right to Effective Asst. of Counsel.
- 5) Equal Protection Clause / Selective Prosecution
- 6) Due Process of Law, Fifth and Fourteenth Amendments / Class Bias & Prejudice.
- 7) Sixth Amendment Rights to Jury Trial & Fair Trial.

STATEMENT OF THE CASE
Rule 20 Statement

In 1993, Petitioner pled guilty to sexual assault on his then, live-in girlfriend, in Galveston County, Texas, in exchange for a in lue of sentence plea agreement of four years deferred adjudication community supervision. As a result of the new charged offense in the instant case, Petitioner's plea agreement was adjudicated and Petitioner was sentenced to two years confinement in TDCJ.

Petitioner thereafter was transferred to Kerr County, Texas, Jail to answer to the charge of Aggravated Sexual Assault per Tex. Pen. Code, Sec. 22.021(a)(1)(B)(i). (Vernon 1996). At the jail, Petitioner sat for two months without counsel or knowledge of the State's evidence against him. Petitioner was then taken from his jail cell to the Municiple Court at the jail which lacks jurisdiction over ~~feme~~ felony criminal cases, per Tex. Code Crim. Proc. art. 4.14. In the Municiple Court, Petitioner met his appointed counsel Mr. Gregory Richards, who at the same time, was the City Attorney for the City of Kerrville, Texas, for the first and last time. Petitioner was presented with a plea offer by the State for six and a half years deferred adjudication.

Petitioner informed his counsel Gregory Richards (Richards) he had no interest in a plea agreement and insisted on going to trial. Richards told Petitioner he would not take it to trial. Petitioner requested the court appoint new counsel. The court denied the request. Richards relayed to Petitioner if he chose to go to trial, he would do everything he could to see Petitioner get a life sentence. Petitioner, left with no other option, took the plea agreement, which was a "void agreement" under Tex. Code Crim. Proc. art. 42.12, Sec. 5 (d)(2)(A), (B), now recodified to Art. 42A.102.

Petitioner, that same day, with no investigation by Richards, no evidence provided to him was adjudged by the "Municipal Court" to 6½ years ~~only~~ deferred adjudication probation. In 2001, in the 198th Judicial District Court of Kerr County, Texas, Petitioner appeared for the first time for a revocation hearing for a technical violation only a few months from completion of his deferred adjudication. The court adjudicated the offense against Petitioner and sentenced Petitioner to 35 years confinement in

Texas Department of Criminal Justice (TDCJ).

Petitioner was accused by the child's grandmother of allegedly touching child's sexual organ with his finger. The same "exact" allegation was made by the same outcry witness (child's grandmother) six weeks prior, against the child's father, who was already in custody on a murder charge. In a third instance, the same "exact" allegation again was made by the same outcry witness (child's grandmother), five months subsequent to allegation made against Petitioner, in this instance, the allegation was made against the child's mother's new boyfriend. Later, after Petitioner's revocation and sentencing to 35 years confinement, Petitioner learned his former girlfriend, the child's mother, gave her statement to Kerrville Police Detectives, stating the allegation made against Petitioner never took place, and that she was the only adult eyewitness present at the alleged time the alleged act occurred, as she was giving her child, the alleged victim, a bath at the time the grandmother, who was not present, stated to Kerrville Police the act allegedly occurred. This exculpatory

statement was withheld from Petitioner prior to entering into the State's void plea agreement. Thus, creating a Brady Violation.

There is evidence showing prosecutorial misconduct, vindictive prosecution, and selective prosecution against Petitioner in the instant case. After Petitioner's revocation the prosecutor, using Petitioner's full name, gave an interview to the Kerrville Newspaper declaring they often give defendants deferred adjudication agreements (void agreement in the instant case) to later violate offenders on a new charge or technical violation to obtain a much higher sentence than they may obtain from a jury at trial. After charging Petitioner, the same prosecutor dismissed the same charge ~~against~~ against the child's father for the same alleged act a year prior, without any investigation, for they already had the father on a murder charge. As for the same exact (3rd) alleged offense against the child's mother's boyfriend, subsequent to Petitioner, after obtaining private, paid counsel, those charges as well were dismissed.

Petitioner, with a prior conviction of a sexual offense, although against

a former girlfriend, who was an adult at the time, was appointed counsel, who at the same time was the City of Kerrville, Texas, city attorney (being the arresting agency) creating a conflict of interest. Petitioner's deferred adjudication community supervision (void agreement) was revoked by the trial court, which was not the court that issued judgment of deferred adjudication, mainly due to the results of a Abel Screen Test given to Petitioner prior to revocation hearing.

Petitioner's revocation counsel failed to object to the Abel test results, only to the identification number of the results testified to.

In Villanueva v. Phillips, 2023 U.S. Dist. LEXIS 215941. *Id.* at 9, "The court ruled the expert opinion based on the Abel test lack^{ed} foundation because it was not 'designed... to be diagnostic.'" Petitioner had no prior allegations or suggestive interest or involvement in any type of pedophilia, nor were any other type of testing performed to compare the Abel results with. See *Id.* at 10.

Had Petitioner known of the existence of the exculpatory eyewitnesses statement to police, he would have insisted on going to trial.

REASONS FOR NOT MAKING
APPLICATION TO THE DISTRICT COURT

Time barred by AEDPA, Denied COA

REASONS FOR GRANTING THE PETITION

Petitioner feels the merits raised on his quest for habeas relief in the State's courts, Federal District Court, and the 5th Circuit Court of Appeals have never been properly addressed or addressed at all. The initial court in the instant case that adjudged Petitioner to 6½ years deferred adjudication, a Municipal Court in the County Jail, did not have jurisdiction in a felony offense that could carry a sentence of confinement. The State violated Brady v. Maryland. Prosecutorial misconduct. Petitioner received ineffective assistance of counsel with conflict of interest, and Petitioner is actually innocent of the offense in the instant case and has been illegally confined 24 years.

Petitioner prays that this Honorable Court vacate the conviction and
sentence in this instant case and order Petitioner's immediate release, and
dismiss the indictment with prejudice, and/or order any additional or
alternative relief the Court finds warranted in the name of justice.

CONCLUSION

The petition for an extraordinary writ of habeas corpus should be granted.

Respectfully submitted,

x Billy Baul

Date: 1/23/26

In re Billy Bond Cause No. _____

In The Supreme Court of
The United States

Memorandum of Laws

To The Honorable Justices of the Court:

Now comes Billy Bond, Petitioner in the above shown and numbered cause, to present this memorandum of law in support of Petitioner's petition for an extraordinary writ of habeas corpus to this Honorable Court for its consideration and will show the following:

Prior History

In 1993, Petitioner, in an unrelated case in Galveston County, Texas, plead guilty to sexual assault (Tex. Pen. Code § 22.011) upon his live-in girlfriend. Petitioner entered a plea agreement with the State, of four (4) years deferred adjudication community supervision. In 1996, the aforementioned agreement was adjudicated and Petitioner was sentenced to two (2) years confinement in Texas Department of Criminal Justice (TDCJ), as a result of the charging in the instant case. Petitioner was thereafter transferred to Kerr County, Texas jail to answer the charge in the

instant case. Petitioner pled guilty to Aggravated Sexual Assault (Tex. Pen. Code § 22.021(a)(1)(B)(i)), (Vernon 1996), in Kerr County Municiple Court. Again, Petitioner entered a plea agreement with the State, of six and one half years (6½) deferred adjudicated community supervision in October, 1996. On October 9, 2001, the 198th Judicial District Court of Kerr County, Texas, revoked Petitioner's community supervision for technical violations and imposed a sentence of thirty five (35) years confinement in TDCJ. Petitioner filed a motion for new trial. The trial court denied motion. Petitioner's appellate counsel failed to file a timely notice of appeal or motion for extension of time to file. (See: Bond v. State, 2002, Tex. App. LEXIS 2186). The appellate Court (4th Court of Appeals), dismissed the appeal and motion for extension of time to file for lack of jurisdiction. On February 12, 2003, Petitioner filed an application for writ of habeas corpus styled "Ex parte Billy Dale Bond," in the Texas Court of Criminal Appeals, seeking an out-of time appeal, which the court granted March 10, 2003. (CCRA No. 74,568 / Tr. No. B96-229-1).

Petitioner thereafter filed the out of time appeal through appointed counsel. Appellate counsel filed only one point of error in the revocation hearing (not in line with Petitioner's wishes), regarding an objection to the admission into evidence of a bar graph showing the results of an Abel Screen test. The trial court overruled the objection. The appellate court affirmed the judgment of the trial court. (See: *Bond v. State*, 2003 Tex. App. LEXIS 8617). Petitioner on March 3, 2004, filed a petition for discretionary ~~review~~ review with the Court of Criminal Appeals, which was dismissed as untimely filed. (See: *In re Bond*, 2004 Tex. Crim. App. LEXIS 422). Petitioner then filed pro se, an application for a writ of habeas corpus, challenging the conviction with the Court of Criminal Appeals, WR-54,015-02, which was denied without written order on February 2008. Petitioner then filed § 2254 with the W.D. Tex., U.S. Dist., San Antonio (No. 5:08-CV-00748-OLG), which was barred by AEDPA. After which, Petitioner file for a COA in the U.S. App. (5th Cir) Court, which too was denied.

Questions Support

Question One :

Is the "judgment" in this instant case "void," due to the lack of jurisdiction of the "Municiple Court" at the jail, that imposed judgment in this case, a felony?

Facts: After being transferred to Kerr County Jail and sitting for two months, Petitioner was taken to the "Municiple Court" in the jail. Present in the "Municiple Court" were, the judge, prosecutor, and Petitioner's appointed counsel whom Petitioner met for the first time. Petitioner there, and then involuntarily entered into a plea agreement with the State and the "Municiple Court" entered an illegal agreement into judgment, of 6½ years deferred adjudication community supervision. (See : Question 3 - illegal agreement, pg. 20).

The "Municiple Court" did not have subject matter jurisdiction over a first degree felony offense of Aggravated Sexual Assault, with a sentence range of "confinement" of 5-99 years or life. A Municiple Court's jurisdiction is "an offense which is punishable by 'fine only' is defined as an offense that is punishable by fine and

such sanctions, if any, as authorized by statute not consisting of confinement in jail or imprisonment." Tex. Code Crim. Proc. art. 4.14(c).

"District courts and criminal district courts shall have original jurisdiction in criminal cases of the grade of felony....," Tex. Code Crim. Proc. art. 4.05. "The Court of Criminal Appeals dictated that original jurisdiction in the context of [art. 4.05] is the functional equivalent of exclusive jurisdiction." Compos v. State, 783 S.W.2d 7, 8 (Tex. App. 1989).

Should it come to be the court at the jail, not the 198th Judicial District Court of Kerr County, Texas, was a Magistrate Court, not Municipality or served as both, it was not vested to impose judgement upon Petitioner as occurred. (See: Rabb v. State, 730 S.W.2d 751 (Tex. Crim. App. 1987). *Id. at FN3. "If district courts and magistrate 'courts' exercised concurrent jurisdiction, then a case could be brought in either forum the parties desired.

However, the Magistrate's Act makes it clear that such an option is not available. A felony case is brought in district court, which

obtains jurisdiction of the case upon the return of an indictment. See: Perez v. State, 590 S.W.2d 474 (Tex. Crim. App. 1979), cert. denied, 446 U.S. 937, 100 S.Ct. 2157, 64 L. Ed. 2d 790... The magistrate does not have jurisdiction over a felony case, since jurisdiction stems from the issuance of an indictment. "The judge from the 198th District Court also sat as magistrate judge in the court at the jail that pronounced judgment upon Petitioner. Petitioner never appeared in the 198th District Court until his revocation hearing. See: Ex parte George, 913 S.W.2d 523, 526 (Tex. Crim. App. 1995). "Jurisdiction... is something possessed by courts, not by judges. The judge is merely an officer of the court, like the lawyers, the bailiff and the court reporter. He is not the court itself."

Question Two:

Is Petitioner "actually innocent" of the alleged offense in this instant case as Petitioner claimed the entire time prior to his plea agreement, was there a "Brady" violation and prosecutorial misconduct?

Facts:

The grandmother (Peggy Jung, "Peggy") of the child (C.J.), involved

in the alleged offense, filed the complaint and outcry statement against Petitioner with the Kerrville Police Department, while Lisa Goshem, (C.J.'s) mother, Peggy's daughter, and Petitioner's former girlfriend was in Houston picking up Petitioner, unbeknown to Lisa Goshem (Lisa), Peggy alleged that on the evening of 7/19/1996, [Lisa was giving (C.J.) a bath, (C.J.) came out and told her that Petitioner poked (C.J.'s) T.T., and that (C.J.) was very upset at that time. Peggy then alleged (C.J.) then told Lisa, her mother the same thing. Peggy alleged (C.J.) was shaking. Peggy did not question (Billy) Petitioner about it, and did not know if Lisa had questioned Billy about it, after 7 days because Peggy did not ask.] ^{see exhibit A par. 3} During those 7 days why did Peggy not say anything to Lisa or Petitioner about an alleged claim as serious as this would be? Most parents or adults would have said and/or done something at the time of the alleged event, not wait until the mother (Lisa) is out of town, and unknown to her, go to the police department with 2 year old (C.J.)? Six weeks prior to the

allegation against Petitioner, Peggy made the same exact claim against (C.J.'s) father Kenneth Goshen, to Kerrville Police Department, who was in Kerr County custody on a murder charge. The same outcry was alleged by (C.J.) "he touched my T.T.," when she was only 1yr., 9 months old. Then once again, the same allegation was ~~made~~ again made five months after allegation was made against Petitioner, this time against Lisa's new boyfriend. Again stating "he touched my T.T.." The investigation into claim against the father was stopped once Petitioner was charged. Defendant in third alleged case hired private counsel and got case dismissed. Petitioner, who was indigent, was appointed counsel Gregory Richards, who was also the city attorney for City of Kerrville, the investigating agency in the instant case. Petitioner relaid to the trial court judge (in municipale court) that Gregory Richards (Richards) refused his request to go to trial as well as any other requests. The judge knew Richards was, at that same time, the city attorney, which in itself is a "conflict of interest" and

the court abused its discretion in not granting Petitioner new counsel. Thus, denied Petitioner his right to effective assistance of counsel, right to a trial by jury, right to ~~confidentiality~~ confrontation and compulsory process, guaranteed him by the Fifth, Sixth, and Fourteenth Amendment of the U.S. Constitution. See: *Kelly v. State*, 640 S.W.2d 605, 607 (Tex. Crim. App. 1982). Appointed counsel for Kelly stated "At this trial today, I feel there is a conflict of interests for the reason that there have been at least five police officers in the McKinney Police Department called to testify.... Because of my position with the City of McKinney, and being juxtaposed - anyway, being placed with or against the police officers in the City of McKinney at this time would create a conflict of interest." *Id.* at *608. "If a lawyer is requested to undertake or to continue representation of multiple clients having potentially differing interests, he must weigh carefully the possibility that his judgment may be impaired or his loyalty divided if he accepts or continues the employment. A lawyer should never

represent in litigation, multiple clients with differing interests; and there are few situations in which he would be justified in representing in litigation, multiple clients with potentially differing interests...." In Kelly, the Court of Criminal Appeals reversed judgment and remanded for a new trial.

(Exhibit A)

In the offense report (A.R., C.R., pg. 111, ln. 17-18), Peggy stated to police,

"(C.J.) came out and told Peggy that Billy poked (C.J.'s) T.T.."

Exhibit A

Then the report states (C.R., pg. 111, ln. 25-26) "Peggy did not report

this until today," 7/26/1996, "because she thought (C.J.) was

talking about another sexual assault case." The alleged event

in the instant case allegedly occurred on 7/19/1996, seven days

prior to her statement to police. Peggy clearly stated above that

"(C.J.) came out and told Peggy that 'Billy' poked" The

reason Peggy waited seven days, was she wanted Lisa out of

Town so she would not stop her, for Lisa was in the bathroom

at the time Peggy alleged the act allegedly occurred, and knows

nothing improper occurred involving Billy (Petitioner). Why, if true,

Would Peggy and/or Mary Pearson (Mary), Peggy's mother wait six days to then have (C.J.) tell her mother, Lisa, of the alleged act, most people would bring it up to the child's mother immediately, but instead kept it to themselves, and continued to allow Petitioner to live in the home around other children.

Some time later, Petitioner, after conviction, learned that before plea agreement, Lisa provided police a written statement as an

eyewitness in the bathroom at the alleged time of the alleged act
see Exhibit B Lines 11-15

giving (C.J.) a bath with her brother (E.J.). Lisa's statement confirmed Petitioner "did not" do the alleged act or any other

wrongful or unlawful act to (C.J.). Lisa stated Petitioner walked

in to the bathroom, picked up (C.J.'s) clothes then left, and that

Petitioner had not touched anyone. Lisa also stated she later

saw (C.J.) sitting on the bed talking to Petitioner, unlike one

who had just been sexually assaulted would do. Lisa's state-

ment, given to the detectives would be exculpatory and

material to ~~the~~ Petitioner. This material was withheld from

Petitioner causing a "Brady" violation to occur and making Petitioner's plea agreement entered into unknowingly, and involuntarily. Under Tex. Code Crim. Proc. art. 39.14 (h) it states, "Notwithstanding any other provision of this article, the state shall disclose to the defendant any exculpatory, impeachment, or mitigating document, item, or information in the possession, custody, or control of the state that tends to negate the guilt of the defendant or would tend to reduce the punishment for the offense charged." Had Lisa's statement been made available Petitioner, somehow would have insisted on going to trial. See: *Sanchez v. United States*, 50 F.3d 1448, 1453 (9th Cir. 1995). "A defendant's decision whether or not to plead guilty is often heavily influenced by his appraisal of the prosecution's case." *Miller v. Angliker*, 848 F.2d 1312, 1320 (2nd Cir. 1988). A waiver cannot be deemed 'intelligent and voluntary' if 'entered without knowledge of material information withheld by the prosecution.' Moreover, if a defendant may not raise a Brady claim after a guilty plea, prosecutors may be tempted to

deliberately withhold exculpatory information as part of an attempt to elicit guilty pleas. We therefore hold that a defendant challenging the voluntariness of a guilty plea may assert a Brady claim."

Exhibit B

In the offense report, page 4-5, Mary states Lisa was giving (C.J.) a bath on the night in question. Mary states "(C.J.) came out" and told Mary and Peggy that "UK" messed with my TT and it hurts. Then "Peggy took (C.J.)." In Lisa's statement in offense report, ^{Exhibit B} pages, Lisa states she was giving (C.J.) a bath, after Petitioner walked into bathroom, picked up (C.J.'s) clothes and walked out, about 20 minutes later "Mary came in and helped Lisa get the children (2) out of the tub. Mary took the children in another room." Mary's statement contradicts Lisa's statement of events, "both cannot have occurred." We have numerous conflicting statements, dates, and events. We have the exact same outcry statement made allegedly by (C.J.) to Peggy 3 different occasions, over a 6 month period against 3 different men, all in relationships with Lisa, (C.J.'s) mother, made to police by Peggy. Peggy never liked

Petitioner, nor Lisa's ex-husband, and most likely the same with Lisa's next boyfriend, whom Lisa was having relations with at the same time she was with Petitioner. It's plainly clear Peggy was using (C.J.) to get rid of men she did not want around Lisa.

Exhibit B pg 4-5

In the offence report (C.R., pg. 112, ln. 52 - pg. 113, ln. 1-2) Mary states [(C.J.) came out of bathroom, told her and Peggy, "UK" messed with her T.T. and it hurts. Then Peggy took █ (C.J.).] On the same page at

Exhibit B pg 5

(C.R., pg. 113, lns. 16-18), █ Lisa stated, [Petitioner walked in while she was giving (C.J.) and (E.J.) a bath, picked up (C.J.'s) clothes and walked out. About 20 minutes later Mary came in and helped Lisa get the children out of the tub. "Mary took the children in another room." If Petitioner did perform said act, Lisa would have seen or at least heard (C.J.) make a sound or a statement to Petitioner when the alleged act occurred as Peggy claimed (C.J.) said it hurt. (C.R., pg. 113, ln. 1). Detective Kneese (Kneese) narrates hearsay, and his own bias when speaking as a third person as to Lisa's thoughts and feelings (see: C.R., pg. 113, lns. 27-34).

Hearsay is not allowed in this sense under Tex. Code. Crim. Proc. art. 38.072, or under Tex. R. Evid. 802. See: *Fairrow v. State*, 943 S.W.2d 895, 899 (Tex. Crim. App. 1997). "It is impossible for a witness to possess personal knowledge of what someone else is thinking.... If the witness's lack of personal knowledge yields testimony that amounts to a 'choosing up sides' or an opinion of guilt or innocence, his opinion should be excluded." Kneese, in ^{Exhibit B} Kerrville Police Department Offense Report (C.R. pg. 113, ln. 27-29) "Lisa does think Billy sexually assaulted (C.J.) because he does not tell the truth and to get back at Lisa...." In the offense report, Peggy, Mary, and Lisa's versions of events that allegedly occurred on 7/19/1996, all vary a great deal, not proving which version, if any at all, are correct. All dates in the report and exhibits vary a great deal as well. If Lisa, (C.J.'s) mother, who was in the bathtub with (C.J. and E.J.) at the alleged time the alleged act occurred, saw no alleged act, nor heard any remark or outburst from (C.J.) regarding the alleged act, ~~there~~ then

allegedly, Lisa is told of the alleged act by (C.J.) on 7/25/1996, yet on 7/26/1996, Lisa drives 4 hours to Houston to pick up Applicant/ Petitioner then drives 4 hours, back to Kerrville without bringing up what she was allegedly told by (C.J.) the day before. Any rational person would tend to believe one of two things actually occurred: (1) (C.J.) never told Lisa, her mother, about an alleged act by Petitioner on 7/25/1996; or (2) Lisa knew it did not happen because she was there. Det. Kneese met with Petitioner, alone, at Kerr County, Texas, jail on 7/27/1996. Det. Kneese states Petitioner started shaking uncontrollable when he was asking Petitioner about (C.J.), (see: C.R., pg. 112, pgh. 11). This alleged shaking was not witnessed by anyone, nor was it video recorded. Det. Kneese and the prosecutor made numerous mentions in reports and to the grand jury that Petitioner was arrested during a Terry Stop in Kerrville, Texas, for a warrant for sexual assault out of Galveston County, Texas. Fact is, Petitioner was arrested for a blue warrant for violation of probation. Using "sexual assault"

in reports prejudiced Petitioner with the grand jury. The offense in Galveston County was claimed by an ex-girlfriend during a bad but not violent break-up, who was a legal adult.

Claims made by Peggy Jung's voluntary statements (2), given on 7/27/1996, are shown to be inconsistent with Lisa and Mary's statements given in the offense report.

Turning to the two medical exams for sexual assault, performed on (C.J.). Starting with Patterson Memorial Hospital ER. Peggy and (C.J.) were transported by Det. Kneese from Kerrville Police

Department to Patterson Memorial Hospital's ER (Peterson ER) on 7/26/1996, for the first exam. ER Record (C.R., pg. 109), Grandmother. ^{Exhibit C}

(Peggy Jung) tells ER alleged event occurred on "July 16th," not the 19th. Peggy tells them about a different male of sexual assault over 1 year prior. Report shows no signs of trauma, bruising or bleeding. Shows a small quarter size bruise over her ~~left~~ left mons.

"However, her hymen is absent." The nursing record shows "No recent trauma noted in vaginal area but vaginal opening is

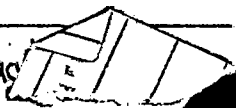
too large for that of a 2 year old."

Exhibit D

Now Presents findings noted in the offense report (C.R., pg. 114), on 8/01/1996, (C.J.) was examined at The Alamo Childrens Advocacy Center by Dr. Shirley Menard (Dr. Menard). Dr. Menard advised Detective Bunch, the investigator on the case against Kenneth Goshem, (C.J.'s) father who allegedly put his finger in (C.J.'s) vagina, of the results of (C.J.) physical exam. "The vaginal area showed 'thinning of the hymen' which was not normal. Dr. Menard advised that 'this could or could not' be the results of some type of penetration or sexual molestation."

So the first exam on 7/26/96, showed absense of the hymen. Then five days later on 8/01/96, the second exam found "thinning of hymen", but intact. It is clearly impossible for both findings to be true, due to the chronological dates exams were performed.

You have three ~~diff~~ different statements of events, all conflicting, three different accused in three different alleged as



all three accused of same act, all three with (C.J.) allegedly, all complaints filed by Peggy. One was Lisa's ex-husband (C.J.'s) father, the other two, boyfriends of Lisa at the times. The case against the father was dropped, the last boyfriend hired a private attorney and had his case dismissed, Petitioner had appointed counsel who was at the same time the city attorney. Counsel refused Petitioner's demand for a trial by jury, and coerced the plea agreement upon Petitioner by threat. The threat was to take the plea agreement or he would make sure he got life sentence. Petitioner requested the court (municipal) to replace counsel due to conflict of interest, the judge replied, "you asked for an attorney and I gave you one." Petitioner was denied his right to a fair trial. It is clear Peggy uses her granddaughter to get rid of men in Lisa's life she don't want around. (C.J.) is in fact a victim, just not by Petitioner and most likely others, Peggy made (C.J.) a victim of abuse by the police and all the sexual exams she has been subjected to. Please note at the same time these claims were

made there were several other children ages 3 yrs to 8 yrs of age, however, all three claims were only made against Lisa's male companions with (c.J.) Lisa's daughter, not any of the other children. Petitioner asks this Honorable Court to vacate his conviction and sentence and order his immediate release from custody.

Question Three :

Was the initial judgment in the instant case a "void agreement" pursuant to Tex. Code Crim. Proc. § 42.12, Sec. 5(d)(2)(A), (B) ?

Facts In Support :

Petitioner, prior to the alleged offense in this instant case, Petitioner was placed on deferred adjudication community supervision for sexual assault, under Tex. Penal Code 22.011. in Galveston County, Texas. In this instant case in Kerr County, Texas, Petitioner was placed on deferred adjudication community supervision for aggravated sexual assault under Tex. Penal Code 22.021(a)(1)(B)(i), (2)(B). Under Tex. Code Crim. Proc. § 42.12, Sec. 5(d)(2)(A), (B), recodified in 2017, to Tex. Code Crim. Proc. § 42A.102(a), (b)(2)(B), it states:

"Subject to Subsection (b)", a judge may place on deferred adjudi-

cation community supervision a defendant charged with an offense under Section 22.011, 22.021, or 21.11, Penal Code, regardless of the age of the victim...." (b) "In all other cases, the judge may grant deferred adjudication community supervision unless: "(2) "the defendant: "(B) "has previously been placed on community supervision for an offense under Paragraph (A). " (emphasis added). "If a punishment is not authorized by law, that portion of the sentence imposing that punishment is void." *Ex parte Johnson*, 697 S.W.2d 605, 606-607 (Tex. Crim. App. 1985). "We have long held that a defect which renders a sentence void may be raised at any time." *Ex parte McIver*, 586 S.W.2d 851, 854 (Tex. Crim. App. 1979). "The court held that the order that placed appellant on probation and the order that revoked the probation and sentenced him to confinement was void. The court reversed the judgment and remanded to the trial court with orders to withdraw appellant's plea and have appellant replead to the indictment in this cause," *Heath v. State*, 817 S.W.2d 335 (Tex. Crim. App. 1991). Petitioner was harmed by same.

As shown in news article (Exhibit E), by the prosecutor, using Petitioner's full name, the prosecutor offered and entered the void plea agreement in bad faith unbeknownst to Petitioner. In said article the prosecutor states that [Sometimes, as in Billy Dale Bond's case, they give a defendant a low deferred adjudication community service plea bargain offer, then later revoke the community service for any violation so they may have that person confined for many years, up to life, a sentence they might not receive from a jury.] In this instant case, Petitioner insisted on going to trial, however, his appointed counsel (and city of Kerrville attorney at the same time) refused him his right to trial by a jury as provided under Tex. Code Crim. Proc. art. 1.12 and the Sixth and Fourteenth Amendments of the U.S. Constitution. Petitioner was coerced, by threat of a life sentence, to take the plea offer of 6 years "deferred adjudication" community supervision, then just before completing the 6 years the prosecutor violated Petitioner, on a technical violation. Petitioner was thereafter,

sentenced to 35 years confinement in TDCJ-CID as the prosecutor originally intended to do, as stated in the news article. The prosecutor, defense counsel, and the judge, all knew, or should have known, that Petitioner was not eligible for deferred adjudication community supervision per Tex. Code Crim. Proc. art. 42.12, Sec. 5, (d)(2)(A), (B), (West 1997), recodified to Tex. Code Crim. Proc. art. § 42A.102(b)(2)(A), (B), and allowed Petitioner to proceed to trial as was his request. Petitioner was harmed by 24 years of unlawful confinement, and continues to be harmed by unlawful confinement. Petitioner requests his sentence be vacated and indictment be dismissed with prejudice.

Question Four :

Was Petitioner denied effective assistance of counsel ?

Facts In Support:

Petitioner, who was indigent and in custody, was appointed counsel, who was also the city attorney for the City of Kerrville, Texas, at the same time. The City of Kerrville was the arresting and investigating agency in this instant case.

Continued

See: Kelly v. State, 640 S.W.2d 605, 609 (Tex. Crim. App. 1982). "The appellant's counsel correctly recognized the potential conflict of interest present in this case. The appellant was arrested by police officers employed by the City of McKinney. As City Attorney for the City of McKinney, the appellant's counsel would be called upon to advise the police department, and, as prosecutor, would have to rely upon the police officer's testimony. However, as the appellant's counsel in this case, he would be expected to 'vigorously investigate the facts of the case,' including interviewing the arresting officers, if possible. He would also be expected to 'vigorously cross-examine the police officers' who would be witnesses for the State, or, if the facts were favorable, call the officers as witnesses for the defense." (emphasis added). In this instant case Petitioner requested the court appoint new counsel due to conflict of interest, which the court denied. In Kelly id. at. 612, the Court of Criminal Appeals stated: "Without a record before us which clearly shows that the trial court's refusal to grant the motion to withdraw was reasonable

exercise of discretion, we will presume that the appellant was harmed and reverse the judgment." The cause was remanded for a new trial.

Petitioner first met his appointed counsel in the municipal court at the jail. There was no discussion of any facts of the case, no investigating, or discussion of State's evidence against him. Only counsel's insistence that Petitioner accept the plea agreement, that Petitioner, by statute, was not eligible for, and counsel's refusal to go to trial as Petitioner insisted on. Tex. Code Crim. Proc. art. 26.04(j)(1), (2), (k). "An attorney appointed under this article shall: make every reasonable effort to contact the defendant not later than the end of the first working day after the date on which the attorney is appointed and to interview the defendant as soon as practicable after the attorney is appointed; represent the defendant until... ordered by the court to withdraw as counsel for the defendant after finding of good cause.... A court may replace an attorney who violates Subsection (j)(1) with other counsel." (emphasis added). Petitioner requests to vacate sentence.

Question Five:

Did the district attorney's office engage in selective prosecution?

Facts In Support:

The child's (C.J.) father, Kenneth Goshem, was charged with aggravated sexual assault of child under 4 years of age, six weeks prior to Petitioner being charged for exact same offense, same alleged offense outcry statement, same outcry witness, and same alleged victim (C.J.). It allegedly occurred one year prior to complaint, before Kenneth Goshem went to prison on a murder conviction.

Five months subsequent to Petitioner's conviction, Lisa's new boyfriend was also charged with exactly the same offense, outcry statement, outcry witness, and same alleged victim. After obtaining the unlawful conviction against Petitioner, the State dropped the case against the father, already in prison. Lisa's later boyfriend hired private counsel, thereafter, his case was dismissed by the State. Only Petitioner, with appointed counsel, with conflict of interest was convicted after being denied his right to jury trial.

See: United States v. Armstrong, 517 U.S. 456, 465, 116 S.Ct. 1480,

134 L. Ed. 2d 687 (1996).¹¹ [To establish discriminatory effect, the claimant must show that similarly situated individuals... were not prosecuted], "due to financial discrimination. First defendant's case was dismissed for defendant was in prison on murder conviction and prosecutor did not want to spend money prosecuting him. Petitioner was coerced and forced into an unlawful plea agreement and denied jury trial by conflicted appointed counsel and the court denying new counsel. Third defendant, with financial means hired private counsel and thereafter the case was dismissed. The State knew the cases, at least the last two were felonious and should have never been filed. (Three different alleged events in a 7 month period, involving same child, same outcry statements, same outcry witness, three different defendants, all in relationships with child's mother, Lisa.). Thus would also fall upunder prosecutorial misconduct.

Question Six :

Was there class bias and/or prejudice on prosecutor's part in news article?

Facts In Support :

At Petitioner's revocation hearing for a "technical violation only," he was sentenced to 35 years confinement. Kerr County ADA Coleman made a statement to the Kerrville Times Newspaper stating: "this is a typical reason why we sometimes give out deferred adjudication probation. We saw a chance to give Mr. Bond" (Petitioner) "deferred adjudication probation," (although ineligible and unlawful) "bring him back at a later date, violate him, and get a longer prison sentence than we might have got at trial." (See: Exhibit E). The article proves the prosecutor had a pre-conceived intent to violate Petitioner's probation just before completing the "void agreement," for any minor violation. It is believed that the district attorney's office was/is biased toward the suspect class of defendants accused of a sexual offense that may as well, suffer financial hardship. See: *Ex parte Quintana*, 346 S.W.3d 681, 685 (Tex. App. 2009). "The defendant must provide 'exceptionally clear' evidence that the decision to prosecute was for an improper reason to establish prima facie case of selective prosecution. See *Garcia v. State*, 172 S.W.3d 270, 274 (Tex. App. 2005, no. pet.).

Once the defendant makes a clear showing of an Equal Protection violation, the burden shifts to the State to justify the discriminatory treatment. See: Johnson v. California, 543 U.S. 499, 505, 125 S.Ct. 1141, 1146, 160 L. Ed. 2d 949 (2005).

However, the Equal Protection clauses of the U.S. and Texas Constitutions only require a rational basis for the distinction unless it discriminates against a suspect class or impinges on a fundamental right. See: Flores v. State, 904 S.W.2d 129, 130 (Tex. Crim. App. 1995). (emphasis added).

Question Seven:

Involuntary Plea Induced by threat from counsel.

Facts In Support:

Petitioner's appointed counsel, also City Attorney, refused Petitioner's wish to proceed to trial, demanded he accept plea bargain, refused to withdraw, stated if replaced, he would do everything in his power to see Petitioner get a life sentence at trial. See: Heiser v. Ryan, 951 F.2d 559, 561 (3rd Cir. 1991). "Because a guilty plea waives the constitutional right to a jury trial, the right to confront accusers, and the right against self incrimination, it must be a 'knowing, intelligent act,' that is the 'voluntary expression of [the defendant's] own choice.'" SEE: Brady v. United States, 397 U.S. 742, 748, 25 L. Ed. 2d 747, 90 S.Ct. 1463 (1970). 29

"Ignorance, incomprehension, coercion, terror, inducements, subtle or blatant threats might be a perfect cover-up of unconstitutionality."

Boykin v. Alabama, 395 U.S. ²³⁸~~238~~, 242-43, 23 L. Ed. 2d 274, 89 S. Ct. 1709 (1969).

"Thus, a guilty plea is void if induced by threats which strip it of a voluntary nature." Machibroda v. United States, 368 U.S. 487, 493, 82 S. Ct.

510, 7 L. Ed. 2d 473 (1972). "A threat by a ~~defendant~~ defendant's attorney

to withdraw from the case if the defendant does not plead guilty may

render a guilty plea involuntary." Downton v. Perini, 511 F. Supp. 258, 259,

264-66 (N.D. Ohio 1981). Petitioner contends that a hearing is necessary.

PRAYER

WHEREFORE, here Petitioner prays this Honorable Court grants this

petition for writ of habeas corpus, vacate conviction, dismiss indictment,

with prejudice, and order Petitioner's immediate release.

Respectfully Submitted,

Billy Dale Bond

Unsworn Declaration

My full name is Billy Dale Bond, whos date of birth is 12/01/1967. I am currently incarcerated in C.T. Terrell Unit. My inmate identification number is #1068620, my location is in Rosharon, Brazoria County, Texas. I hereby declare under penalty of perjury the forgoing information is true.

Executed this 26 day of January, 2026.

Declarant's Signature: *Billy Dale Bond*