

25-7564
No. _____

ORIGINAL

FILED

MAR 02 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

JAMES LOUIS LANGETT II — PETITIONER
(Your Name)

vs.

THE 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

JAMES LOUIS LANGETT II
(Your Name)

9601 SPUR 591
(Address)

AMARILLO, TEXAS
(City, State, Zip Code)

(806) 381-7080
(Phone Number)

QUESTIONS PRESENTED

The Texas Court of Criminal Appeals erred by not addressing Petitioner's ground for relief Number One. Thereby violating Petitioner's rights to due process?

The Texas Court of Criminal Appeals erred by not addressing Petitioner's ground for relief Number Two. Thereby violating Petitioner's rights to due process.

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:

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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☐ is unpublished.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☐ is unpublished.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☒ is unpublished.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 _____ 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☐ is unpublished.

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 2/9/2026.
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**

**UNITED STATES CONSTITUTION
AMENDMENT V**

No person shall be held to answer for a capital, or otherwise infamous in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

STATEMENT OF THE CASE

Petitioner, James Louis Lange II, (hereinafter Petitioner), was a forceps delivery with bruising of the left temple area. At the time Petitioner was two years old he suffered febrile seizures, but was later diagnosed with a seizure disorder. Petitioner suffered from Gran Mal seizures until the age of 20 or so. Starting in Kindergarten, Petitioner could not complete school work. A child psychologist diagnosed Petitioner as mental retardation possible caused by minimal brain damage. Petitioner was placed in special education throughout his years attending school. Petitioner worked at several jobs with others with mental illnesses but could not work at the speed or competence so he was granted disability insurance. Petitioner was a lifelong client of MHMR, several disability services, and for years a client of HealthMark Group. A download letter from BLUEBONNET TRAILS COMMUNITY SERVICES covering several years and spans over 1300 pages is available in the appendices for this court to access.

Petitioner was charged with sexual assault of a child by way of

indictment. During the time of his indictment Petitioner made a threat to solicit a murder and was also charged with that.

Petitioner was passed back and forth between 2 or 3 attorneys who worked under the Law Office of Alex R. Hernandez, Jr. All were a part of Petitioner's defense. Attorney, Gary Magnuson, immediately recognized that Petitioner was mentally retarded and incompetent and filed three separate Motions: MOTION TO HAVE DEFENDANT EXAMINED FOR COMPETENCY; DEFENDANT'S MOTION TO DISCOVER EVIDENCE OF INSANITY, INCOMPETENCE OR DIMINISHED MENTAL CAPACITY OF DEFENDANT, AND NOTICE OF INSANITY DEFENSE.

The trial court ordered Petitioner to be examined by Raleigh D. Wood, Ph.D, a licensed psychologist who examined Petitioner and found him to be competent to stand trial. However, and it should be noted to this Court that Dr. Wood's Competency Evaluation in almost every category states that Petitioner was in the **Borderline Range, the 8th percentile and within**

the poor range. When asked by Dr. Wood on page 154 capacity to engage in a reasoned choice of legal strategies and options, Dr. Wood writes: "He is unsure of the plea of no contest and when this is explained to him states "I'm not sure I understand." This exhibit is attached in the appendices.

Another attorney, Sam Fugate, advised Petitioner to plead guilty to a 50-year plea bargain and the trial court accepted the plea bargain. Petitioner through this writer, filed an Application for a Writ of Habeas Corpus alleging that the trial court did not conduct a proper competency inquiry because there was enough evidence to create a bona fide doubt regarding Petitioner's competency, thereby violating Petitioner's right to due process and that the trial court should have empaneled a jury for a competency hearing because there was substantial evidence and Petitioner certainly provided more than none or a scintilla of evidence regarding Petitioner's competency, thereby violating Petitioner's rights to due process.

The trial court denied the application for writ of habeas corpus.

However, upon review of the application for writ of habeas corpus the Texas Court of Criminal Appeals issued an ORDER back to the trial court to order trial counsel to respond to Petitioner's claims.

The trial court accepted attorney, James Kingman's affidavit stating that the Court finds him to be credible. The attorney asserted that Petitioner was able to assist him in the preparation of the defense and that Petitioner understood the nature of the proceedings well enough to answer Counsel's questions. However, the affidavit is signed by attorney, Sam Fugate, who presided over the plea hearing and not James Kingman. Nonetheless, the trial court in responding to the higher court's order states in part: "I do not intend to hold a hearing, if possible, but to rely on affidavits." I order counsel to provide a response to applicant's claim. If the affidavits are adequate I will make findings of fact and conclusions of law with them. If not, I will schedule a full hearing and subpoena witnesses.

The trial court made findings on one attorney's affidavit alone. The trial court ignored the affidavit of Petitioner and Petitioner's mother of Petitioner's mental health history.

The Texas Court of Criminal Appeals then denied the writ without written order. Petitioner filed this second Suggestions to Reconsider to the Texas Court of Criminal Appeals which is the basis of this request for certiorari to be granted. Had the trial court scheduled a full hearing and heard the evidence of petitioner's competency through his mother but also by mental health experts who would have testified that petitioner would not be competent to understand the charges against him or make any rational decision regarding his defense. Instead, the trial court relied on one attorney's affidavit alone and denies relief.

Petitioner, in his Suggestions to Reconsider to the Texas Court of Criminal appeals and request to this Honorable Court is that both the trial court and the court of criminal appeals have never addressed Petitioner's Grounds for Relief which is the basis and reasons why certiorari should be granted in this case.

REASONS FOR GRANTING THE PETITION

The Texas Court of Criminal Appeals has decided an important federal question in a way that conflicts with relevant decisions of this Court. The Texas Court of Criminal Appeals, against their own case law have denied relief in this case, thereby denying Petitioner a matter of constitutional due process, because Petitioner was incompetent to stand trial. The Texas Court of Criminal Appeals in this case has so far departed from their accepted and usual course of judicial proceeding as to call for an exercise of this Court's supervisory power.

Petitioner's original writ of habeas corpus was denied by the trial court. However, the Texas Court of Criminal Appeals remanded with instructions to the trial court judge. The trial court judge, denied relief in her findings of fact and conclusions of law based on one attorney's affidavit alone. The trial court judge disregarded the affidavits of Petitioner and petitioner's mother. Failed to consider the Motions of incompetency filed by defense counsel, and did not consider a hearing in which Petitioner's life long

doctor's associated through MHMR & HealthMark Group that would testify on Petitioner's behalf. It is Petitioner's argument that the trial court judge did not conduct a full and fair hearing in regards to the Texas Court of Criminal Appeals Order. The Texas Court of Criminal Appeals accepted the trial court's finding of fact and conclusions of law and denied relief.

Petitioner, through this writer filed suggestions to reconsider to the Texas Court of Criminal Appeals which was denied without written order.

Petitioner, through this writer filed a writ of certiorari to this Court which was denied.

Petitioner, through this writer, filed a second suggestion for reconsideration to the Texas Court of Criminal Appeals which was also denied which is the basis for the instant writ of certiorari. It is Petitioner's contention that although the Texas Court of Criminal Appeals remanded this case. The trial court failed to conduct a full and fair hearing. Moreso, is the fact that Petitioner's two grounds for relief have never been ruled on which were presented correctly in Petitioner's original writ of habeas corpus. Petitioner's argument is properly briefed as Appendix B for this

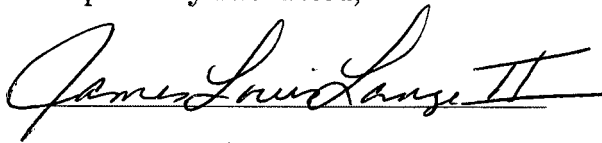
Court's review so for the sake of brevity Petitioner will not replicate the argument here. Appendix B with exhibits demonstrate that the Texas Court of Criminal Appeals failed to follow their precedent case law in *Boyette v State*, 545 S.W. 3d 556, 563 (Tex.Crim.App. 2018), and this Court's case law in *Drope v Missouri*, 420 U.S. 162, 171 (1975)("It has long been accepted that a person whose mental condition is such that he lacks the capacity to understand the nature and object of the proceedings against him, to consult with counsel, and to assist in preparing his defense may not be subjected to trial.").

Petitioner contends that this Honorable Court should properly determine that Petitioner's constitutional rights were abridged by his failure to receive an adequate hearing on his competence to stand trial and certiorari should be granted. Petitioner would contend that since the trial court failed to hold a formal competency trial by jury, the Petitioner should have the opportunity to have all issues which may be determinative of his guilt tried by a state judge or a state jury under appropriate state procedures which conform to the requirements of the Fourteenth Amendment.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Handwritten signature of James Louis Lange II in cursive script.

Date: 5/28/2026