No.

In the Supreme Court of the United States

JAMES GARFIELD BROADNAX, PETITIONER

v.

STATE OF TEXAS, RESPONDENT

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

PETITION FOR A WRIT OF CERTIORARI

CAPITAL CASE
EXECUTION SCHEDULED FOR APRIL 30, 2026

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CAPITAL CASE

QUESTION PRESENTED

Whether the State's considering race as a basis for striking prospective jurors, shown by its listing prospective jurors by race on a spreadsheet used during jury selection, and now confirmed by newly disclosed evidence of similar notations on a chart used during jury selection at Petitioner's co-defendant's trial, and by newly obtained affidavits from three struck prospective Black jurors, violated the Equal Protection Clause of the Fourteenth Amendment under *Batson* v. *Kentucky*, 476 U.S. 79 (1986).

RELATED PROCEEDINGS

Criminal District Court of Texas (Dallas County):

State v. *Broadnax*, No. F08-24667-Y (Aug. 21, 2009)

Ex parte Broadnax, No. W08-24667-Y(A) (Sept. 17, 2014)

Ex parte Broadnax, No. W08-24667-Y(B) (Feb. 6, 2023)

Texas Court of Criminal Appeals:

Broadnax v. *State*, No. AP-76,207 (Dec. 14, 2011)

Ex parte Broadnax, No. WR-81,573-01 (May 20, 2015)

Ex parte Broadnax, No. WR-81,573-02 (June 7, 2023)

Ex parte Broadnax, No. WR-81,573-03 (Nov. 6, 2025)

United States District Court (N.D. Tex.):

Broadnax v. *Davis*, Civ. No. 15-1758 (July 23, 2019)

United States Court of Appeals (5th Cir.):

Broadnax v. *Lumpkin*, No. 19-70014 (Feb. 8, 2021)

United States Supreme Court:

Broadnax v. *Texas*, No. 11-9294 (Oct. 1, 2012)

Broadnax v. *Texas*, No. 14-9964 (Oct. 5, 2015)

Broadnax v. *Lumpkin*, No. 21-267 (Jan. 18, 2022)

Broadnax v. *Texas*, No. 23-248 (June 24, 2024)

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511 U.S. 127 (1994) 3, 25, 26

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No.

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

PETITION FOR A WRIT OF CERTIORARI

James Garfield Broadnax respectfully petitions for a writ of certiorari to review the order of the Texas Court of Criminal Appeals (the "TCCA") denying his suggestion to reconsider the dismissal of his amended first subsequent habeas application for relief from his conviction and death sentence.

OPINIONS BELOW

The order of the TCCA denying Petitioner's suggestion to reconsider on the court's own motion the dismissal of his amended first subsequent habeas application ("Suggestion for Reconsideration") (*infra* App. A at 1a) is unreported.

JURISDICTION

The order of the TCCA was entered on November 6, 2025. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

CONSTITUTIONAL PROVISION INVOLVED

The Fourteenth Amendment to the United States Constitution provides: "No State shall . . . deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." U.S. Const. amend. XIV, § 1.

* * *

STATEMENT OF THE CASE

This case presents an issue worthy of this Court's review. Mr. James Broadnax, a Black man, was sentenced to death by a nearly all-White jury after the State engaged in disparate questioning of similarly situated Black and White jurors and struck every single Black qualified prospective juror during *voir dire*. Mr. Broadnax previously contended, including in previous petitions to this Court, that the State's discriminatory intent was evident from its creation and use, during *voir dire*, of a spreadsheet listing each juror's name and noting each juror's race and gender ("B/M" for Black male and "W/F" for White female). *See* Pet. for Writ of Cert., *Broadnax* v. *Texas*, 144 S. Ct. 2700 (Sept. 5, 2023). But the State contended that this spreadsheet was not necessarily evidence of discriminatory intent, because it could have been created for use at the *Batson* hearing. Newly disclosed evidence of nearly identical markings on a jury seating chart in a related case tried by the same prosecutors, where there were no *Batson* objections and no *Batson* hearing, show that the racial markings in Petitioner's case were

part of a systematic practice, and not created in preparation for a *Batson* hearing. The State's discriminatory intent is also evident from a prosecutor's handwritten notes on a Black juror's questionnaire which stated that the juror "seems okay . . . ***only concern*** . . . [Defendant's] ***age + race*** w/ Juror's son ***age + race***." First Subsequent Habeas Corpus Appl. ("Appl."), Ex. B, *State* v. *Broadnax*, No. F08-24667-Y (Feb. 8, 2023).

A. Background

1. "[F]or more than a century, this Court consistently and repeatedly has reaffirmed that racial discrimination by the State in jury selection offends the Equal Protection Clause." *Miller-El* v. *Dretke*, 545 U.S. 231, 238 (2005) ("*Miller-El II*"). Indeed, such racial discrimination "denies [a defendant] the protection that a trial by jury is intended to secure." *Batson* v. *Kentucky*, 476 U.S. 79, 86 (1986). Thus, striking even a single juror based upon race violates the Fourteenth Amendment. *Id.* at 95.

A *Batson* violation inflicts harm not only upon the parties, but also upon the excluded juror and the entire community. "The community is harmed by the State's participation in the perpetuation of invidious group stereotypes and the inevitable loss of confidence in our judicial system that state-sanctioned discrimination in the courtroom engenders." *J.E.B.* v. *Alabama ex rel. T.B.*, 511 U.S. 127, 140 (1994).

The *Batson* inquiry consists of three steps. First, the defendant must make a *prima facie* showing that race was the criteria for the exercise of the peremptory strike. *See Batson*, 476 U.S. at 96-97. The State must then come forward with a "neutral explanation for challenging black jurors." *Id.* at 97. Finally, the trial court must determine whether, with all circumstances considered, the defendant

demonstrated "purposeful discrimination" on the prosecution's part. *Id.* at 98; *Miller-El* v. *Cockrell*, 537 U.S. 322, 328–29 (2003) ("*Miller-El I*"). The third step centers on evidence of discriminatory intent. *See Foster* v. *Chatman*, 578 U.S. 488, 501 (2016). "In considering a *Batson* objection, or in reviewing a ruling claimed to be a *Batson* error, all of the circumstances that bear upon the issue of racial animosity must be consulted." *Snyder* v. *Louisiana*, 552 U.S. 472, 478 (2008).

Evidence documenting the prosecution's purposeful efforts to categorize and track prospective jurors by race during jury selection has been recognized by this Court as highly probative to the *Batson* analysis. *See Foster*, 578 U.S. at 513–14; *Miller-El I*, 537 U.S. at 347; *Miller-El II*, 545 U.S. at 263. In both *Miller-El I* and *Miller-El II*, this Court relied on "the fact that the prosecutors marked the race of each prospective juror on their juror cards" to find that the Dallas District Attorney's Office—the same office that peremptorily struck all Black prospective jurors from Mr. Broadnax's trial—"had followed a specific policy of systematically excluding Blacks from juries." 537 U.S. at 347; 545 U.S. at 263-64.

Other highly relevant factors in a *Batson* analysis include historical evidence of the State's discriminatory jury selection practices, changes or inconsistencies in the prosecutor's stated race-neutral reasons for striking Black jurors, statistical information concerning the peremptory strikes in the case at hand, and side-by-side comparisons of the questioning of and challenges to Black and White prospective jurors. *See, e.g.*, *Flowers* v. *Mississippi*, 588 U.S. 284, 301-02 (2019) (providing an unexhaustive list of probative evidence under *Batson*).

B. Statement of Facts

1. Petitioner, Mr. James Broadnax, is a Black man who was sentenced to death at a young age for the murder of two White victims by a nearly all-White jury. During Mr. Broadnax's trial, the State systematically struck every qualified Black prospective juror. Specifically, the State exercised a total of 15 peremptory strikes, striking all seven Black jurors and one of the two Hispanic jurors from the pool of 47 qualified jurors. In fact, the only qualified non-White juror whom the State did not strike was a Hispanic juror whom the State could not strike because it had exhausted its peremptory strikes. 38 RR 78–79, 82–83. In other words, among the 47 qualified prospective jurors in Mr. Broadnax's venire, White jurors faced an 18% chance of being struck by the State, while qualified Black jurors had a 100% chance of being struck.

During *voir dire*, the State gave five of the seven Black prospective jurors graphic descriptions of the execution process or directed them to look at Mr. Broadnax as the State asked whether they could find it in themselves to give Mr. Broadnax a death sentence. 10 RR 23; 11 RR 123; 13 RR 249–50; 30 RR 36–37; 34 RR 21–22. However, most of the White prospective jurors, including three who confessed nervousness about participating in a capital case, were not subject to the same questioning. 10 RR 96; 13 RR 70; 56 RR 135.

Some of the State's questions to the Black prospective jurors explicitly invoked race as a basis for doubting their ability to sit on the jury. For example, the State asked Mr. Curtis Riser, a Black prospective juror: "[Y]ou're sitting in the case of a black man . . . . Do you feel like you owe him any allegiance because of that?" 13 RR 251. Despite Mr. Riser's unequivocal answer, "No," the State continued to press: "So, in terms of race . . . There is not a

problem for you in that . . . somebody could potentially say to you afterwards, how could you do that to another black man?" 13 RR 252.

At the *Batson* hearing, the trial court expressly refused to conduct the analysis required by this Court's *Batson* jurisprudence. Although the judge ultimately reinstated one Black juror who had been struck by the State, the judge refused to engage in a *Batson* analysis. *See* 42 RR 33–35. Instead, the trial judge reinstated a single Black juror simply "because of the fact that there are no African-American jurors on this jury and there was a disproportionate number of African-Americans who were struck," which, according to the trial judge, "d[id] concern me quite a bit." 42 RR 33–35. Despite admitting concern, the judge refused to restore any other non-White juror who had been struck, due to what he viewed as "the problem with the whole line of [*Batson*] cases." *Id.* ("The problem . . . of course, is that if you grant a *Batson* challenge it implies some sort of nefarious intent on the part of the prosecutors."); *see also* 38 RR 84–85.

The State continued to invoke unfair racial biases throughout the trial. For instance, the State asserted to the nearly all-White jury that Mr. Broadnax sought out the crime scene "because that's where the rich white folks live," used rap lyrics as evidence that Mr. Broadnax was part of a Black gang, and in its closing argument explicitly compared Petitioner to "the worst kind of predator" that "we like to watch" on "Animal Planet." 45 RR 50; 49 RR 89, 108, 111; 53 RR 22, 26–27, 74–75. After a trial infected by racist conduct and rife with racial undertones, Mr. Broadnax was convicted and sentenced to death by a nearly all-White jury.

C. Procedural History

1. On December 14, 2011, the TCCA affirmed Mr. Broadnax's conviction on direct appeal, holding that the trial court was "clearly erroneous" in restoring the one Black juror but upholding the trial court's determinations as to the rest of the struck Black jurors. *Broadnax* v. *State*, No. AP-76,207, 2011 WL 6225399, at *4 (Tex. Crim. App. Dec. 14, 2011), *cert. denied*, 568 U.S. 828 (2012). In preparation for his state habeas proceedings, Mr. Broadnax requested that the Dallas County District Attorney's Office provide access to his case files, including those related to jury selection. The District Attorney's Office denied this request, claiming work product privilege. On May 20, 2015, the TCCA denied relief in Mr. Broadnax's initial state habeas corpus petition. *Ex parte Broadnax*, No. WR-81,573-01, 2015 WL 2452758 (Tex. Crim. App. May 20, 2015), *cert. denied*, 577 U.S. 842 (2015). After exhausting his state remedies, Mr. Broadnax filed a timely federal habeas corpus petition in May 2016. *See* Pet. for Writ of Habeas Corpus, *Broadnax* v. *Davis*, No. 3:15-CV-01758-N (N.D. Tex. May 18, 2016), ECF No. 29.

While Mr. Broadnax's federal habeas petition was pending, in June 2016, the Dallas County District Attorney's Office made available for review, for the first time, a set of documents from the State's case files that it previously denied access to during Mr. Broadnax's state habeas proceedings. Among the newly available documents was a spreadsheet created and used by the State during jury selection at Mr. Broadnax's trial. Appl. at Ex. A. This spreadsheet listed each qualified prospective juror with a "Race/Sex" column, which marked each juror as "B/M" (Black male), "B/F" (Black female), "W/M" (White

male), or "W/F" (White female). The names of *every single* Black juror, and *only* the Black jurors, were bolded. Metadata associated with the electronic version of the spreadsheet confirmed that the spreadsheet had been created, used, modified, and printed by the State during jury selection. *See* Appl. at 27 (citing Ex. F, Document Properties). In light of this new evidence further supporting his *Batson* claim, Mr. Broadnax filed an amended federal habeas petition on November 18, 2016. First Am. Pet., *Broadnax* v. *Davis*, No. 3:15-CV-01758-N (N.D. Tex. Nov. 18, 2016), ECF No. 48. In its answer, the State claimed that the spreadsheet "was created in preparation for a . . . *Batson* hearing held ***after*** the jury had been selected." Resp't's Answer with Br. in Supp. at 64, *Broadnax* v. *Davis*, No. 3:15-CV-01758-N (N.D. Tex. June 26, 2017), ECF No. 63 (emphasis in original).

In September 2016, the Dallas District Attorney's Office disclosed further jury selection documents that had been previously unavailable, including Mr. Curtis Riser's juror questionnaire, which the State had handwritten comments on. The State wrote on Mr. Riser's questionnaire: "Believes in [death penalty], but wants to be sure," "Seems very thoughtful w/ his answers during *voir dire*," "Not a problem w/ telling his 15-yrs-old kid that he took part in [the death penalty] process," and "Seems okay. . . ***only concern*** . . . [Defendant]'s ***age + race*** w/ Juror's son ***age + race***." Appl. at Ex. B (emphases added) (relevant portion excerpt below, highlighting added).



During federal habeas review, the federal district court held that it could not consider the spreadsheet in reviewing the merits of Petitioner's *Batson* claim because those files were not a part of "the record before the state

court." *Broadnax* v. *Davis*, 2019 WL 3302840, at *19 (N.D. Tex. July 23, 2019). Petitioner moved for a certificate of appealability and the Fifth Circuit granted review on the issue of whether the district court erroneously barred consideration of the spreadsheet under *Cullen* v. *Pinholster*, 563 U.S. 170 (2011), and 28 U.S.C. § 2254(d)(2). *Broadnax* v. *Lumpkin*, 987 F.3d 400, 404 (5th Cir. 2021). On appeal, Petitioner argued that the spreadsheet fell within an exception recognized by *Pinholster*, which allows for consideration of evidence withheld from state proceedings through no fault of the petitioner. *Id.* at 407. The Fifth Circuit denied relief. *Id.* at 410. In its denial, the Fifth Circuit explicitly relied on the State's assertion that it created the race-and-gender-marked spreadsheet "when preparing to defend its use of peremptory challenges." *Id.* Petitioner then filed a petition for certiorari before this Court, seeking review of the applicability of *Pinholster* to the spreadsheet. This Court denied certiorari. *Broadnax* v. *Lumpkin*, 142 S. Ct. 859 (2022).

On February 8, 2023, Mr. Broadnax filed an amended first subsequent state habeas petition before the TCCA. Am. First Subsequent Appl. for Post-Conviction Writ of Habeas Corpus, *Ex parte Broadnax*, No. WR-81,573-01 (Tex. Crim. App. Feb. 8, 2023). There, Mr. Broadnax again argued that newly disclosed evidence from the State's jury selection files, including the spreadsheet and the juror questionnaire, established multiple *Batson* violations at his trial. *Id.* The TCCA dismissed the petition for failure to satisfy the requirements of Texas Code of Criminal Procedure Art. 11.071 § 5(a)(1). *Ex parte Broadnax,* No. WR-81,573-02, 2023 WL 3855947 (Tex. Crim. App. June 7, 2023). In September 2023, Mr. Broadnax petitioned this Court for a writ of certiorari. Pet. for Writ of Cert., *Broadnax* v. *Texas*, 144 S. Ct. 2700 (Sept. 5, 2023). Though the petition was denied, Justice

Sotomayor and Justice Jackson dissented from the denial, stating that they "would reverse the judgment." *Broadnax* v. *Texas*, 144 S. Ct. 2700 (2024) (Sotomayor, J., and Jackson, J., dissenting).

In January 2025, the Dallas County District Attorney's Office allowed counsel for Mr. Broadnax for the first time to review its jury selection files from the trial of Demarius Cummings. Mr. Cummings, who is Mr. Broadnax's cousin, was tried, convicted, and sentenced to life without parole for his involvement in the same incident underlying Mr. Broadnax's conviction. Mr. Cummings' trial took place in January 2010, less than five months after Mr. Broadnax's trial concluded in August 2009. The two cases were prosecuted by substantially the same team of attorneys from the Dallas County District Attorney's Office. *Compare* 45 RR 2 (appearances for the State during Mr. Broadnax's trial) *with* 4 RR 2, *State* v. *Cummings*, No. F08-24666-Y (appearances for the State during Mr. Cummings' trial). The State had previously allowed Mr. Broadnax's counsel to review Mr. Cummings' case files in September 2021, but at that time withheld all materials related to jury selection as work product.

The newly available documents from Mr. Cummings' case included a chart of prospective jurors, prepared by the same team of attorneys representing the State as in Mr. Broadnax's case, with the same notations used to track the race and gender of the prospective jurors. *Compare* Suggestion for Reconsideration at Ex. 1 *with* Appl. at Ex. A. However, in the Cummings' case, there were no *Batson* objections, and consequently, the State had no need to prepare for a *Batson* hearing.

Separately, counsel for Mr. Broadnax received statements from three of the qualified Black jurors who were

struck from Mr. Broadnax's jury. These statements undermine the State's contention that these Black jurors were against the death penalty. Each of these jurors indicated that they supported the death penalty at the time of the trial, and that they would have followed the law and the court's instructions in rendering a verdict. Suggestion for Reconsideration at Exs. 2–4. The jurors were troubled to learn of the racial notations on the spreadsheet, and by the fact that the State allowed race to inappropriately influence the jury selection process. *Id.*

On June 3, 2025, Mr. Broadnax filed with the TCCA the Suggestion for Reconsideration, seeking reconsideration on the issue of the *Batson* violation based on the Cummings' jury chart and the juror affidavits. Suggestion for Reconsideration, *Ex parte Broadnax*, No. WR-81,573-01 (Tex. Crim. App. June 3, 2025). On November 6, 2025, the court denied Mr. Broadnax's Suggestion for Reconsideration. *Ex parte Broadnax*, No. WR-81,573-01 (Tex. Crim. App. Nov. 6, 2025). This petition timely follows.

REASONS FOR GRANTING THE PETITION

A. Newly available evidence confirms that the State's race-based jury selection practices were systematic and intentional, in direct violation of this Court's jurisprudence under *Batson* and its progeny.

This Court has emphasized that *Batson* requires "a sensitive inquiry into such circumstantial . . . evidence of intent as may be available." *Foster*, 578 U.S. at 501. This is especially so where "contents of the prosecution's file," when combined with other evidence, "plainly belie the State's claim that it exercised its strikes in a 'color-blind' manner." *Id.* at 513. In *Flowers*, this Court explained that "a variety of evidence" should be considered probative for

Batson claims, including (1) "statistical evidence about the prosecutor's use of peremptory strikes," (2) evidence of "disparate questioning and investigation," (3) "side-by-side comparisons of black prospective jurors who were struck and white prospective jurors who were not struck," (4) the "prosecutor's misrepresentations of the record when defending the strikes during the *Batson* hearing," (5) "relevant history of the State's peremptory strikes in past cases," and (6) "other relevant circumstances that bear upon the issue of racial discrimination." 588 U.S. at 301–02. As described below, all six types of evidence support a finding of multiple *Batson* violations in this case. Certiorari is appropriate to ensure this critical safeguard is meaningfully enforced.

a. During Mr. Broadnax's trial, the State abused its peremptory strikes to systematically eliminate every Black juror, in direct contravention of this Court's *Batson* principles.

1. Race-Annotated Juror Spreadsheet and the State's Concern with Race on Juror Questionnaire. The State's annotations tracking race on its juror spreadsheet, as well as their handwritten remarks on Mr. Riser's questionnaire expressing concern with Mr. Riser's race illustrate a "persistent focus on race in the prosecution's file" that "plainly belie[s] the State's claim that it exercised its strikes in a color-blind manner." *Foster*, 578 U.S. at 512-13. During *voir dire*, the State created, used, modified, and printed a spreadsheet that listed each qualified prospective juror with a "Race/Sex" column, which marked each juror as "B/M" (Black male), "B/F" (Black female), "W/M" (White male), or "W/F" (White female). Appl. at Ex. A. The names of *every single* Black prospective juror, and *only* the Black prospective jurors, were bolded. *Id.*

Further, on the questionnaire of Mr. Curtis Riser, a Black prospective juror, the State wrote: "Seems very thoughtful w/ his answers during *voir dire*," "Not a problem w/ telling his 15-yrs-old kid that he took part in [the death penalty] process," and "Seems okay. . . ***only concern*** . . . [Defendant]'s ***age + race*** w/ Juror's son ***age + race***." Appl. at Ex. B (emphases added).

2. Disparate Questioning. Throughout *voir dire*, the State engaged in racially disparate questioning. The disparate questioning in this case occurred along the same lines—and was conducted by the same prosecutor's office—as what this Court determined in *Miller-El I* was clear indicia of discriminatory intent. 537 U.S. at 332–33. For example, for five of the seven Black prospective jurors, the State gave them graphic descriptions of the execution process or directed them to look at Mr. Broadnax as the State asked whether they could sentence him to death. *See, e.g.*, 34 RR 21–22 ("I need you to take a look at him. . . . He will be strapped to a gurney and they will put needles into his arm and they will continue to pump poison into his body until he dies."); *see also* 10 RR 23; 11 RR 123; 13 RR 249–50; 30 RR 36–37; 34 RR 21–22). In stark contrast, the State did not give this treatment to most of the White prospective jurors, including three who confessed nervousness about participating in a capital case. 10 RR 96; 13 RR 70; 56 RR 135. In addition, the State directed to the Black prospective jurors questions which explicitly invoked race as a basis for doubting their ability as a juror. For instance, the State asked Mr. Riser, a Black prospective juror: "[Y]ou're sitting in the case of a black man . . . . Do you feel like you owe him any allegiance because of that?" 13 RR 251. When Mr. Riser answered unequivocally, "No," the State continued to press: "So, in terms of race . . . There is not a problem for you in

that . . . somebody could potentially say to you afterwards, how could you do that to another black man?" *Id.* at 252.

3. Statistics. The racial disparity in the statistics of the jurors selected and struck by the State are more striking in this case than in previous *Batson* cases. *See Snyder*, 552 U.S. at 476 (finding a *Batson* violation where "all 5 of the prospective black jurors were eliminated by the prosecution"); *Foster*, 578 U.S. at 493 (same where the State "remov[ed] all four of the remaining black prospective jurors"). In Mr. Broadnax's case, the State struck all seven qualified Black jurors. The State used peremptory strikes on 18% of the eligible White jurors, but eliminated 100% of the eligible Black jurors in the same pool. *See, e.g.*, *Flowers*, 588 U.S. at 287 (finding a *Batson* violation where the State "struck five of the six [or 83%] black prospective jurors"); *Miller-El II*, 545 U.S. at 240–41 (finding a *Batson* violation where the State struck "91% of the eligible African-American venire members"). Though the Black jurors collectively comprised only 15% of the jury pool for Mr. Broadnax's trial, the State used half of its peremptory strikes to rid all of these prospective jurors from the jury.

4. Relevant History. The Dallas County District Attorney's Office's historical record of *Batson* violations, including the consistent use of race-based jury selection practices, provides circumstantial evidence that the State engaged in those same practices during Mr. Broadnax's trial, violating his *Batson* rights.

The jury selection statistics in this case, though highly probative on their own, are part of the long and detailed history of the Dallas County District Attorney's Office's *Batson* violations. The Fifth Circuit found that the Dallas County District Attorney's Office violated *Batson* by striking all five Black prospective jurors during a trial in

1983. *Reed* v. *Quarterman*, 555 F.3d 364, 365-68 (5th Cir. 2009). Then, this Court found that the Dallas County prosecutors' racial practices during jury selection violated *Batson* during Miller-El's 1986 trial. The Court specifically noted that the prosecutors had "marked the race of each prospective juror" on their respective juror cards and found that "the prosecutors' own notes proclaim[ed] that . . . race was on their minds when they considered every potential juror." *Miller-El I*, 537 U.S. at 347; *Miller-El II*, 545 U.S. at 266. Concerning a 1991 trial, the TCCA granted relief based on petitioner's *Batson* claim and allegations that the Dallas County District Attorney's Office engaged in racially discriminatory jury selection practices. *Ex parte Robertson*, 603 S.W.3d 427, 428 (Tex. Ct. Crim. App. 2020). Even as recently as in a 2005 trial, the TCCA found that the Dallas County District Attorney's improper race-based jury selection practices were still occurring. *Watkins* v. *State*, 245 S.W.3d 444, 454–55 (Tex. Crim. Ct. App. 2008).

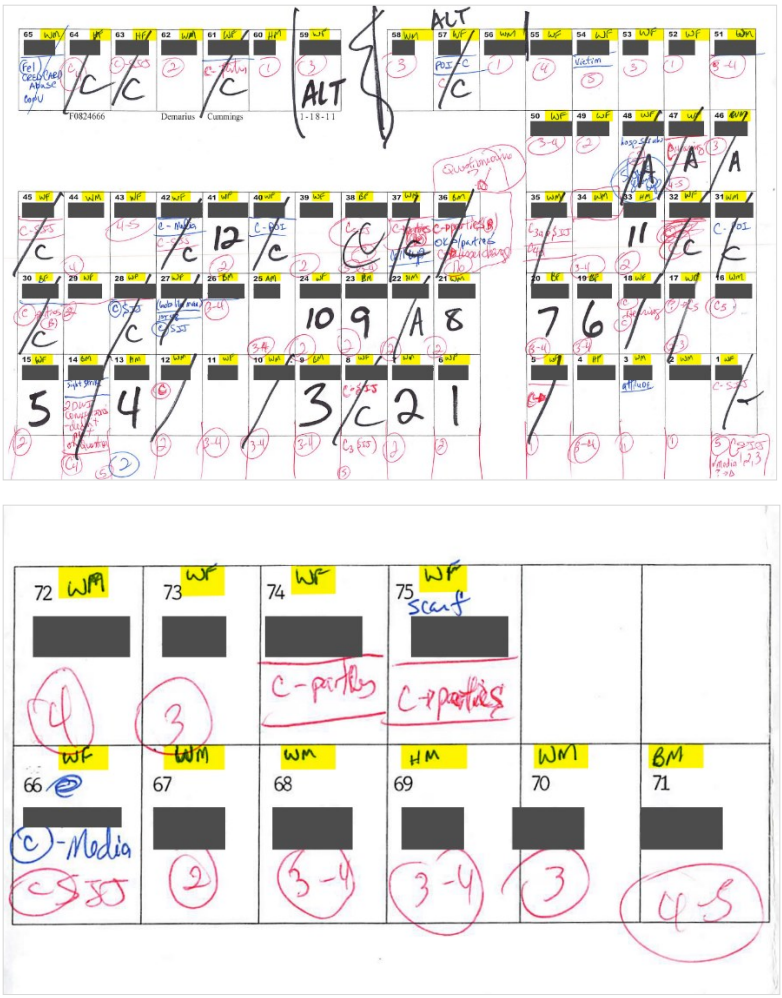
In fact, a two-year investigation of jury selection practices in Dallas County, which examined 108 non-death penalty felony cases tried in 2002, revealed that the District Attorney "exclude[s] blacks from juries at more than twice the rate they reject whites." *Studies: Blacks Struck from Juries at Twice the Rate of Whites*, Death Penalty Information Center (last updated Mar. 14, 2025), available at https://tinyurl.com/333f8ewh. The study also found that "when potential black and white jurors answered key questions about criminal justice issues the same way, blacks were rejected at a higher rate." *Id.* In relation to the study, Texas District Judge Henry Wade Jr. explained that "when prosecutors ask jurors whether punishment, deterrence or rehabilitation is the main purpose of sentencing, the question is calculated to try to get blacks off juries." *Id.*

Despite repeated admonishments over multiple decades from various courts, including this Court, the Dallas County District Attorney's Office continued to inappropriately consider race in its jury selection process, further showing that the State's unconstitutional practices were intentional and systematic in Mr. Broadnax's case.

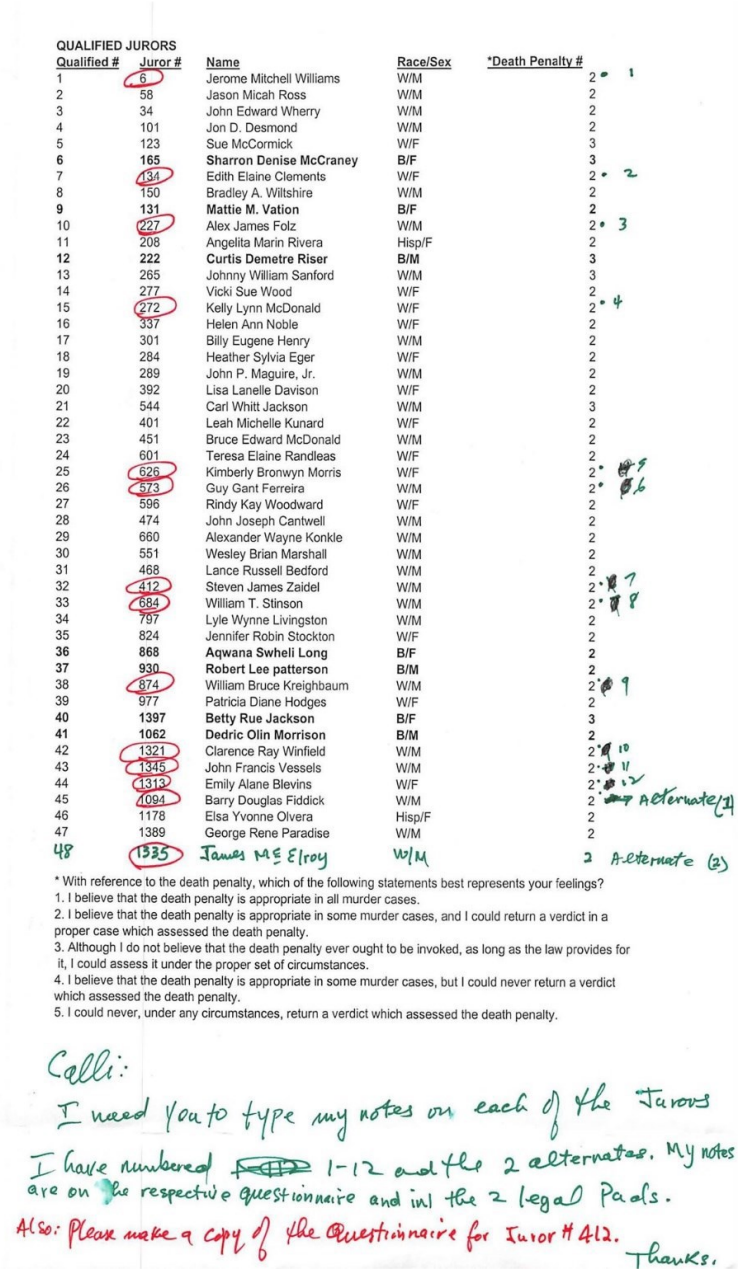
b. The newly disclosed jury selection chart from Mr. Broadnax's co-defendant's trial confirms that the State engaged in a systematic practice of inappropriately considering race during jury selection.

The newly disclosed evidence of the juror chart from the co-defendant's trial, bearing racial markings identical to the ones in the spreadsheet from Mr. Broadnax's trial, directly undermines the State's refrain throughout Petitioner's appeals: that it only created the race-marked spreadsheet in Mr. Broadnax's case to prepare for a *Batson* hearing. That the State created a nearly identical race-marked jury chart in Mr. Cummings' case, where no *Batson* objection was made, makes clear that, at the time of Mr. Broadnax's trial, the State was engaging in a systematic and intentional practice of considering race during jury selection. For ease of comparison, we reproduce both the chart from Mr. Cummings' trial and the spreadsheet from Mr. Broadnax's trial below:[1]

[1] As requested by the Dallas County District Attorney's office, Petitioner has redacted the names of the prospective jurors from the State's jury selection chart in Mr. Cummings' trial.



Suggestion for Reconsideration at Ex. 1, Jury Selection Chart from *State* v. *Cummings*, No. F08-24666-Y (highlighting added for emphasis).



QUALIFIED JURORS

Qualified #	Juror #	Name	Race/Sex	*Death Penalty #
1	6	Jerome Mitchell Williams	W/M	2 • 1
2	58	Jason Micah Ross	W/M	2
3	34	John Edward Wherry	W/M	2
4	101	Jon D. Desmond	W/M	2
5	123	Sue McCormick	W/F	3
6	**165**	**Sharron Denise McCraney**	**B/F**	**3**
7	134	Edith Elaine Clements	W/F	2 • 2
8	150	Bradley A. Wiltshire	W/M	2
9	**131**	**Mattie M. Vation**	**B/F**	**2**
10	227	Alex James Folz	W/M	2 • 3
11	208	Angelita Marin Rivera	Hisp/F	2
12	**222**	**Curtis Demetre Riser**	**B/M**	**3**
13	265	Johnny William Sanford	W/M	3
14	277	Vicki Sue Wood	W/F	2
15	272	Kelly Lynn McDonald	W/F	2 • 4
16	337	Helen Ann Noble	W/F	2
17	301	Billy Eugene Henry	W/M	2
18	284	Heather Sylvia Eger	W/F	2
19	289	John P. Maguire, Jr.	W/M	2
20	392	Lisa Lanelle Davison	W/F	2
21	544	Carl Whitt Jackson	W/M	3
22	401	Leah Michelle Kunard	W/F	2
23	451	Bruce Edward McDonald	W/M	2
24	601	Teresa Elaine Randleas	W/F	2
25	626	Kimberly Bronwyn Morris	W/F	2 • 5
26	573	Guy Gant Ferreira	W/M	2 • 6
27	596	Rindy Kay Woodward	W/F	2
28	474	John Joseph Cantwell	W/M	2
29	660	Alexander Wayne Konkle	W/M	2
30	551	Wesley Brian Marshall	W/M	2
31	468	Lance Russell Bedford	W/M	2
32	412	Steven James Zaidel	W/M	2 • 7
33	684	William T. Stinson	W/M	2 • 8
34	797	Lyle Wynne Livingston	W/M	2
35	824	Jennifer Robin Stockton	W/F	2
36	**868**	**Aqwana Swheli Long**	**B/F**	**2**
37	**930**	**Robert Lee patterson**	**B/M**	**2**
38	874	William Bruce Kreighbaum	W/M	2 • 9
39	977	Patricia Diane Hodges	W/F	2
40	**1397**	**Betty Rue Jackson**	**B/F**	**3**
41	**1062**	**Dedric Olin Morrison**	**B/M**	**2**
42	1321	Clarence Ray Winfield	W/M	2 • 10
43	1345	John Francis Vessels	W/M	2 • 11
44	1313	Emily Alane Blevins	W/F	2 • 12
45	1094	Barry Douglas Fiddick	W/M	2 • Alternate (1)
46	1178	Elsa Yvonne Olvera	Hisp/F	2
47	1389	George Rene Paradise	W/M	2
48	1335	James McElroy	W/M	2 Alternate (2)

* With reference to the death penalty, which of the following statements best represents your feelings?
1. I believe that the death penalty is appropriate in all murder cases.
2. I believe that the death penalty is appropriate in some murder cases, and I could return a verdict in a proper case which assessed the death penalty.
3. Although I do not believe that the death penalty ever ought to be invoked, as long as the law provides for it, I could assess it under the proper set of circumstances.
4. I believe that the death penalty is appropriate in some murder cases, but I could never return a verdict which assessed the death penalty.
5. I could never, under any circumstances, return a verdict which assessed the death penalty.

Calli:
I need you to type my notes on each of the Jurors I have numbered ~~[illegible]~~ 1-12 and the 2 alternates. My notes are on the respective questionnaire and in the 2 legal Pads.
Also: Please make a copy of the Questionnaire for Juror # 412. Thanks.

Appl. at Ex. A, Jury Selection Spreadsheet from *State* v. *Broadnax*, No. F08-24667-Y (bolded in original).

Mr. Cummings' trial took place in January 2010, less than five months after Mr. Broadnax's trial concluded in August 2009, and the two trials were prosecuted by substantially the same team of attorneys from the Dallas County District Attorney's Office. *Compare* 45 RR 2 (appearances for the State during Mr. Broadnax's trial) with 4 RR 2, *State* v. *Cummings*, No. F08-24666-Y (appearances for the State during Mr. Cummings' trial).

The State's markings on Mr. Cummings' jury selection chart directly contradict the State's contentions regarding the purpose of the spreadsheet. Throughout Mr. Broadnax's appeals, the State has represented to the courts that it created the spreadsheet in preparation for an upcoming *Batson* hearing after the jury had already been selected. For example, during federal habeas, the State asserted that "The fact that this list was created *after* the state had exercised its strikes . . . demonstrates that the list was created in preparation for the State's response brief and the subsequent *Batson* hearing." Resp't's Answer with Br. in Supp. at 71, *Broadnax* v. *Davis*, No. 3:15-cv-01758-N (N.D. Tex. June 26, 2017), ECF No. 63 (emphasis in original). In fact, in denying relief to Petitioner, the Fifth Circuit explicitly relied on the State's misrepresentation that it only marked the prospective jurors' races "when preparing to defend its use of peremptory challenges." *Broadnax* v. *Lumpkin*, 987 F.3d 400, 410 (5th Cir. 2021). And while Petitioner argued that the State's position was undermined by metadata associated with the spreadsheet showing that the spreadsheet was created and accessed ***during*** jury selection, the State continued to assert that the spreadsheet was created in preparation of a *Batson* hearing. In response to Mr. Broadnax's amended first subsequent habeas corpus application, the State again asserted that the spreadsheet had been created, and the Black qualified jurors' names

bolded, only "in order to prepare for" the "*Batson* objections at the strike hearing." *See* State's Mot. to Dismiss Broadnax's Am. First Subsequent Appl. for Writ of Habeas Corpus at 25, No. W08-24667-Y(B) (Tex. Crim. App. May 20, 2023).

Mr. Cummings' jury chart conclusively resolves this disagreement. Significantly, during Mr. Cummings' jury selection process, neither side raised any challenges to peremptory strikes, nor was any *Batson* hearing held. *See generally* 3 RR 7–155, *State* v. *Cummings,* No. F08-24666-Y. The State therefore prepared Mr. Cummings' jury selection chart and notated it with race/gender markings during its ordinary course of preparation for Mr. Cummings' *voir dire*, as there was no need to respond to any *Batson* objections. The State's actions during Mr. Cummings' trial confirm that Mr. Broadnax's repeated contention that the spreadsheet was prepared for *voir dire* was correct, and the necessary implication is that the State did so with the aim of systematically striking minority jurors from the jury, in violation of *Batson*. *See Foster*, 578 U.S. at 493, 501, 513–14 (recognizing that prosecutors' list of all prospective jurors where names of Black prospective jurors were highlighted was convincing evidence of *Batson* violation); *see also Miller-El I,* 537 U.S. at 346-47 (condemning the State's practice of marking race of all venire members).

Just as this Court acknowledged in *Foster*, here, too, the State's explanation about its creation and use of the juror-by-race spreadsheet in Mr. Broadnax's trial "reeks of afterthought." *Id.* at 514. The Court has made clear that erroneous or shifting representations of the record by the State in response to a *Batson* challenge "naturally give[] rise to an inference of discriminatory intent" because the "stated reason . . . does not hold up." *Snyder*,

552 U.S. at 485. With the markings on Mr. Cummings' juror chart exposing the State's pretext for its markings on Mr. Broadnax's juror spreadsheet, it is now confirmed that the State engaged in, and repeatedly attempted to cover up, its *Batson* violations against Mr. Broadnax.

c. Declarations from Black venire members in Mr. Broadnax's trial confirm that the State struck qualified jurors based on their race in violation of *Batson* and illustrate the far-reaching harm of *Batson* violations to the community at-large.

Petitioner's counsel has recently obtained statements from three of the Black prospective jurors who were peremptorily struck by the State in Mr. Broadnax's trial. These three declarations show that the State engaged in impermissible race-based use of peremptory strikes, once again making clear that the State's purported reasons for striking the prospective jurors were pretextual. Each of the three struck prospective Black jurors affirms that at the time of Mr. Broadnax's trial, they generally supported the death penalty, and that they would have followed the law and the court's instructions in rendering a verdict. Suggestion for Reconsideration at Ex. 2 ¶¶ V–VII, Ex. 3 ¶¶ IX–XI, Ex. 4 ¶¶ VIII–X.

1. Mr. Curtis Riser. With regard to Mr. Riser, the State offered a range of reasons for why it excluded him from the panel: he expressed concerns about wrongful convictions; he believed in rehabilitation of certain convicted criminal defendants. However, multiple White jurors raised similar concerns about wrongful convictions, but none of the White jurors were struck by the State. 55 RR 124, 181; 57 RR 144, 277.

In fact, the State itself noted on Mr. Riser's jury questionnaire, highlighted in yellow, and circled out in a red box, that to the State, this juror "Seems okay . . . hard-working, smart. ***Only concern . . .*** [Defendant]'s age + race w/ Juror's son age + race, as mentioned." Appl. at Ex. B (emphasis added). Mr. Riser's declaration now confirms that he "could invoke the death penalty under the proper set of circumstances" and "would have been able to return a verdict in compliance with the law." Suggestion for Reconsideration at Ex. 4 ¶ V. He reaffirmed that he had no "moral or religious views that would have stopped me from being able to return a verdict of death." *Id.* ¶ IX.

The State also relied upon one statement made by Mr. Riser during *voir dire*, "I see my son in this room," as an indication that Mr. Riser identified his son with Mr. Broadnax and thus could not have served as an impartial juror. 38 RR 28–29. But that misstates the record. Mr. Riser was clear that he was referring to the bailiff, not Mr. Broadnax: "The lawyer right there. One of those gentlemen in the back is not a lawyer but -- oh, a bailiff. You know, my son is a black boy, and I see him in this room." 13 RR 249. Now, more than 15 years later, Mr. Riser remembers this incident well, and points out the State's misrepresentation in his declaration: "During the *voir dire* process, I metaphorically mentioned that I saw my son in the room. I was speaking about the bailiff, another young black man, to demonstrate the importance of representation . . . I was able to look around the room and see black faces, so I believed Mr. Broadnax should have had black faces on the jury to represent him as well." Suggestion for Reconsideration at Ex. 4 ¶ XI.

2. Ms. Aqwana Long. Ms. Aqwana Long's declaration also confirms the pretextual nature of the State's

proffered reason for striking her—that Ms. Long "ha[d] mixed feelings about the death penalty." 38 RR 45. In fact, the State's reasoning refers to a sentence in Ms. Long's questionnaire, in which she stated that "I have mixed feelings about the death penalty, but I lean more towards yes," ignoring the multiple times during *voir dire* where Ms. Long clarified that she supports the death penalty and would have no problem applying it in accordance with the law. 57 RR 103, 106. In her declaration, Ms. Long stated that "I was pro-death penalty when I was struck, and I believed that the death penalty is appropriate, and I would have been able to return a verdict in a proper case that assessed the death penalty." Suggestion for Reconsideration at Ex. 2 ¶ V. She also stated: "If I did not think that I could be fair and impartial, I would have told the lawyers and the judge. I would have been able to listen to all the facts of the case and assess without bias. I would have done my best to understand the law and how it needs to be applied." *Id.* ¶¶ VI–VII.

Consistent with the statements in her declaration, during *voir dire*, Ms. Long clarified that "[w]hen I said I have mixed feelings about the death penalty, [it] mean[t] I'm for it on some cases and I'm against it on some other cases . . . [d]epending on the situation." 30 RR 31. The State accepted multiple White jurors who had selected a similar option on the jury questionnaire, which stated "I believe that the death penalty is appropriate in some murder cases, and I could return a verdict in a proper case which assessed the death penalty." *See, e.g.*, 55 RR 178, 273.

Ms. Long rated herself a seven out of 10 on a scale in favor of the death penalty, which is higher than some of the White jurors found acceptable by the State. *Compare* 57 RR 106 *with, e.g.*, 55 RR 124, 276. She stated that she

believed the death penalty was used too seldom, and had never been misused "to [her] knowledge." 57 RR 103, 106.

Also, while the State claimed that it struck Ms. Long because she had once received a deferred adjudication in a bad check case, it did not explain the relevance of that adjudication from 10 years ago, or why the State was amenable to accepting a White juror who had pleaded guilty to a DWI charge (yet another instance of disparate treatment of similarly situated Black and White jurors).

3. Mr. Dedric Morrison. Mr. Morrison's declaration also confirms that the States's reasons for striking him were pretextual. The State claimed to strike him because he was "not in favor of the death penalty" and he seemingly showed some sympathy to the defense's intoxication argument. 38 RR 72–73. These reasons are in direct tension with Mr. Morrison's jury questionnaire, in which he selected the response: "I believe that the death penalty is appropriate in some murder cases, and I could return a verdict in a proper case which assessed the death penalty." 57 RR 198. The State accepted multiple White jurors who selected the same option. *Compare* 55 RR 178, 273 *with* 57 RR 198. The State also accepted White jurors who similarly acknowledged intoxication as a potential mitigating factor. *See, e.g.*, 27 RR 134, 169–70; 57 RR 51.

Consistent with his responses during *voir dire*, in his declaration, Mr. Morrison stated: "It was my belief that if there is evidence that someone intentionally killed someone in a premediated manner, the death penalty should be eligible. . . . If I were picked as a juror, I would have followed the law impartially, and if the prosecution were to prove their case beyond a reasonable doubt, I would have imposed the death penalty." Suggestion for Reconsideration at Ex. 3 ¶¶ IX, XVI.

As with Mr. Riser's and Ms. Long's declarations, Mr. Morrison's declaration shows that the State's reasons for excluding Black prospective jurors were pretextual and impermissibly motivated by the desire to keep prospective jurors of minority races off of the jury.

4. Community Harm from the State's *Batson* Violations. These declarations highlight the need to correct the State's *Batson* violations. As this Court explained, a *Batson* violation harms the defendant, the improperly excluded jurors, and the community at-large. In *Powers* v. *Ohio*, 499 U.S. 400 (1991), this Court explained that jury service "preserves the democratic element of the law, as it guards the rights of the parties and ensures continued acceptance of the laws by all of the people." *Id.* at 407. Jury service "affords ordinary citizens a valuable opportunity to participate in a process of government, an experience fostering, one hopes, a respect for law," such that "with the exception of voting, for most citizens the honor and privilege of jury duty is their most significant opportunity to participate in the democratic process." *Id.* (internal citations and quotations omitted). Therefore, the fact that members of a particular race are "singled out and expressly denied . . . all right to participate in the administration of the law, as jurors, because of their color," "is practically a brand upon them, affixed by the law, an assertion of their inferiority, and a stimulant to that race prejudice which is an impediment to securing to individuals of the race that equal justice which the law aims to secure to all others." *Id.* at 408 (citing *Strauder* v. *West Virginia*, 100 U.S. 303, 308 (1880). Racial discrimination "touch[es] the entire community" by "undermin[ing] public confidence in the fairness of our system of justice." *Batson*, 476 U.S. at 87; *see also J.E.B.*, 511 U.S. at 140 ("The community is harmed by . . . the inevitable loss of

confidence in our judicial system that state-sanctioned discrimination in the courtroom engenders.").

In this case, all three struck Black jurors who provided statements to Petitioner's counsel were deeply troubled by the existence of the State's spreadsheet, which tracked each prospective juror by race and singled out all Black prospective jurors. Ms. Long was "surprised to learn of the spreadsheet's existence." Suggestion for Reconsideration at Ex. 2 ¶ XII. To her, this meant that "the prosecution had apparently considered me to be a less desirable juror because I am black." *Id.* "James Broadnax deserved a fair trial and I wanted to give him a fair trial;" however, "[i]t appears I was not chosen for the jury because I am black, and therefore, I do not believe James Broadnax was given a fair trial." *Id.* ¶¶ XIII–XIV. Mr. Riser, though "not surprised," was similarly "upset that race had played a part in who was part of the jury." Suggestion for Reconsideration at Ex. 4 ¶ XVII. Mr. Morrison likewise stated that "I was not surprised to see my name in bold; although it is obviously inappropriate." Suggestion for Reconsideration at Ex. 3 ¶ XIII. "Because the prosecution appears to have struck me because I am black, I do not believe James Broadnax was given a fair trial." *Id.* ¶ XIV. These struck jurors echo this Court's stated concern about *Batson* violations writ large: "When the government's choice of jurors is tainted with racial bias, that overt wrong. . . casts doubt over the obligation of the parties, the jury, and indeed the court to adhere to the law." *Miller-El II*, 545 U.S. at 238 (internal quotations and citations omitted).

B. This case is an appropriate vehicle for this Court to enforce necessary *Batson* safeguards.

This Court has jurisdiction to review the TCCA's denial by writ of certiorari under 28 U.S.C. § 1257, and this

case presents an appropriate opportunity for the Court to ensure that the important constitutional safeguards established through its *Batson* jurisprudence are meaningfully enforced.

a. This Court has jurisdiction to review the TCCA's denial of a suggestion for reconsideration on the court's own motion.

1. The TCCA has established a regular practice of considering and responding to suggestions for reconsideration on the court's own motion despite the facial language of Texas Rule of Appellate Procedure 79.2(d) prohibiting motions for rehearing decisions that deny relief on or dismiss a habeas petition. Such decisions are, therefore, "final judgments or decrees" that give rise to this Court's jurisdiction. 28 U.S.C. § 1257(a). The Fifth Circuit has explained that "the [TCCA] has entertained motions for reconsideration, notwithstanding the language in . . . Rule 79.2(d)" and has held that a habeas petitioner's filing of a suggestion for reconsideration per Rule 79.2(d) constituted a "properly filed application for State post-conviction or other collateral review" that tolled the Anti-terrorism and Effective Death Penalty Act's one-year statute of limitations period on applications for federal habeas relief. *Emerson* v. *Johnson*, 243 F.3d 931, 932, 934–35 (2001).

2. As well, the language of this Court's Rule 13, which governs the timing for filing a petition for a writ of certiorari, supports the conclusion that this Court has jurisdiction to review the TCCA's decision denying a suggestion for reconsideration. Rule 13.3 specifically contemplates that the Court can review a "*denial* of rehearing" following a lower court's "*sua sponte* consider[ation]," in addi-

tion to, and separately from, a lower court judgment following a grant of rehearing. In Petitioner's case, as shown on the case docket, the TCCA "denied" Petitioner's Suggestion for Reconsideration on November 6, 2025. *See* App. A. In order to deny the Suggestion for Reconsideration, the TCCA necessarily *sua sponte* considered and denied rehearing. As such, the state court's denial of reconsideration after *sua sponte* consideration provides this Court with jurisdiction to review under 28 U.S.C. § 1257.

b. Certiorari is appropriate because the decision below was based on a substantive federal ground.

1. 28 U.S.C. § 1257 requires that the state court's decision draw into question "the validity of a statute of any State . . . on the ground of its being repugnant to the Constitution, treaties, or laws of the United States," or "any title, right, privilege, or immunity. . . specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States." The present case clearly fulfills this requirement.

Mr. Broadnax's Suggestion for Reconsideration was based on his amended first subsequent state habeas petition, in which Mr. Broadnax argued that new evidence establishing multiple *Batson* violations should be considered under Texas Code of Criminal Procedure, Article 11.071 § 5(a)(1). As the TCCA explained in *Ex parte Campbell*, 226 S.W.3d 418 (Tex. Crim. App. 2007)*:* "to satisfy Art. 11.071, § 5(a), 1) the factual or legal basis for an applicant's current claims must have been unavailable as to all of his previous applications; and 2) *the specific facts alleged, if established, would constitute a constitutional violation that would likely require relief* from either the

conviction or sentence." *Id.* at 421 (emphasis added). Decisions of this nature are "not independent of federal law, and [this Court's] jurisdiction is not precluded." *Ake* v. *Oklahoma*, 470 U.S. 68, 75 (1985). Based on *Campbell*, the Fifth Circuit, in *Rocha* v. *Thaler*, 626 F.3d 815 (5th Cir. 2010) recognized that its prior assumption that "a dismissal under § 5(a)(1) always rested on an independent and adequate state-law ground" "cannot survive." *Id.* at 835. Even in "boilerplate abuse-of-the-writ [dismissals,]" determining "[w]hether a §5(a)(1) dismissal is independent of federal law turns on case-specific factors." *Id.*

Here, the case-specific factors unequivocally show that the state court's decision was not based on a state-law ground independent of federal law. Mr. Broadnax asserted a federal *Batson* claim based on newly disclosed evidence in his amended first subsequent state habeas petition and, in light of additional newly disclosed evidence, suggested reconsideration of only his *Batson* claim. Therefore, the state court's denial can only be interpreted as an (erroneous) determination by the state court, based on a substantive analysis of federal law, that the newly disclosed evidence of *Batson* violations did not establish a *prima facie* case under *Batson*.

Indeed, even if the TCCA's dismissal of his second subsequent petition had been based on purely procedural rules, the application of those rules would not be an "adequate" state ground because both of Mr. Broadnax's claims are plainly based upon established federal law. *Cruz* v. *Arizona*, 598 U.S. 17, 26 (2023) (explaining that a state ground would not be sufficiently "adequate" to prevent this Court's review if it is applied in a way that is so "unfounded" and "unsupported" such that it cannot be fairly used to "preclude this Court's review of a federal question").

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted.

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FEBRUARY 4, 2026

APPENDIX

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Appendix B: Execution Order, Dallas County Criminal District Court, December 17, 2025.. 8a

APPENDIX A

OFFICIAL NOTICE FROM COURT OF
CRIMINAL APPEALS OF TEXAS
P.O. BOX 12308, CAPITOL STATION,
AUSTIN, TEXAS 78711

FILE COPY

11/6/2025

BROADNAX, JAMES GARFIELD

Tr. Ct. No. W08-24667-Y(B)

WR-81,573-02

This is to advise that the applicant's suggestion for reconsideration has been denied without written order.

Deana Williamson, Clerk

JAMES GARFIELD BROADNAX
POLUNSKY UNIT - TDC # 999549
3872 FM 350 S.
LIVINGSTON, TX 77351

OFFICIAL NOTICE FROM COURT OF
CRIMINAL APPEALS OF TEXAS
P.O. BOX 12308, CAPITOL STATION,
AUSTIN, TEXAS 78711

FILE COPY

11/6/2025

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Tr. Ct. No. W08-24667-Y(B)

WR-81,573-02

This is to advise that the applicant's suggestion for reconsideration has been denied without written order.

Deana Williamson, Clerk

GENERAL COUNSEL TEXAS DEPT OF
CRIMINALJUSTICE
PO BOX 4004
HUNTSVILLE, TX 77342
* DELIVERED VIA E-MAIL *

OFFICIAL NOTICE FROM COURT OF
CRIMINAL APPEALS OF TEXAS
P.O. BOX 12308, CAPITOL STATION,
AUSTIN, TEXAS 78711

FILE COPY

11/6/2025

BROADNAX, JAMES GARFIELD

Tr. Ct. No. W08-24667-Y(B)

WR-81,573-02

This is to advise that the applicant's suggestion for reconsideration has been denied without written order.

Deana Williamson, Clerk

CAMILLE M. KNIGHT
C KNIGHT LAW
900 JACKSON STREET, SUITE 430
DALLAS, TX 75202
* DELIVERED VIA E-MAIL *

OFFICIAL NOTICE FROM COURT OF
CRIMINAL APPEALS OF TEXAS
P.O. BOX 12308, CAPITOL STATION,
AUSTIN, TEXAS 78711

FILE COPY

11/6/2025

BROADNAX, JAMES GARFIELD

Tr. Ct. No. W08-24667-Y(B)

WR-81,573-02

This is to advise that the applicant's suggestion for reconsideration has been denied without written order.

Deana Williamson, Clerk

PRESIDING JUDGE CRIMINAL
DISTRICT COURT
NO. 7 DALLAS COUNTY
133 N RIVERFRONT BLVD., LB 11
DALLAS, TX 75207-4313
* DELIVERED VIA E-MAIL *

OFFICIAL NOTICE FROM COURT OF
CRIMINAL APPEALS OF TEXAS
P.O. BOX 12308, CAPITOL STATION,
AUSTIN, TEXAS 78711

FILE COPY

11/6/2025

BROADNAX, JAMES GARFIELD

Tr. Ct. No. W08-24667-Y(B)

WR-81,573-02

This is to advise that the applicant's suggestion for reconsideration has been denied without written order.

Deana Williamson, Clerk

CHIEF CRIMINAL APPEALS ATTORNEY
GENERAL'S OFFICE
PO BOX 12548
AUSTIN, TX 78711
* DELIVERED VIA E-MAIL *

OFFICIAL NOTICE FROM COURT OF
CRIMINAL APPEALS OF TEXAS
P.O. BOX 12308, CAPITOL STATION,
AUSTIN, TEXAS 78711

FILE COPY

11/6/2025

BROADNAX, JAMES GARFIELD

Tr. Ct. No. W08-24667-Y(B)

WR-81,573-02

This is to advise that the applicant's suggestion for reconsideration has been denied without written order.

Deana Williamson, Clerk

DISTRICT ATTORNEY DALLAS COUNTY
APPELLATE SECTION
133 N. RIVERFRONT BLVD, LB 19
DALLAS, TX 75207
* DELIVERED VIA E-MAIL *

OFFICIAL NOTICE FROM COURT OF
CRIMINAL APPEALS OF TEXAS
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This is to advise that the applicant's suggestion for reconsideration has been denied without written order.

Deana Williamson, Clerk

DISTRICT CLERK DALLAS COUNTY
133 N. RIVERFRONT BLVD., LB 12
DALLAS, TX 75207-4300
* DELIVERED VIA E-MAIL *

APPENDIX B

IN THE CRIMINAL
DISTRICT COURT NO. 7
DALLAS COUNTY, TEXAS

Cause No. F08-24667-Y

THE STATE OF TEXAS

v.

JAMES GARFIELD BROADNAX

EXECUTION ORDER

You, James Garfield Broadnax, were indicted by the Grand Jury of Dallas County, Texas, and charged with the offense of capital murder in cause number F08-24667-Y. A jury in this Court returned a verdict finding you guilty of the offense of capital murder on August 12, 2009, in cause number F08-24667-Y. On August 20, 2009, the same jury in this Court returned answers to the special issues, submitted to the jury at punishment pursuant to Article 37.071 of the Texas Code of Criminal Procedure, and this Court, in accordance with the jury's findings at punishment, assessed your punishment at death. The judgment of this Court was reviewed by the Texas Court of Criminal Appeals on direct appeal, and it was affirmed by that court on December 14, 2011, with mandate issued on January 9, 2012. The United States Supreme Court denied your petition for writ of certiorari on October 1, 2012. Subsequently, on May 20, 2015, the Court of Criminal Appeals denied your initial application for writ of habeas corpus, and the

United States Supreme Court denied your petition for writ of certiorari on October 5, 2015.

The District Court for the Northern District of Texas, Dallas Division, denied your federal petition for writ of habeas corpus on July 23, 2019, and the United States Court of Appeals for the Fifth Circuit granted your application for a Certificate of Appealability on July 24, 2020. The United States Court of Appeals for the Fifth Circuit affirmed the judgment of the district court on February 8, 2021. Afterwards, the United States Supreme Court denied your petition for writ of certiorari on January 18, 2022. The Court of Criminal Appeals dismissed your second application for writ of habeas corpus on June 7, 2023, and the United States Supreme Court denied your petition for writ of certiorari on June 24, 2024. The Court of Criminal Appeals also dismissed your third application for writ of habeas corpus on November 6, 2025. This Court now proceeds with the judgment and sentence in your case and enters the following Order:

IT IS HEREBY ORDERED by this Court that you, James Garfield Broadnax, having been adjudged guilty of capital murder and having been assessed punishment at death, in accordance with the findings of the jury and the judgment of this Court, shall at some time after the hour of 6:00 p.m. on the 30th day of April, 2026, be put to death by an executioner designated by the Director of the Correctional Institutions Division of the Texas Department of Criminal Justice, who shall cause a substance or substances in a lethal quantity to be intravenously injected into your body sufficient to cause your death and until your death, such execution procedure to be determined and supervised by the said Director of the

Correctional Institutions Division of the Texas Department of Criminal Justice.

Within 10 days of the signing of this Order, the Clerk of this Court shall issue and deliver to the Sheriff of Dallas County, Texas, a Warrant of Execution in accordance with this Order, directed to the Director of the Correctional Institutions Division of the Texas Department of Criminal Justice, at Huntsville, Texas, commanding him, the said Director, to put into execution the Judgment of Death against the said James Garfield Broadnax.

The Sheriff of Dallas County, Texas is hereby ordered, upon receipt of said Warrant of Execution, to deliver said Warrant to the Director of the Correctional Institutions Division of the Texas Department of Criminal Justice, Huntsville, Texas.

The Clerk of this Court is ordered to forward a copy of this Order to Defendant's counsel, Camille M. Knight, to counsel for the State, Shelly Yeatts, and to the Director of the Office of Capital and Forensic Writs, Benjamin Wolff.

ENTERED THIS 17th day of December 2025.

/s/ Chika Anyiam [Digitally Signed by Judge Chika Anyiam Date: 2025.12.17 13:28:25 -6'00']

Honorable Chika Anyiam
Presiding Judge
Criminal District Court No. 7
Dallas County, Texas