

26-5030

No. _____

FILED

JAN 08 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE SUPREME COURT OF THE UNITED STATES

WILSON ALEJANDRO MONTOYA,

Petitioner

vs.

THE STATE OF TEXAS,

Respondent

ON PETITION FOR WRIT OF CERTIORARI

FROM THE COURT OF CRIMINAL APPEALS OF TEXAS,

Trial Court Cause No.s F-190079-I, F-1900780-I, F-1900781-I

Court of Criminal Appeals of Texas No. PD-1026-24

PETITION FOR WRIT OF CERTIORARI

Wilson Alejandro Montoya

T.D.C.J.-ID #02398512

Mark W. Stiles Unit

3060 FM 3514

Beaumont, Texas 77705-7635

QUESTIONS PRESENTED

1. Where petitioner was found guilty by a jury for theft and money laundering premised upon a guilty plea at trial for initial cause of securities fraud, but for the trial counsel's misadvice and insufficient advice, constitute ineffectiveness and denial of due process, where,
 - (1) petitioner's singular and initial trial guilty plea not made knowingly and voluntarily when not sufficiently admonished on the consequences with the derivative causes of theft and money laundering?
and
 - (2) that a state affirmative defense was available concerning petitioner's lack of knowledge in distinguishing between a security misrepresentation and an agreement, and that a federal circuit already made a favorable opinion?

PARTIES

All parties appear in the caption of the case

TABLE OF CONTENTS

QUESTIONS PRESENTED	1
PARTIES	2
OPINIONS BELOW	3
JURISDICTION	3
CONSTITUTIONAL PROVISIONS INVOLVED	4
Fifth Amendment	4
Fourteenth Amendment	4
Sixth Amendment	5
TABLE OF AUTHORITIES	6
STATEMENT OF THE CASE	7
ARGUMENT	8
CONCLUSION	9
VERIFICATION	10
APPENDIX - MEMORANDUM OPINION OF THE FIFTH COURT OF APPEALS OF DALLAS TEXAS	

TABLE OF AUTHORITIES

UNITED STATES CONSTITUTION

FIFTH AMENDMENT	4, 9
SIXTH AMENDMENT	5, 9
FOURTEENTH AMENDMENT	4, 9

CASE LAW

<u>Brecht V. Abrahamson</u> , 507 U.S. 619, 113 S. Ct. 1710, 123 L. Ed. 2d 353 (2003)	8
<u>Woodward V. Metro Bank of Dallas</u> , 552 F. 2d 84 (5th Cir. 1975)	8
<u>Sterling Trust Co. V. Adderly</u> , 48 Tex. Sup. Ct. 887 (June 20, 2005)	8

STATUTES

28 U.S.C. § 1257	3
28 U.S.C. § 1746	10
28 U.S.C. § 2101(d)	3

OPINIONS BELOW

The appellate opinion of the 5th District Court of Appeals of Texas was decided on 22 August, 2024 (Pet. App. 1) and the petition for discretionary review in the Texas Court of Criminal Appeals of Texas was decided on 26 February, 2025.

JURISDICTION

The judgment of the Court of Criminal Appeals of Texas was entered on 26 February, 2025. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257. This petition is untimely filed pursuant to 28 U.S.C. § 2101(d) as directed to note by the Clerk of the United States Supreme Court in letter dated 7 October, 2025 after filing a motion for extension.

CONSTITUTIONAL PROVISIONS INVOLVED

AMENDMENT FIFTH - PROVISIONS CONCERNING DUE PROCESS OF LAW

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except 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 be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

AMENDMENT FOURTEENTH - Sec. 1. [Citizens of the United States]

"All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States: nor shall any State 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."

AMENDMENT SIXTH - RIGHTS OF THE ACCUSED

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

STATEMENT OF THE CASE

On or about December 18, 2019, the Dallas County Grand Jury returned three (3) indictments charging petitioner with money laundering over \$300,000.00, Theft of Property over \$300,000.00 and Securities Fraud over \$100,000.00. The indictments alleged the offenses occurred on or about May 1, 2017, through February 1, 2019 in Dallas County Texas.

Petitioner pleaded guilty only to charged felony offense of Securities Fraud by advice of counsel who did not inform petitioner of the consequence it would have upon the other two charges which were premised upon the first charge, and petitioner was under duress by the state stating they would prosecute petitioner's father if petitioner did not plead guilty.

Petitioner jury trial began on June 7, 2020. RR, Vol. 5, P. 6-11. On June 10, 2020, at the conclusion of testimony and arguments, the jury read petitioner's guilty plea to Securities Fraud and found petitioner guilty on all three charges. RR, Vol. 9, P. 6-11.

Petitioner was granted the right to appeal all three of the charges, and timely filed a notice of appeal for each case.

ARGUMENT

Petitioner did not know the agreements as contracts, would be under the category of a security in an overly broad and vaguely-defined law, nor were they marked as such. Counsel did not advise him of an available affirmative defense to primary liability under the Texas Securities Law. Sterling Trust co. v. Adderly, 48 Tex. Sup. Ct. 887, 892 (June 20, 2005). See also: Woodward v. Metro Bank of Dallas, 552 F.2d 84 (5th Cir. 1975) at 96.

Petitioner was told by state that if petitioner did not sign a guilty plea to the securities charge, that the petitioner's father would also be prosecuted, causing his plea to be made involuntarily.

Counsel failed to advise him of the consequence of the one plea upon the other two charges that tailgated on it in the minds of the jury.

The decision by the state has a chilling effect on the future of contract-making.

"A petitioner who entered a guilty plea must show an error of constitutional magnitude that had a substantial and injurious effect or influence on the proceedings." Brecht v. Abrahamson, 507 U.S. 619, 637, 113 S. Ct. 1710, 123 L. Ed. 2d 353 (2003).

CONCLUSION

The judgment below is a unique departure from decisions of this Court that require that convictions based on coerced statements be set aside at any time after conviction, and that the plea was made unknowingly and under duress. As such, it represents a breach in the wall erected by the Fifth Amendment and the Fourteenth Amendment to the United States Constitution and the decisions of this Court that were designed to protect a citizen from being convicted by the government through true use of involuntary statements wrung from the citizen, and based upon ineffectiveness of the counsel so provided for in the Sixth Amendment.

This petition for a writ of certiorari should, therefore, be granted.

Dated January 7, 2026.

Respectfully submitted,

Wilson Montoya

Wilson Alejandro Montoya,

Petitioner, Pro Se

Wilson Alejandro

Wilson Alejandro Montoya

TDCJ-ID #02398512

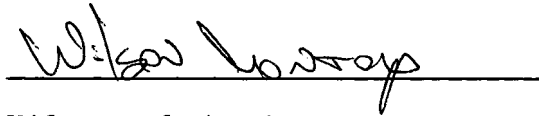
Mark W. Stiles Unit, TDCJ

3060 FM 3514

Beaumont, Texas 77705-7635

VERIFICATION

I, Wilson Alejandro Montoya, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 7, 2026.

A handwritten signature in dark ink, appearing to read 'Wilson Montoya', is written over a horizontal line.

Wilson Alejandro Montoya,

Declarant.