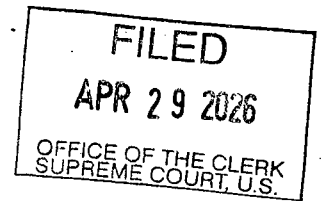


No. 26-5257 ORIGINAL



IN THE
SUPREME COURT OF THE UNITED STATES

ROSS MASSEY — 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

ROSS MASSEY
(Your Name)

2661 F.M. 2054
(Address)

TENNESSEE COLONY, TEXAS 75884
(City, State, Zip Code)

(903) 928-2211
(Phone Number)

QUESTION(S) PRESENTED

1. Has the Court of Criminal Appeals violated petitioner's Due Process rights by;
 - (a) Failing to ascertain, through a hearing, if petitioner's sentence was lawfully discharged in May 2011, according to Texas Code of Criminal Procedure, Article 42.18§16.z
 - (b) Failing to accept Supreme Court precedent involving claims of actual innocence.
 - (c) Applying the wrong atandards or laws to dismiss petitiopetitioner's habeas corpus.
2. Were the actions taken by the Texas Board of Pardons and Paroles, to revoke petitioner's release from prison, illegal, once petitioner's sentence was lawfully discharged according to Texas Code of Criminal Procedure, Article 42.18§16.

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below. If a party is a corporation with a stock ticker symbol, that symbol is also included.

- * Ross Massey #00468822
Coffield Facility
2661 FM 2054
Tennessee Colony, Tx. 75884
- * Shawn Dick
Williamson County District Attorney
405 Martin Luther King #1
Georgetown, Texas 78626

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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☐ is unpublished.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☐ is unpublished.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 Habeas court appears at Appendix B 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 2/5/2026.
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

XIV Amendment to the United States Constitution:

All persons born or naturalized in the United States, and subject to jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce ant law which shall abridge the priviledges 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.

Texas Constitution, Article, IV§11(a):

The legislature shall by law establish a Board of Pardons and Paroles and shall require it to keep record of its actions and the reasons for its actions. The legislature shall have authority to enact parole laws and laws that require or permit courts to inform juries about the effect of good conduct time and eligibility for parole or mandatory supervision on the period of incarceration served by a defendant convicted of a criminal offense.

STATEMENT OF THE CASE

Petitioner's crime occurred in Aug. 1987 and petitioner's sentence begin date is also Aug. 1987. Petitioner was in custody from 8-18-1987 to May 13, 2011. During that time span, petitioner earned approximately 36 years and 3 months of good conduct time. Petitioner was released on 5-13-2011, to what the parole board called "Mandatory Supervision". On 8-31-2013, petitioner was arrested in Arkansas on unrelated charges, and was in custody there until 3-24-2022, and on 3-25-2022, petitioner was brought from there to the Texas Department of Corrections where he remains to this day.

When petitioner received his first time sheet from the department of corrections, he believed there to be an error in the amount of good time earned from 8-31-2013 to 9-22-2022. Petitioner filed a time credit dispute on 11-8-2022, and on 3-27-2023, the department of corrections responded that there is no error in your current time calculations.

Petitioner then filed a state application for habeas corpus on 8-13-2023; on 10-11-2023, the Texas Court of Criminal Appeals denied petitioner's habeas corpus without written order.

Petitioner executed his federal petition for habeas corpus on 2-1-2024; the court initially time-barred petitioner, after petitioner moved for reconsideration, the court granted the motion and vacated its prior order and final judgement. On 3-13-2025, the federal court denied all of petitioner's claims.

Petitioner then filed an application to the 5th Circuit Court of Appeals for a Certificate of Appealability. This was denied 11-3-2025. Petitioner then filed a motion for reconsideration; this was denied 1-20-2026. Petitioner is in the process of asking this court for certiorari on these decisions from the fifth circuit.

However, once petitioner finally received an explanation from a court as to the laws and statutes that applied to

petitioner (United States District Court for the Western District of Texas) petitioner was actually able to research his situation.

The law library here on the Coffield unit, does not have the statute 42.18 available. The law library also has a posted notice that they cannot acquire Texas statutes prior to 1989; petitioner's sentence began in Aug. 1987. Therefore, petitioner cannot review any statutes in the law library that encompasses the time period his sentence began.

Petitioner has searched the Lexis App. for the law library on his tablet (electronic device). None of these statutes for the time period the petitioner's sentence began are available on the application because the archives only go back to 1991, which does not benefit petitioner, therefore, petitioner cannot read or review any Texas statute prior to 1989.

However, petitioner, in his search for 42.18 Code of Criminal Procedure, found a Senate Bill from 1987 that was amending much of 42.18, therefore, petitioner was able to review much of that statute. That occurred in June of 2025, after the federal district court denied part of petitioner's then habeas corpus involving good time credits, citing 42.18§15. Once petitioner became aware of 42.18§16, and was able to read what that section of the statute stated, petitioner began contacting the parole board and department of criminal justice to get clarification. Petitioner filed ~~for~~ a Mandamus with the Texas Court of Criminal Appeals, asking that court to order the Parole Board to follow laws applicable to petitioner's case. It was denied 10-16-2025 (WR-22,085-05). Petitioner also filed another habeas corpus with the Texas Court of Criminal Appeals, (WR-22,085-04) which the court dismissed without written order as a subsequent application for a writ of habeas corpus.

Which now brings petitioner to this habeas corpus, that the Texas Court of Criminal Appeals has also denied without written order (WR-22-085-08)

Petitioner clearly understands that he is poor and cannot

afford an attorney, and is ignorant of many laws, and has very little knowledge of how to properly word his argument so that the court of law may understand what he is trying to explain. Petitioner would ask this court's indulgence on his poorly explained request for review of the Texas Court of Criminal Appeals.

Petitioner does not have a copy of his application for habeas corpus relief to the Texas Court of Criminal Appeals. In Sept and Oct. of 2025, the Coffield unit went through a major "shakedown". During this period, some of petitioner's legal work was lost or destroyed. Therefore, petitioner humbly requests that the clerk of this court supply to this court a copy of petitioner's application to the Texas Court of Criminal Appeals from the records of that court. Petitioner has also requested a copy of those records from the trial court but has received no response up to this time.

All of petitioner's claims revolve around the understanding and applicability of 42.18§16, to petitioner's case. Therefore, petitioner will not re-argue each claim, but simply argue the understanding and applicability of 42.18§16 to petitioner's case.

Petitioner believes that according to 42.18§16, his sentence was lawfully discharged in May 2011. Therefore, the actions taken by the parole board and department of criminal justice, at any time after May of 2011, were without the scope of their jurisdiction or authority. That those same actions taken by the parole board and department of criminal justice were, in fact, illegal and void ~~at~~ inception.

Petitioner also plainly states that he is not attacking the conviction or length of sentence imposed by the trial court, Petitioner is attacking the actions taken by the Department of Criminal Justice, Parole Division, and the Institutional Division after his sentence was lawfully discharged according to Texas Code of Criminal Procedure, Article 42.18§16.

REASONS FOR GRANTING THE PETITION

According to Supreme Court rule 10(b) and (c), if a state's highest court decides an important federal question, that conflicts with this court or a circuit court of Appeals, or a federal question that needs to be settled by this court, then this court will give consideration to rule on the subject.

The Texas Court of Criminal Appeals did not deny petitioner's claims, just dismissed them on procedural grounds. Petitioner would ask this court to order a hearing on the understanding and applicability of 42.18§16, and give the state court guidance if they do order a hearing, whether petitioner's sentence was lawfully discharged upon completing the obligations of 42.18§16.

Texas Code of Criminal Procedure, Article 42.18, was enacted in 1985, by the 69th Legislature, and the effective date was 9-1-1985. In 1987, the 70th Legislature amended much of 42.18; those amendments became effective 9-1-1987. Petitioner's sentence begin date is 8-18-1987, therefore, petitioner's sentence would be controlled by 42.18§16, as it was enacted in 1985.

42.18§16 was part of a statute that was to be cited as the "Adult Parole and Mandatory Supervision Law". 42.18§16 Many of the sections of 42.18 were previously part of 42.12, Texas Code of Criminal Procedure. In 1985, the 69th legislature repealed some sections of statute from 42.12, and then enacted them in the new statute of 42.18. Therefore, from that time 42.18 dealt with parole and mandatory supervision, while 42.12 continued to deal with probation.

Petitioner believes it is clear from the wording of 42.18§16, that it is a specific section of statute that deals with the obligations required to end the parole period and when a parolee was to receive a final certificate of discharge. Petitioner also believes that because 42.18§16 has a modifying clause, it would also apply to the other stat

statutes of like subject. Azeez v. State, 248 S.W. 3d 182 (TCCA 2008)*188 - Citing Ludwig v. State, 931 S.W. 2d 239 (TCCA 1996)

This section of statute is not ambiguous. It does not encompass other subjects; simply how to end the parole period. Therefore, according to this court's prior decisions, a court is to apply the section of statute as written, if it does not cause an absurd result. Lamie v. United States Tr., 540 U.S. 526 (S.C. 2004)*534

The Texas Constitution gives the legislature the authority to enact parole laws and statutes. Tex. Const. Art. IV§11.1

The Texas Court of Criminal Appeals has held that the legislature has the power to authorize by statute the reduction of sentences as a reward for their good conduct and behavior. Ex Parte Anderson, 149 Tex.Crim. 139, (TCCA1946)

Furthermore, the Texas Court of Criminal Appeals held in Anderson, that good time is not a gift or clemency, but it is time earned by the convict. Since it is time earned, it necessarily is time that has been served. Time that has been served once should not have to be served again, because that would amount to double jeopardy. Pruett v. Texas, 468 F.2d 51, (5th Circuit 1972)*57

Therefore, 42.18§16, does not cause absurd results. If, as petitioner believes, that his sentence was lawfully discharged in May 2011, then all the actions taken by the Parole Board or Texas Department of Criminal Justice, to revoke his sentence and imprison him, were done without jurisdiction or authority; therefore, void from inception. Ex Parte Glenn, 690 S.W. 2d 578, (TCCA 1985)*585 and Ex Parte Maceyra, 690 S.W.2d 572 (TCCA 1985)*575

The legislature, by virtue of the enactment of 42.18§16, provided statutorily for the parolee to receive a final certificate of discharge when he completed the obligations required by 42.18§16 Ex Parte Glenn, and Ex Parte Maceyra.

Lack of jurisdiction to act over a cause in a specific manner, renders the judgement void. Seidel *224

"Illegal Acts" are defined as acts that are not authorized by law. The parole board was acting without jurisdiction, on

or authority, when revoking petitioner's release from prison, after petitioner's sentence was lawfully discharged. 42.18§16, Glenn, Maceyra

A void order has no force or effect and confers no rights; it is a mere nullity. Thus, a party who agrees to a void order has agreed to nothing. Therefore, a court that upholds a void order has abused its discretion. In Re Garza, 126 S.W.3d 268, (Texas 4th Court of Appeals 2003)*271

Petitioner argues that the Texas Court of Criminal Appeals mis-applied Tex.Code.Crim. Proc. Art. 11.07, sec. 4 (a)-(c), when they dismissed petitioner's application for habeas corpus; 1) 11.07§4,(a) - petitioner is not attacking his conviction, only the actions taken by the parole board and department of criminal justice after May 2011. 2) 11.07§4 (a)-(c) - petitioner provided that none of the statutes applicable to petitioner's case are in the law library on the Coffield unit, and that the same law library cannot acquire those statutes, because by posted notice they are unable to acquire any statute prior to 1989. Petitioner has provided that statutes applicable to the time period petitioner's sentence began, are not available on the Lexis App/Law library on the tablet (electronic device), nor are they available in the archives on the tablet; they only go back to 1991. Petitioner also provided that the only place available to petitioner to review 42.18 or other statutes prior to 1989, is if petitioner can find them in a House or Senate Bill from 1987, where they were being amended. Therefore, there was no way for petitioner to know the "factual basis" of his claim before the federal court denied one of his claims citing 42.18§15. Petitioner has executed due diligence. 3) 11.07§4, (b) the Texas Court of Criminal Appeals also gave no consideration to 11.07§4(b) - "a legal basis of a claim is unavailable on or before a date described by Subsection (a)(1) if the legal basis was not recognized by and could not have been reasonably formulated from a final decision of the United States Supreme Court, a Court of Appeals of the United States, or a court of appellate jurisdiction of this state on or before that date

date". Petitioner filed his first application, involving good time credit in 2023. "No" decision from this court, the Fifth Circuit, or the Texas Court of Criminal Appeals, has ever decided the applicability of 42.18§16, nor when 42.18§16 is entered into the search, does any case arise in any of these courts. Since the Fifth Circuit, Texas Federal Courts, and Texas State Courts have all declared that good time does not affect a prisoner's sentence, because of T.D.C.J. Administrative Directive 4.80, there has been no way for petitioner to even suspect that the A.D. 4.80 was untrue, or the court decisions wrong, before 42.18§16 became available in June 2025.

The Texas Court of Criminal Appeals also gave no consideration to petitioner's claim of actual innocence. If petitioner's sentence was discharged in May 2011, then petitioner is certainly innocent of violating parole. 42.18§16

Because petitioner is not attacking the trial court's conviction or length of sentence imposed.

This court has also applied the miscarriage of justice exception to overcome various procedural defaults. McQuiggin v. Perkins, 569 U.S. 383 (S.C. 2013)*393

If petitioner receives any relief from this court, it will only apply to decision made by the parole board or department of criminal justice; it will not have any effect on the sentence imposed by the trial court. United States v. Gabor, 905 F.2d 76 (Fifth Circuit 1990)*77-78 - citing Soyka v. Alldredge, 481 F.2d 303, 304 (3rd Circuit 1973)

42.18§16 is a specific section of statute. This court has held that a specific or particular section of statute governs the general. That is particularly true where, as in 42.18§16, the Texas Legislature enacted a section of statute to deliberately target, how to end a parole period, by providing the obligations required and when the parolee is to receive a final certificate of discharge. Radlax Gateway Hotel, LLC v. Amalgated Bank, 566 U.S. 639 (S.C. 2012)*645

The general/specific canon is frequently applied to statutes in which a general permission or prohibition is contradicted by a specific prohibition of permission. Here

the state is applying a general section of statute (6181-1§4, over 42.18§16, specific section of statute, that was enacted 8 years after 6181-1§4. This court has held that to eliminate the contradiction, the specific provision is construed as an exception to the general one. Radlax Gateway Hotel, LLC *645. This keeps the specific, 42.18§16 authorization, from being swallowed by the general one, and therefore, made to be of no effect, thereby, violating the cardinal rule that, if possible, effect shall be given to every clause and part of a statute, the terms of the specific authorization must be complied with. Radlax Gateway Hotel, LLC*645

It is an old & familiar rule that there is, in the same statute, a particular enactment, and also a general one, which, in its most comprehensive sense, would include what is embraced in the former, the particular enactment must be operative, and the general enactment must be taken to effect only such cases within its general language as are not within the provision of the particular enactment. This rule applies whenever an act contains general provisions and also special ones upon a subject. United State v. Chase, 135 U.S. 255, 260, 10 S.Ct. 756, 34 L.Ed. 117 (1890)

Petitioner's sentence began on Aug. 18, 1987, and at that time the trial court had to provide to the jury, in writing, that under the law applicable, defendant, if sentenced to a term in prison, may earn time off the sentence imposed through the award of good conduct time. 37.07 §4(a)

Petitioner is not arguing about any good time he may earn. Petitioner is only arguing about the amount of good conduct time he "had" earned, in the department of corrections from 8-18-1987 until 5-13-2011, That under the provision of 42.18§16, that good conduct time, the time petitioner spent in custody from 8-18-1987 until 5-13-2011, and any time spent on parole, completed the obligations required to receive a final certificate of discharge. 42.18§16 Petitioner completed these obligations in May of 2011.

The 14th Amendment, Due Process Clause, protects against a person being deprived of their life (and)(or) liberty.

Petitioner completed the obligations required to receive a final certificate of discharge in My 2011. 42.18§16 Therefore, respondent is depriving petitioner of his liberty. Due Process Clause, 14th Amendment.

Petitioner's understanding of 42.18§16, is supported by 37.07§4(a); Tex. Gov't Code §311.025(a)(b) and Tex. Gov't Code §311.031, (b)(c)(d)

Petitioner is not contesting the legality of his conviction or the validity of his initial sentence. Rather, petitioner is contesting the illegal actions by the Parole Board and the Department of Criminal Justice.

Petitioner prays this court correct this miscarriage of justice.

CONCLUSION

Petitioner does NOT ask for Justice, He does ask for Mercy.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Ross Massey

Date: *04-24-2026*