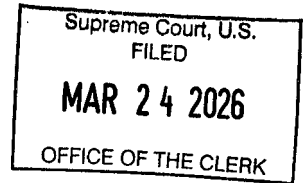


No. **26-5464**

ORIGINAL



IN THE
SUPREME COURT OF THE UNITED STATES

In Re LUIS REQUENO-PORTILLO — PETITIONER
(Your Name)

ON PETITION FOR A WRIT OF HABEAS CORPUS

PETITION FOR WRIT OF HABEAS CORPUS

LUIS REQUENO-PORTILLO(TDCJ ID #) 1637931
(Your Name)

JAMES ALLRED UNIT 2101 FM 369 North
(Address)

IOWA PARK , TEXAS 76367
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1. DID A STATE COURT OF LAST RESORT DECISION TO DENY PETITIONER'S STATE HABEAS CORPUS WRIT APPLICATION TO ALLEGATIONS OF INEFFECTIVE ASSISTANCE OF TRIAL AND APPELLANT COUNSEL IN VIOLATION TO THE SIXTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION , WHERE THE STATE PROSECUTOR AND TRIAL COURT FILED A PROPOSED FINDINGS OF FACTS AND CONCLUSIONS OF LAW TO DISMISS HABEAS CORPUS WRIT APPLICATION FOR NON-COMPLIANT TO STATE RULES, BUT STATE COURT OF LAST RESORT HAD DENIED HABEAS CORPUS WRIT WITHOUT WRITTEN ORDER ,HAD DENIED PETITIONER'S COLLATERAL REVIEW PROCESS AND FAILED TO ADJUDICATE CONSTITUTIONAL ALLEGATION ON THE MERITS, WHERE SUCH PROCEEDINGS BY THE STATE COURT OF LAST RESORT SO FAR DEPARTED FROM ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS AS TO CALL FOR AN EXERCISE OF THIS COURTS SUPERVISORY POWERS ?

2. DID A STATE COURT OF LAST RESORT DECISION TO DENY PETITIONER'S STATE HABEAS CORPUS WRIT ALLEGATIONS OF INEFFECTIVE ASSISTANCE OF TRIAL AND APPELLANT COUNSELS IN VIOLATION TO THE SIXTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION WHERE TRIAL COUNSEL FAILED TO OBJECT AND PRESERVE FOR APPELLANT REVIEW OF TRIAL COURTS IMPROPER REMOVAL OF A SELECTED JUROR FOR SLEEPING AND TRIAL COUNSELS FAILURE TO CONTINUOUSLY OBJECT TO TRIAL COURTS ERR OF ALLOWING EVIDENCE OF CO-DEFENDANT'S GUILTY PLEA, WHICH CONFLICTS WITH OTHER STATE COURTS AND CALLS FOR AN EXERCISE OF THIS COURTS SUPERVISORY POWERS ?

QUESTION(S) PRESENTED

3. DID A STATE COURT OF LAST RESORT DECISION TO PETITIONER'S STATE HABEAS CORPUS ALLEGATIONS OF INEFFECTIVE ASSISTANCE OF APPELLANT COUNSEL IN VIOLATION TO THE SIXTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION, WHERE APPELLANT FAILED TO RAISE OBVIOUS AND NON-FRIVOLOUS CLAIMS FOR REVIEW OF TRIAL COURTS REVERSABLE ERR BY ALLOWING PREJUDICIAL EVIDENCE OF GANG AFFILIATION TO THE JURY, WHICH DENIED PETITIONER A FAIR TRIAL AND THERE WAS INSUFFICIENT EVIDENCE TO SUPPORT PETITIONER'S CONVICTION OF MURDER , IN WHICH A CONFLICT WITH OTHER COURTS RULINGS AND CALLS FOR THIS COURT TO EXERCISE ITS SUPERVISORY POWERS ?

LIST OF PARTIES

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RELATED CASES

STATE VS LUIS REQUENO-PORTILLO , TRIAL CAUSE NUMBER: 1206159 ;

APELLANT NUMBER : 01-10-002420-CR : REQUENO-PORTILLO VS STATE
2011 Tex.App. Lexis 6898 ;

PETITION FOR DISCRETIONARY REVIEW NO. PD-1384-11 In re Requeno-
Portillo , 2012 Tex.Crim.
App. Lexis 216 ;

STATE HABEAS CORPUS WRIT : Ex parte Requeno-Portillo :
WR-97,070-01

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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 D 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).

~~x~~☒ For cases from **state courts**:

The date on which the highest state court decided my case was 11/6/2025.
A copy of that decision appears at Appendix D.

☒ A timely petition for rehearing was thereafter denied on the following date: 12/18/2025, and a copy of the order denying rehearing appears at Appendix E.

☐ 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

PETITIONER PRESENTS AN INEFFECTIVE ASSISTANCE CLAIM OF TRIAL AND APPELLANT COUNSEL IN VIOLATION TO THE SIXTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION .

STATEMENT OF THE CASE

Petitioner was indicted on June 1, 2009 for the offense murder . Jury selection was made on March 15, 2010 and Petitioner was found guilty on March 17, 2010 then sentenced to 99 years confinement . A timely Appeal was had and the appeals court affirmed the conviction on August 25, 2011. A Petition for Discretionary Review was filed on October 25, 2011 and was refused on February 12, 2012.

Pitioner filed a state Habeas Corpus Writ Application, a Memorandum in Support, and a Supporting Affidavit on September 8, 2025 , in his conviction court alleging he was denied the effective assistance of trial and appellant counsel , in violation to the Sixth and Fourteenth Amendments to the United States Constitution. The Harris County District Clerks had issued a case number as 1206159-A (See Attachment A) .

On September 26, 2025 Petitioner was notified by the District Clerk that a Response was filed denying all factual allegations , except those supported by the record that due to Petitioner Memorandum in Support not being in compliance to state rules, not having a certificate of the number of words in the memorandum listed , the habeas corpus writ application should be DISMISSED (See Attachment B) . Petitioner immediately file a Petition to Amend his Memorandum with the number of words in his memorandum to comply with state rules , but was ignored .

STATEMENT OF THE CASE

On October 3, 2025 , the District Clerk had notified the Petitioner that a Proposed finding of facts and conclusion of law was sent to the Texas Court of Criminal Appeals to DISMISS Petitioners State habeas corpus writ application due non-compliance (See Attachment C)

On November 6, 2025 , the Texas Court of Criminal Appeals had notified the Petitioner that his State Habeas Corpus Writ Application was denied (instead of being DISMISSED) (See Attachment D). Petitioner immediately filed a petition for reconsideration the state habeas corpus writ application regarding the factual findings of state prosecutors and state court finding to DISMISS the state habeas corpus writ application . The Texas Court of Criminal Appeals dismissed the Petition for Reconsideration on December 18, 2025 (See Attachment E) .

Petitioner now respectfully requests this Honorable Court to exercise its supervisory powers to vacate the state court of last resort findings to deny State Habeas Corpus Writ Application and remand to the state courts to adjudicate the Petitioner constitutional claims of ineffect assistance of trial and appellant counsel .

REASONS FOR GRANTING THE PETITION

Petitioner respectfully submits this request for this Honorable Court to intervene and exercise its discretionary powers under this exceptional circumstance because adequate relief cannot be obtained in any form or from any other court.

Petitioner explains that he cannot seek adequate relief because the Texas Court of Criminal Appeals (TCCA) had decided to deny state habeas corpus relief on a non-compliant application pursuant to the Texas Rules of Appellant Procedure (TRAP) rule 73.1(f) , memorandum failed to provide a Certificate of Compliance of providing a word count , see ATTACHMENT C. Petitioner filed a Motion for Reconsideration explaining that this memorandum only required to be no more than fifty pages in length , See TRAP Rule 73.1(d)(e). In TRAP Rule 73.1(d) it shows a "computer generated document" shall not exceed 15,00 words and 73.1(e) shows that a "type written memorandum) , these are two different types of memorandums. Petitioner contends that his state habeas corpus application should have been dismissed for non-compliance , see TRAP 73.2 .

Petitioner compares his denial of state habeas as non-compliant with the findings of NORTH VS DAVIS, 2018 U.S. Dist. Lexis 232963(N.D. Texas), 206 L.Ed 2d 940, 2020 U.S. Lexis 2840 , where North had filed his state habeas corpus application with the the TCCA , claiming ineffective assistance of counsel , where

REASONS FOR GRANTING THE PETITION

the TCCA had determined North's habeas application to be dismissed as non-compliant to the TRAP 73.1(f) , failure to provide a Certificate of Compliance , stating the number of words used in his memorandum (Please Note that this memorandum was filed by counsel , a computer generated document) , see also North's Back Ground #9. North then filed a Motion for Reconsideration and was denied , See North's Back Ground #10. North then re-filed his state habeas corpus rearguing the same ineffective assistance claims , in which the TCCA had ordered the trial court to make findings of facts and conclusions of law as to whether counsel's deficient performance prejudiced the North, the trial court then obtained affidavits from North's trial counsel and entered the findings of facts and conclusions of law and the TCCA had denied habeas corpus relief without written order , see North's Back Ground #14.

Petitioner contends that the North case is almost identical , except that the TCCA had denied Petitioner habeas corpus application as non-compliant and without the opportunity to have the trial court to find the findings of facts and conclusions of law as to whether counsel's deficient performance prejudiced the petitioner . This erroneous decisions to deny relief without adjudicating or exhausting his claim of ineffective assistance of trial and appellant counsel will prohibit any considerations in the federal habeas courts .

Petitioner gives his explanation as to not making an application of habeas corpus with the district courts and why adequate relief could not be obtained in any form or any other court . The denial of the Motion for reconsideration in the TCCA was the last form for relief in the state courts and the Petitioner could not file a federal habeas corpus because of the AEDPA 1 year limitations to file under the 28 USC § 2254(a) (1) and the 28 USC §2254(b) , where a procedural defaulted claim for failure to exhaust will deny any federal review for habeas corpus and would waive the constitutional claims for review. See TOLIVER VS MCCAUGHTRY , 910 F.Supp. 1366 (1995) .

Petitioner contends that his filings of state habeas corpus in the TCCA was over 10 years since his conviction was had and the appellant process completed . The filing of a federal habeas corpus petition in a district court would only deny relief and since no finding of facts and conclusions of law was made into the ineffective assistance allegations , a denial by the federal courts would have been considered a procedural defaulted application for failure to exhaust state remedies , See WAINWRIGHT vs SYKES, 433 U.S. 72 , 97 S.Ct. 2497, 53 L.Ed. 2d 594 (1977) (Supreme Court concluded a determination that a procedural defaulted fore closed relief in the state system..... accordingly a federal petitioner who fails to comply with state rules of process, waives his right to federal habeas corpus review). Petitioner contends that since he did not complied to state rules and filed a federal habeas corpus petition he would waive

REASONS FOR GRANTING THE PETITION

his right to federal review .

Petitioner , therefore , respectfully has no other forms or any other courts to obtain adequate relief and request's this court to intervene and exercise its discretionary powers to determine that the TCCA had erroneously denied Petitioners state habeas relief , that should have been dismissed as non-compliant to state rules , and such determinations of this court , would aid the TCCA the differences between a "computer generated" document and a "type written" document to determine a type written document not be over fifty pages in length by state rules TRAP 73.1(f). Petitioner request's this court to remand to TCCA with an order to have a finding of facts and conclusions of law on whether the Petitioner was prejudiced by trial and appellant counsels deficient performances by providing affidavits to the alleged ineffective assistance claims .

REASONS FOR GRANTING THE PETITION

Petitioner brings these reasons for granting this petition because the state habeas corpus process was deficient and Petitioner did not receive a full and fair proceedings based on inadequate procedure, where the state prosecutors and state trial court made a proposed findings to DISMISS Petitioners State Habeas Corpus Writ Application for not being in compliance to state rules. Petitioners constitutional claims of ineffective assistance of trial and appellant counsel were not adjudicated on the merits and there was previously unresolved facts material to the legality of the Petitioners confinement that requires an evidentiary hearing. Petitioner respectfully request that this Honorable Court to exercise its supervisory powers and vacate the denial of state habeas corpus and to remand to the state courts for the findings of facts and conclusion of to Petitioners constitutional claims of ineffective assistance of trial and appellant counsel.

In Petitioners Habeas Corpus Writ Application and Memorandum in support as well as in Supporting Affidavit, it was alleged that he received ineffective assistance of trial and appellant counsel in violation to the Sixth and Fourteenth Amendments to the United States Constitution and a denial of a fair trial. (See Attachment F Writ Application; and Attachment G- Memorandum in support and Supporting Affidavit).

REASONS FOR GRANTING THE PETITION

The state prosecutor had alleged that they deny factual allegations except those supported in the record and alleged that the Petitioners Memorandum in Support was not in compliance with the Texas Rules of Appellant Procedure 73.1(f) which require a certificate that states a number of words in the document and claimed that a court of criminal appeals could DISMISS the writ application as non-compliant . There were no findings or adjudications to Petitioners constitutional allegations of ineffective assistance of trial and appellant counsel .(See Attachment B page 2). Petitioner immediatly file a Petition to Amend the memorandum , but was ignored .

The state trial court file thier proposed findings of facts and comclusion of law , where they had considered the writ application , the states prosecutors response and found no converted, previously unresolved facts material to the legality to Petitioners confinement that required a hearing and recommended to DISMISS the habeas corpus writ application as non-compliant to state rules (See Attachment C page 2 and 3). Again no findings or any adjudication on the merits of Petitioners constitutional claims of ineffective assistance of counsel.

The Texas Court of Criminal Appeals , the state court of last resort , had erroneously denied Petitioners state habeas corpus writ application instead of DISMISSING the writ application . Petitioner had file a Petition to reconsider but was dismissed.(See Attachment D ; and Attachment E).

REASONS FOR GRANTING THE PETITION

Petitioner argues that he had made allegations of a deprivation of a constitutional right (Ineffective Assistance of Trial and Appellant Counsel) and the State was required to hold a ^{hearing} to ascertain the facts necessary to predicate a decision of the ultimate constitutional questions . See TOWNSEND v SAIN, 372 U.S. 293, 83 S.Ct. 745, 9 L. Ed. 2d 770 (1963).

In TOWNSEND , the Supreme Court reversed a denial of Petition for habeas corpus and remanded the case for a hearing because the petition alleged a deprivation of a constitutional right, that the district court was required to hold a hearing to ascertain the necessary facts to predicate a decision of the ultimate constitutional question .

Here , Petitioner contends that a hearing was warranted and since the habeas corpus writ application was supported by an Affidavit in Support with facts , if established, could entitled Petitioner with relief sought (See PEOPLE V GONZALEZ, 160 A.D. 2d 724 (1990)(court held that a hearing should have been conducted when facts in a affidavit could entitled defendant to relief.)

Petitioner respectfully request this Honorable Courts Supervisory powers to determine if his state habeas corpus writ should have been dismissed , with an opportunity to refile his constitutional claims of ineffective assistance of trial and appellant counsel or if the state court of last resort denial of habeas relief should have conducted a hearing .

REASONS FOR GRANTING THE PETITION

Petitioner brings this reason for granting this petition because the state court of last resort had denied state habeas relief to the allegations of ineffective assistance of trial during trial , in violation to the Sixth and Fourteenth Amendments to the United State Constitution , where trial counsel had failed to object and preserve for appellant review of trial courts err of improper removal of a selected juror for sleeping. (See Attachement F page 6-7 ; Attachment g 10-13) and that trial counsel failure to continuously object and move for mis-trial to trial courts err in allowing prejudicial evidence of gang affiliation(See Attachment F page(s) 8,9 ; Attachment G page(s)13 15).

Petitioner contends that since the state court of last resort decided to deny habeas relief without any factual findings to the alleged constitutional claims of ineffective assistance of trial counsel , it was in conflict with the STRICKLAND v WASHINGTON , 2 prong test that 1.) trial counsel performance was deficient and 2.)the performance prejudiced the defense . See STRICKLAND v WASHINGTON , 466 U.S. 668 , 104 S.Ct. 2052 , 80 L. Ed. 2d 674 (1984). State court of last resort failed to adjudicate on the merits whether trial counsel performance was deficient or whether the deficient performance prejudiced the defense.

Petitioner alleged that trial counsel had failed to object and preserve for appellant review of trial courts err of improper

REASONS FOR GRANTING THE PETITION

removal of a selected juror for sleeping (See Attachement F page 6,7 ; Attachment G page 9-13) The trial records indicate that Juror number 33 , Andrea Thomas Moore , was selected to participate as a juror to decide Petitioners case (Clerks Records 53 ; Reporters Record Volume 2-page 11) A break was needed because trial counsel notice that juror was sleeping, and without any warnings to the juror , trial court had a break (RR 4: 62) The next day March 16, 2010 , the state prosecutor had noticed the same juror sleeping and addressed the court (RR 5:88-92),, the trial court decided to excuse the juror , where the Petitioner did not want to dismiss the juror , but trial court explained that the court wanted to protect his right to a fair trial (RR 5:90-92). Trial had brought in the juror and asked if she had a medical problem , where she stated "yes" and trial court excused the juror . Trial court did not ask if she could stay awake and able to perform her duties of a selected juror. The Petitioner contends that the trial court should have had a hearing to determine if juror could perform her duties as a juror . See STATE v BROWN, 2024 LA Lexis 1925 , 397 So. 3d 321 (La. 2024) .

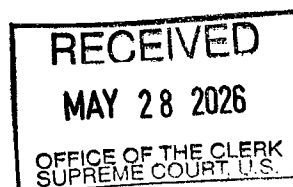
In BROWN , Honorable Juge Huges , in his dissent , held a dismissal of a juror without a hearing , constituted an abrogation of the defendants fundamental right to a fair trial and to require the parties to question the juror on the record as to her/his inability to perform her/his duties before the juror is removed for sleeping.

REASONS FOR GRANTING THE PETITION

The state prosecutor and trial court had both gave a general denial to Petitioners claims of ineffective assistance of trial counsel and both did not adjudicate on thier merits. (See Attachment B Attachment C) . Since no findings of facts and conclusions of law was conducted , the state court of last resort could not have found the denial of habeas corpus relief .

Petitioner alleged that trial counsel had failed to continuously object and move for a mis-trial to trial courts err in allowing prejudiced evidence of a co-defendants guilty plea (See Attachment F page 8-9 ; Attachment G 13-16). Petitioner argued that evidence of a co-defendants guilty plea was only used to bolster the Petitioners guilt in the minds of the jury and a mis-trial should have been given because a co-defendants guilty plea was exteremly inflammatory and was improperly injected new new and harmful facts into the case where its prejudicial effect could not be cured from the minds of the jury by instruction to disregard .

In BEASLY v STATE , 838 SW 2d 690 (Tex.App.1995) , it held that a co-defendants trial finding and sentence , which the court allowed, was reversable err and what the jury did in the trial of a co-defendant trial was immaterial and irrelevant in his trial. A deposition of the case against a co-defendant NEVER becomes admissable in the trial of another co-defendant See RODRIGUEZ v STATE, 552 SW 2d 451,454,455(Tex.Crim.App.1977).



REASONS FOR GRANTING THE PETITION

The Reporters Records in volume 6 page 62 , indicates that the state prosecutor had addressed , in a hearing, that a cross examination of a co-defendant, believes he has a right to cross examine him on another co-defendant who gave a judicial confession and pled guilty to the same murder and the testimony was offered as impeachment, not hearsay because it is an admission by a party poponent. The trial court denied the trial court objection (during the Hearing). The state prosecutor then presented the co-defendants guilty plea to the jury and Petitioner was then convicted of murder. Trial counsels failure to object when prosecutors presented the testimony , was deficient performance and prejudiced the jury against him .

Petitioner argues that a co-defendants guilty plea probative value is substantially out weighed by the danger of unfair prejudice and was needlessly cumulative evidence that confused or mislead the jury to convict the Petitioner.

The state prosecutor and trial court both gave a general denial to petitioners claim of ineffective assistance of trial counsel and did not adjudicate this claim on the merits and no findings of facts and conclusion of law was made , the state court of last resort could not have made correct decision to deny habeas relief. . Petitioner requests this Honorable court to vacate the state court of last resort decision to deny relief and remand for findings of facts and conclusion of law .

REASONS FOR GRANTING THE PETITION

Petitioner contends that he alleged an ineffective assistance of appellant counsel who had raised weak and frivolous claims on appellant review and could have have raised stronger claims which could have resulted in a new trial or an acquittal.

Appellant counsel had raised only 2 issue for review 1.) trial court erred by improperly limiting the examination of state witness who had a motive to lie and be bias(Appellant Brief page 14) and 2.) that the trial court erred by limiting the closing arguments of the defense as a misstatement of law, when it wasn't (See Appellants brief page 19). The First District Court of Appeals held that 1.) Appellant failed to show the relevance of the excluded testimony to the issue of bias or the merits (See Memorandum Opinion page 10) and held to issue number 2.) that the trial court has broad discretion in controlling the scope of the closing arguments and affirmed the judgment of the trial court (See Memorandum Opinion page 11-15) and held issue 2 was harmless err .

Petitioner contends that appellant counsel could have presented much stronger and non-frivolous claims on appeal. Such claim would have been that trial court erred in allowing prejudicial evidence of gang affiliation testimony through out the trial which was highly prejudiced because the probative value was substantially out weighed by it danger of unfair prejudice and the trial courts allowance fell outside the zone of

REASONS FOR GRANTING THE PETITION

reasonableness because it tends to show the Petitioner had acted in conformity with the murder as an associate of other co-defendants , that more than likely confuse or mislead the jury to find guilt as an associate. (See Attachment F page 10-11 ; Attachment G page 20-24) .

Petitioner contends that the states theory was that the complainant was a MS 13 gang member and was murdered for offending a rival gang members , which the state alleged the Petitioner was part of. Petitioner asserted that most of state witness testimonies were objected to and overruled regarding the gang affiliation and according to the Texas Rules of Evidence , Rule 403(b)exclusions of "other crimes", wrongs or acts" would be used to show character conformity and mandates its exclusion "if its probative value is substantially out weighed by the danger of unfair prejudiced, confusion of the issues or mislead the jury .. "See PONDEXTER v STATE, 942 SW 2d 577,583-84(Tex. Crim.App. 1996).

Petitioner contends that his constitutional right to a fair trial was violated when trial court erred in allowing the evidence of gang affiliation. Appellant counsels failure to raise this significant and obvious claim for appellant review was deficient performance. and had prejudiced the Petitioner opportunity for a new trial or even an acquittal.

The state prosecutor and trial court both gave a general denial to Petitioners claim of ineffective assistance of appel-

REASONS FOR GRANTING THE PETITION

laint counsels failure to raise significant and obvious claims for appellant review and did not adjudicate this claims on the merits. No findings of facts or conclusions of law were made and the state court of last resort could not have made a correct decision to deny habeas relief. Petitioner request this Honorable Court to vacate the state court of last resort decision to deny relief and remand for findings of facts and conclusions of law .

Petitioner contends that he had alleged an ineffective assistance of appellant counsels who had raised weak and frivolous claims on appellant review and could have raise more significant and obvious claims , which could have resulted in a new trial or an acquittal .

Petitioner alleged that he was denied a fair trial and due process because there was insufficient evidence to support his conviction for murder (See Attachment F page 12-13 ; Attachment G page 24-30).

Petitioner contends that the states theory was that the complainant was murdered because of his gang affiliation and the co-defendants were also associated and a rival gang. Petitioner contends there were no linking evidence or DNA that had placed him to the crime scene and through hearsay testimonies of "friends" had influenced the jury that Petitioner was an associate with other co-defendants therefore must be guilty of murdering the complainant.

REASONS FOR GRANTING THE PETITION

The trial records show that trial counsel had move for Direct Verdict (RR 6:35). and trial court denied the request, this significant and obvious claim of insufficient evidence to support his conviction of murder was properly preserved for appellant review.

The Due Process Clause of the Fourteenth Amendment to the United States Constitution require ALL state criminal convictions to be supported by evidence that a rational trier of facts could accept as sufficient to prove ALL the elements of the offense charged beyond a reasonable doubt , See In re WINSHIP, 397 U.S. 358,364, 90 S.Ct. 1068, 25 L. Ed. 2d 368(1979) ; JACKSON V VIRGINIA , 443 U.S. 307,319, 99 S.Ct. 2781 , 61 L. Ed. 2d 560 (1979).

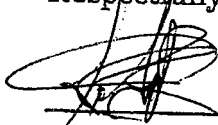
Petitioner contends that his constitutional right to a fair trial and due process was violated when appellant counsel failed to raise this significant and obvious claim for appellant review and was deficient performance and prejudiced the outcome by denying the opportunity for a new trial or even an acquittal.

The state prosecutor and trial court both gave a general denial to Petitioners claim of ineffective assistance of appellant counsel failure to raise this significant and obvious claim for appellant review. No findings of facts or any conclusions of law were made and the state court of last resort could not have made correct decision to deny habeas relief. Petitioner requests this Honorable Court to vacate the state court of last resort and remand for factual findings .

CONCLUSION

The petition for a writ of ^{Habeas Corpus} ~~certiorari~~ should be granted.

Respectfully submitted,

A handwritten signature, possibly reading "Vic", is written over a horizontal line.

Date: 3-13-2026