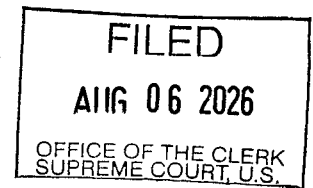


No. 26-5607



IN THE
SUPREME COURT OF THE UNITED STATES

MICHAEL DAVID BYRUM—PETITIONER

VS.

THE STATE OF TEXAS—RESPONDENT

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

PETITION FOR A WRIT OF CERTIORARI

MICHAEL DAVID BYRUM, *Petitioner*
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THE STATE OF TEXAS, *Respondent*
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QUESTIONS PRESENTED FOR REVIEW

1. Ahead of filing any appellate brief in the Court of Appeals of Texas, Third District, Austin, appointed appellate counsel, Vikash M. Bhakta and indigent appellant Michael David Byrum had met an impasse regarding issues to be argued on appeal. Subsequently, they filed a "Motion to Withdraw" and an "Appellant's Motion to Proceed Pro Se", respectively. Having been civilly committed at trial, as a "sexually violent predator" with tremendous liberty interests at stake, should Petitioner Byrum have been allowed to proceed Pro Se in the Court of Appeals, when counsel failed to render effective assistance, insisting upon arguing only three issues that have been repeatedly argued in the courts to no avail, while also refusing to take up relevant, non-frivolous issues that Byrum identified, being preserved from trial?
2. In light the Court of Appeals of Texas decision, denying appointed counsel's "Withdraw" and Petitioner Byrum's "Pro Se" motions, disregarding the "impasse" between them, as noted therein, Byrum submitted an "Appellant's Pro Se Supplemental Brief—that all issues and arguments, as preserved from trial, would be given consideration. Should the Court of Appeals of Texas have "filed" and given review to both counsel's "Brief for Appellant" and Byrum's Pro Se brief?
3. Did the Court of Appeals fail to provide Byrum with procedural due process, when it failed to require appellate attorney Bhakta to file an Anders Brief with his Motion to Withdraw?
4. Did the Court of Appeals violate Petitioner, Byrum's United States Constitutional, Fourteenth Amendment procedural due process rights by denying Byrum's "Appellant's Motion to Proceed Pro Se", wherein Byrum would have been able to bring all of his preserved issues to the Court of Appeals for their review?

PARTIES TO THIS PROCEEDING

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IN THE
SUPREME COURT OF THE UNITED STATES

Comes now Pro Se Petitioner, Michael David Byrum, respectfully requesting the Justices of the Supreme Court of the United States to grant a “Petition for a Writ of Certiorari” in accordance with 28 U.S.C. § 1257, as the Texas Supreme Court denied Byrum’s “Motion for Rehearing” on May 8th, 2026, without showing cause. Therefore, Byrum requests this Court’s consideration—that fundamentally fair due process would provide means for all of the issues that Byrum presented in his “Appellant’s Pro Se Supplemental Brief” to have been given review on appeal—that the outcome from many of those issues could have a substantial impact on many individuals who have been civilly committed, as SVP’s, across the nation.

CITATIONS OF OPINIONS

- The 26th Judicial District Court of Williamson County, Texas, Georgetown, Case No. 21-1063-C26, Judgement and Order; appears at **Appendix A-2** and is unpublished.
- The Court of Appeals of Texas, Third District, Case No. 03-23-00833-CV, Memorandum Opinion; appears at **Appendix B-6** and is reported at *In re Byrum*, 2025 Tex. App. LEXIS 3434.
- The Supreme Court of Texas, Austin, Case No. 25-0862, “Petition for Review” Denied; appears at **Appendix C-3** and is reported at *In re Byrum*, 2026 Tex. LEXIS 194.
- The Supreme Court of Texas, Austin, Case No. 25-0862, “Motion for Rehearing” Denied; appears at **Appendix C-6** and is reported at *In re Byrum*, 2026 Tex. LEXIS 421.

BASIS FOR JURISDICTION

- On 07/23/2021, The State of Texas “Filed” a Petition in the 26th Judicial District Court of Williamson County, Texas, Georgetown, Case No. 21-1063-C26, where jurisdiction is granted by Texas Health and Safety Code § 841.041(b), “A petition described by subsection (a) must be: (1) filed in a district court in the county of the person’s most recent conviction for a sexually violent offense.” Subsequently, on 11/30/2021, the State filed a “Petitioner’s Amended Original Petition”. The Petitions appear at **Appendix A-1** and are unpublished.
- On 07/03/2023, “Notice of Appeal” was “Filed” in the Court of Appeals of Texas, Third District, Case No. 03-23-00833-CV, where jurisdiction is granted by the Constitution of the State of Texas 1876, Article V. §§ 1 and 6. “Notice” appears at **Appendix B-1** and is unpublished.
- On 09/26/2025, “Motion for Extension of Time” was Filed in the Supreme Court of Texas, Austin, Case No. 25-0862, where jurisdiction is granted by the Constitution of the State of Texas 1876, Article V. §§ 1 and 3; and Texas Rules of Appellate procedure, Rule 53.1. Notice appears at **Appendix C-1** and is unpublished.
- On 08/06/2026, Byrum submits this Petition for a Writ of Certiorari in the Supreme Court of the United States, where jurisdiction is invoked in accordance with 28 U.S.C. § 1257(a).

CONSTITUTIONAL PROVISIONS

United States Constitution

Fourteenth Amendment

Procedural Due Process

Equal Protection

Sixth Amendment (right to representation = right to self-representation)

STATEMENT OF THE CASE

- On 12/11/1999, Petitioner Byrum was arrested at his home in Williamson County, Texas.
- On 10/30/2000, he accepted a Plea Agreement that included two sex offense counts and one count involving delivery of marijuana to a minor. All counts were to be served concurrently, with the sentence of record being for 30-years.
- On December 21, 2020, having served 21-years, Byrum was granted parole, with parole required programs to be completed before release. However, upon his “anticipated release”, in accordance with Texas Health and Safety Code, Chapter 841 (THSC § 841.021), the Texas Department of Criminal Justice began procedures to assess Byrum for civil commitment as a “sexually violent predator”.
- On 07/23/2021, the State of Texas filed a “Petitioner’s Original Petition” and on 11/30/2021, The State filed a “Petitioner’s Amended Original Petition” in the 26th Judicial District Court of Williamson County, Texas, Case No. 21-1063-C26 seeking Byrum’s commitment (THSC § 841.041(b)). Subsequently, on 11/30/2021,

the State filed a “Petitioner’s Amended Original Petition”. Petitions appear at **Appendix A-1** and are unpublished.

- On 05/16/2023, in the 26th Judicial District Court of Williamson County, Texas, Case No. 21-1063-C26, in a two-day jury trial (THSC § 841.061) Byrum was found to be a “sexually violent predator” with “Judgement” and “Order” issued for treatment and supervision at the Texas Civil Commitment Center, Littlefield, Texas, where he remains confined. Notice, Judgement and Order appear at **Appendix A-2** and are unpublished.
- On 06/29/2023, “Notice of Appeal” was “Filed” in the 26th Judicial District Court of Williamson County, Texas, Georgetown, Case No. 21-1063-C26; appears at **Appendix A-3** and is unpublished.
- On 07/03/2023, “Notice of Appeal” was “Filed” in the Court of Appeals of Texas, Third District, Case No. 03-23-00833-CV. “Notice” appears at **Appendix B-1** and is unpublished.
- On 02/21/2024, appellate attorney Bhakta’s “Motion to Withdraw” and Byrum’s “Appellant’s Motion to Proceed Pro Se” were “Filed” and “Received” in the Court of Appeals of Texas, Third District, Case No. 03-23-00833-CV. Motions appear at **Appendix B-2** and are unpublished.
- On 03/01/2024, Bhakta’s “Motion to Withdraw” was “Denied” by the Court of Appeals of Texas, Third District, Case No. 03-23-00833-CV. Order appears at **Appendix B-3** and is unpublished.

- On 03/07/2024, Appellate Attorney Bhakta “Filed” a “Brief for Appellant” in the Court of Appeals of Texas, Third District, Case No. 03-23-00833-CV; Notice at **Appendix B-4** and is unpublished.
- On 03/26/2024, the Court of Appeals of Texas, Third District, Case No. 03-23-00833-CV, “Received” Byrum’s “Appellant’s Pro Se Supplemental Brief”. Case Detail appears at **Appendix B-5** and is unpublished.
- On 05/21/2025, the Court of Appeals of Texas, Third District, Case No. 03-23-00833-CV, issued its “Notice”, “Memorandum Opinion” and “Judgment”; which appear at **Appendix B-6** and are reported at *In re Byrum*, 2025 Tex. App. LEXIS 3434.
- On 07/25/2025, The Court of Appeals of Texas, Third District, Case No. 03-23-00833-CV, “Overruled” Byrum’s “Appellant’s Motion for Rehearing or En Banc Reconsideration”; Notice appears at **Appendix B-7** and is unpublished.
- On 09/26/2025, “Motion for Extension of Time” to file a petition for review was Filed in the Supreme Court of Texas, Austin, Case No. 25-0862. Notice appears at **Appendix C-1** and is unpublished.
- On 09/26/2025, “Petition for Review” was Filed in the Supreme Court of Texas, Austin, Case No. 25-0862; Notice appears at **Appendix C-2** and is unpublished.
- On 02/27/2026, “Petition for Review” was Denied by the Supreme Court of Texas, Austin, Case No. 25-0862; Notice appears at **Appendix C-3** and is reported at *In re Byrum*, 2026 Tex. LEXIS 194.

- On 04/03/2026, "Motion for Extension of Time" was Filed in the Supreme Court of Texas, Austin, Case No. 25-0862; Notice appears at **Appendix C-4** and is unpublished.
- On 04/03/2026, "Motion for Rehearing" was Filed in the Supreme Court of Texas, Austin, Case No. 25-0862; Notice appears at **Appendix C-5** and is unpublished.
- On 05/08/2026, "Motion for Rehearing" was Denied by the Supreme Court of Texas, Austin, Case No. 25-0862; Notice appears at **Appendix C-6** and is reported at *In re Byrum*, 2026 Tex. LEXIS 421.

REASONS TO GRANT THE WRIT

Issue No. 1: Failure of the Court of Appeals to provide means of review to Petitioner Byrum's appellate issues, as follows:

- I. Byrum's appellate attorney failed to provide effective assistance of counsel, insisting on raising only three issues that, while Byrum believes those issues to be most meritorious, have been previously argued numerous times without success, when Byrum repeatedly requested that his appellate attorney should also argue multiple other, relevant issues. Most of these issues include matters that were preserved, being Byrum's non-frivolous Pro Se, pretrial motions that were denied by the trial court, which include:
 - A. Byrum's trial defense attorney failed to render effective assistance of counsel on a variety of matters, including his failure to object, argue and press the court on most of the issues presented in Byrum's pretrial motions.

- B. The trial court overruled Byrum's "Respondent's Motion to Dismiss", while his defense attorney stated "We'll just stand by our motion.", without giving the matter any additional discussion. When the motion contended that:
1. The Legislature's Act [Texas Health and Safety Code, Title 11, Chapter 841 (THSC, Chapter 841)] and suit have no basis in law, providing arguments and authorities that:
 - a. The Act and petition are enacted under the false pretext of being "civil", but are actually, facially "criminal".
 - b. The Act and petition are enacted under the false pretext of being "civil", but are actually, effectively "criminal"
 2. The Legislature's Act/suit/implementation have no basis in constitutional law, providing arguments and authorities that:
 - a. The Act/law/prosecution violates the Fourth Amendment to the U.S. Constitution—that, as a prisoner his right to be free of unreasonable searches and seizures without warrant is only to be violated in the interest of institutional/prison safety and security. Otherwise, the information gathered under THSC § 841.021 also violates the Texas Public Information Act, Chapter 3;
 - b. The Act/law/prosecution violates the Fifth Amendment to the U.S. Constitution—providing arguments and authorities that, despite being granted parole, Byrum was "held" in the TDCJ for prosecution of the "civil" commitment trial; that despite being granted parole,

Byrum is continually now “held” in the Texas Civil Commitment Center without indictment of conviction of any new offense; that this continued detention is tantamount to “double jeopardy” as THSC § 841.002(8)(A) and the State’s original and amended original petitions bringing suit, both, refer specifically to Byrum’s criminal convictions as cause for the additional prosecution; that the continued detention deprives Byrum of life, liberty and property without due process, as Byrum has not committed any new offense to be tried for and the prosecution is, otherwise, based upon the testimony of an “expert witness” who assumes an unfounded possibility of future offense without precedent in fact; that the Act/law/prosecution deprives Byrum of life, liberty and property, when he had successfully completed a sex offender treatment program for parole and had a “good life plan” for a successful life on parole; and under threat of additional criminal prosecution, per THSC § 841.061(f)(3), Byrum was compelled to be a witness against himself.

- c. The Act/law/prosecution violates the Sixth Amendment to the U.S. Constitution—providing arguments and authorities that it was and is not possible to seat fair and impartial jury in Williamson County, Texas, where the respondent is a homosexual, with convictions of sex offenses against boys. On several documented occasions, Byrum asked his trial defense counsel to subpoena and depose several

witnesses, but counsel failed to provide effective assistance; on several documented occasions, Byrum asked his trial defense counsel to file various motions in the court, but counsel failed to provide effective assistance; and there existed a tremendous conflict of interest in that the Petitioner in this case is the "State of Texas" and Byrum's original defense counsel was paid by the State of Texas, working in a State agency, the State Counsel for Offenders.

- d. Having been through the trial procedures and received the records for his review, Byrum also points to the fact that the trial court granted most all of the Petitioner's Motions in Limine, which unduly and unfairly limited Byrum's ability to disclose information to the jury that he deemed to be relevant to a fair and impartial jury of his peers—that the lack of information only served to prejudice the jury to the favor of the Petitioner—that having allowed such Motions in Limine also violated Byrum's U.S. Constitutional First Amendment rights to free speech and to redress grievances. Yet Byrum's trial defense counsel failed to render effective assistance, failing to object to most of the Petitioner's motions.
- e. The Act/law/prosecution violates the Eighth Amendment to the U.S. Constitution—wherein Byrum provided arguments and authorities that, despite being assessed for an "Individualized Treatment Plan" (ITP) upon his arrival in the TDCJ, Byrum was left to "suffer from a

behavioral abnormality”, neglecting Byrum’s serious mental health treatment needs, leaving him to “suffer from a behavioral abnormality” throughout his 22½-years in the Texas prison system, wherein his ITP was periodically updated, but never noted any need for the “long-term”, “necessary” treatment prescribed by THSC § 841.001, to only be provided with the assessment for the “behavioral abnormality” upon his “anticipated release”, under THSC § 841.021(a-1).

- f. The Act/law/prosecution violates the Thirteenth Amendment to the U.S. Constitution—providing arguments and authorities that there shall not be any involuntary servitude, “except as punishment for crime”, yet Byrum and other civilly committed detainees are expected to be in compliance with program rules and requirements, or face new 3rd degree felony charges, per THSC § 841.085(a) and (b), which includes rules and policies set forth by both the Texas Civil Commitment Office (TCCO) and the Texas Civil Commitment Center, Client Handbook, as created by the private prison company, “Management.& Training Corporation” (MTC) that is contracted by TCCO to provide the “long-term supervision and treatment”, under THSC, Chapter 841; and Byrum has not committed any new crime for imprisonment as required to be subjected to additional involuntary servitude.

- g. The Act/law/prosecution violates the Fourteenth Amendment to the U.S. Constitution—providing arguments and authorities that Byrum’s rights, as enumerated in the prior “Bill of Rights” and as applied to “criminal” prosecution, would not be abridged in any “civil” suit. The “equal protection” clause provides that Byrum would enjoy the same rights and protections as those enjoyed by other persons of the same class—convicted felons—but THSC, Chapter 841, as applied, discriminates against a specific class of convicted felons, being sex offenders with “more than one”, qualifying, convicted offense—that THSC, Chapter 841, becomes a discriminatory and redundant, law, when the Petitioner, the State of Texas, has established, criminal laws to deal with those who commit crimes, sex offenses, or otherwise.
- 3. Furthermore, application of THSC, Chapter 841, deprives life, liberty and property, violating due process, where fundamentally fair due process would have provided the “long-term” “necessary” treatment at the beginning of Byrum’s long-term prison sentence The Act/law/implementation has no basis in Texas Constitutional law, providing arguments and authorities that:
 - a. In accordance with Texas Constitution, Art. IV, Sec. 22, the attorney General is to file “all” of the Legislature’s civil suits and pleas in the Supreme Court of the State, in which the State is a party, therefore,

THSC § 841.002(1) violates this Sec. 22, defining district attorneys and county attorneys as the “attorney representing the state” and the 26th Judicial District Court of Williamson County, Texas, was the wrong venue.

- b. In accordance with Texas Constitution, Art. V, Sec. 8 and 21, district courts are for criminal prosecutions, not civil.
 - c. THSC, Chapter 841, was enacted under 1999 Tex. SB 365, being “an act relating to the continuation and functions of the Texas Department of Criminal Justice, the administration of private sector prison industries (such as those contracted by TCCO), oversight authority, the administration of the Texas Counsel on Offenders With Mental Impairments and the civil commitment of sexually violent predators”—enacted as a “crime bill” and thereby violating due process and double jeopardy clauses of the Texas Constitution, Art. 1, Sec. 13; and the U.S. Constitution Fifth and Fourteenth Amendments.
4. The “Petitioner’s Original Petition” and the “Petitioner’s Amended Original Petition” (see Appendix A-1) have no basis in law and fact, providing arguments and authorities that:
- a. The “Petitioner’s Original Petition” contained a false “Statement of Facts”, alleging that Byrum had a prior felony conviction for a sex offense in the State of Indiana, when he has never had any felony

conviction of any kind in any state other than those in the State of Texas. Despite the correction of this error in the Amended Original Petition under the same cause number, Byrum's concern is that the error, existing in the court record, could have unduly prejudiced jurors, reviewing the record in deliberations. Byrum requested assistance of counsel to pursue dismissal on these grounds, but such assistance was never given by trial counsel.

- b. Byrum asserts that the Petitioner has no constitutional or legal standing, as, under the Constitution of Texas 1876, Art. I, Sec. 13, it is prerequisite that litigants must have suffered injury or damage to justify the bringing of suit, when this suit is predicated upon an arbitrary and ambiguous possibility that Byrum might cause some unknown, arbitrary, future injury/damage.
- c. The "Petitioner's Amended Original Petition" (see Appendix A-1), Part IV, A, 1, Petitioner asserts that Byrum is a repeat sexually violent predator under THSC § 841.003(b), being convicted of "more than one sexually violent offense. However, Byrum has always asserted that he did not commit one of his two civil commitment qualifying offenses, but was coerced by his criminal defense attorney, in November, 2000, to sign a plea agreement that included the false accusation made by a boy who was then 14-years-old, in December, 1999, when Byrum was arrested. Byrum repeatedly requested his

civil commitment defense counsel to subpoena and depose this accuser (then 36-years-old) to testify in Byrum's civil commitment trial to the fact that he had been coerced to give a false statement in 1999 and thereby delegitimizing one of his two required convictions for the sake of the civil commitment jury. However, defense counsel failed to render effective assistance in this matter.

- d. Byrum asserts that the petition repeatedly uses terminology for the intentional purpose of highly prejudicing jurors against Byrum and to the favor of the prosecution.
- e. Byrum asserts that THSC, Chapter 841 repeatedly uses terminology for the intentional purpose of highly prejudicing jurors against Byrum and to the favor of the prosecution.
- f. Byrum argues that the petition falsely claims that Byrum is a "sexually violent predator, as defined by THSC, Chapter 841—that the law creates entirely ambiguous standards for determining "behavioral abnormality" as defined by this law. But that despite the neglect of state actors, failing to provide Byrum with the long-term, necessary treatment prescribed under this law, until his "anticipated release", Byrum dedicated his years in prison to self-help and self-improvement, voluntarily taking every course and class that was made available to him and was looking forward to continued

outpatient sex offender therapy, while returning to being a productive member of society on parole.

5. The Petitioner's suit had no basis in law, providing arguments and authorities that THSC § 841.061(a) mandatorily requires that "the judge shall conduct a trial ... (1) not later than the 270th day after the date the petition is served on the person...". The Petition, Part I. Discovery Control Plan, notes "Chapter 841 of the Health and Safety Code mandates a specific time frame between the filing of the original petition and the trial." Likewise, Part VI. Prayer states "Petitioner requests that ... the court conducts a trial in this matter not later than the 270th day after the date this petition is served on the respondent." That date was May 1st, 2022. Byrum finds no exception in the law to this mandated, specific time frame, yet the judge conducted the trial on or about the 560th day after the date he was served with the petition, in violation of the recognized statute of limitations and being an error that was far beyond "harmless error".
6. The trial court's continuance has no basis in law, providing arguments and authorities wherein THSC § 841.063(a) states "The judge may continue a trial or hearing conducted under this chapter if the person is not substantially prejudiced by the continuance and ... (2) in the due administration of justice." Again, Byrum finds no exception in the law for any continuance of this matter beyond the 270-day time limit and asserts

that this part of the law allows only for a continuance that would continue the trial to a future date that would still fall within the 270-day limit—that any continuance beyond the time limit absolutely and substantially prejudiced Byrum and was in no means “in the due administration of justice, but is an extreme miscarriage of justice and being an error that was far beyond “harmless error”. Another matter in which Byrum repeatedly requested assistance of counsel, but counsel failed to render any such effective assistance.

7. Therefore, Byrum prayed “the court to dismiss this cause on the basis of all, or any one, of these grounds and/or particular matters

C. Regarding Byrum’s “Respondent’s Motion to Suppress Copies of Photos”, the trial court gave the matter additional discussion, wherein Byrum’s defense counsel stated “I planned on raising it when the photo albums came up, which I suspect will come in when Mr. Byrum is questioned. We’d make an oral motion in limine at this time that we approach and hash out that issue regarding the photo albums.” Then the court concluded “In an abundance of caution, I’ll grant the oral motion in limine and ask that you approach, and we’ll steer clear of that in opening and address it outside the presence of the jury.” However, in trial sidebar, when the Judge gave further consideration of this matter, she overruled the motion(s), allowing presentation of the Petitioner’s evidence, when:

1. Byrum presents evidence that these copies of photos were created by TDCJ staff and administrators, relative to an unjustified disciplinary action, wherein Byrum was accused of possessing contraband, "...specifically photos without name or number..." in conjunction with a rule requiring offenders to label their photos with their "name or number", when the copied pages from Byrum's photo collection actually proved the falsity of the accusation, showing his name and number clearly printed on them.
2. Byrum contends that the motivation behind the TDCJ disciplinary case was only pursuant to the prejudice of TDCJ staff and administrators relative to the content of the photos, being those of revealing, scantily clothed men, young men and teens that had been received and approved through the mailroom, when Byrum was confined on a prior prison unit—having content that was in no way obscene and in no way violated TDCJ rules.
3. Byrum contends that, as such, the prosecutions only intent in showing these copies of photos to the jurors was to, likewise, unduly and unjustly prejudice the jury against Byrum and cites U.S. Supreme Court case law wherein courts are instructed to not allow constitutionally protected images to be shown to the jury, when the presentation would unduly prejudice the jury.

4. Byrum contends that the four pages of photocopies presented to the jury focused on only younger models and were, therefore, not a fair representation of the overall collection that consisted primarily of older, adult models.

5. Therefore, Byrum prayed "...the court will suppress the photocopies of photos relative to ... SPU pages 3721, 3721, 3728 and 3729, to prevent a partial and unfair representation of the facts that, as such, would otherwise unduly prejudice the jury."

D. The trial court overruled Byrum's "Respondent's Motion to Suppress Petitioner's Documents", while his defense attorney stated "We'll stand by on our motion on that one, Judge.", without giving the matter any additional discussion, when his motion provided arguments and authorities contending that most all of the petitioner's documents and communications, as listed in the motion, were acquired without warrant through TDCJ, as evidence against Byrum, in violation of the Fourth Amendment to the U.S. Constitution and the Texas Public Information Act, Chapter 3—that TDCJ searches cells, reviews mail and records phone conversations in the interest of prison safety and security. Any use of these outside of that purpose should have required the issuance of a warrant—that such a warrant would be required in any other civil suit, brought under any other circumstance. However, in this civil commitment "witch hunt", no such warrant was ever issued showing probable cause.

Therefore, Byrum prayed that the trial court "will suppress all of the Petitioner's documents that divulge information related to the subjects listed above."

- E. The trial court overruled Byrum's "Motion to Dismiss/Lack of Service", without giving the matter any additional discussion, when his motion provided arguments and authorities contending that "in accordance with Texas Rule of Civil Procedure 204.1(a)(1), (6) and (d) a motion and order is required to submit to a mental examination ... that for service of the motion and notice must be served on the person ... and requirements of the order are that the order must be in writing and specify the time, place, manner, conditions and scope of the examination and the person by whom it is to be made. Byrum contends that he was given examinations by three different doctors on three different dates pursuant to this suit and no such written notice was ever served on him for any of these exams.

Additionally, "in accordance with Texas Rule of Civil Procedure 200.1(a) a formal written notice of a deposition must be served." Byrum contends that he was never served any such written notice,

Therefore, Byrum prayed "...the court will dismiss this suit for lack of required service."

Furthermore, Byrum finds that the trial court failed to give any review to his very similar "Motion to Suppress/Lack of Service", which he offered as an option to the motion to dismiss, wherein Byrum prayed "...the Court will

suppress at trial to Respondent's psychological examinations and/or deposition for lack of required notice."

F. The trial court overruled Byrum's "Motion to Dismiss/Time Limit/Expired Petition/Unjust Continuation", while giving the matter some discussion wherein Byrum's defense counsel conceded that "Since I have had the case, yes, this is the first available trial date." However, the discussion gave very little, if any, regard to the actual and most fundamental statutory issues that were involved in the motion, wherein:

1. Byrum offers "Arguments and Authorities" contending that the judge did not conduct the trial within the statutory time limit of 270-days in accordance with THSC § 841.061(a)—that the petition was served on Byrum on August 5th, 2021. Thereafter, the 270th day was May 1st, 2022, any continuance beyond this mandated date "violates the very premise for it, which is to protect parole ready (or sentence discharged) respondent's U.S. Constitutional 5th and 14th Amendment rights to not be 'held' in prison and 'deprived of life, liberty and property' for the sake of the 'civil' prosecution...".
2. Byrum offers "Arguments and Authorities" contending that the petition expired, as the Petitioner also clearly recognized the statutory time limit when filing their petition, noting in Part I. Discovery Control Plan that "...Chapter 841 of the Health and Safety Code mandates a specific time frame between the filing of the petition and the trial." And in Part VI,

Prayer, the petitioner states “Petitioner requests ... that the court conducts a trial in this matter not later than the 270th day after the date this petition is served on Respondent...”. Since the Petition was served on Byrum on August 5th, 2021, the petition expired on May 1st, 2022, being the 270th day.

3. Byrum offers “Arguments and Authorities” contending that the judge’s continuations were unjust that “THSC § 841.063, ‘Continuance’ states that ‘(a) ...the judge may continue a trial or hearing conducted under this chapter if the person is not substantially prejudiced by the continuance and: ... (2) on the judges own motion in the due administration of justice.’” Byrum contends that when the trial was originally set for April 18th, 2022, being only 12-days short of the 270-day time limit, the trial court continued the trial until December, 12th, 2022, on its own motion. The trial was again continued on motion of Byrum’s original defense counsel, after she moved to withdraw as Byrum’s counsel—that such continuance was not at all in Byrum’s best legal interest and was very representative of her unethical and ineffective assistance of counsel—that resulted in another continuation until May 15th, 2023, with new counsel appointed, being 560-days beyond the date that Byrum was served with the petition. Such continuance beyond the expiration of the “mandated” 270-day time limit, on May 1, 2022, has greatly prejudiced Byrum, violating the very purpose of the statutory time limit to protect Byrum’s liberty interests,

not depriving him of the life, liberty and property that was due him, having served his prison time well and completing all requirements for release on parole.

4. Byrum prayed that “the court will dismiss the suit based on the expired time limit, expired petition and unjust continuances”, asking the court to recognize his successful completion of numerous programs and studies, while in the TDCJ and his “good life plan” for a successful life after prison.

G. The trial court overruled Byrum’s “Motion to Dismiss/Lack of Damages and/or Standing”, without giving the matter any additional discussion, when the motion offered arguments and authorities, contending that the court should have dismissed the suit, as the suit has no basis in law—that under Texas law, “Damages, then, are a prerequisite for a cause of action. Without damages, there is no injury to remedy.” (see *Matter of Swift*, 129 F.3rd 792 (1997)). This contention is supported by the Texas Constitution, Art. I, Sec. 13, stating that “every person for an injury done to him in his lands, goods, person, or reputation, shall have remedy by due course of law.”

Therefore, Byrum contends that since his criminal episode in 1999, he has done no damage, nor inflicted any injury upon the Petitioner, the State of Texas, that would justify the bringing of this suit. But, if the Petitioner asserts that the damages stem from Byrum’s prior criminal convictions as cause for bringing the suit (as it does in the petition and THSC §

841.002(8)(A)), then the suit is a clear “double jeopardy” violation of Byrum’s rights under the Fifth Amendment to the U.S. Constitution

Furthermore, Byrum contends that the Petitioner cannot show any empirical evidence that he poses an immediate danger to the State of Texas—that THSC, Chapter 841, is predicated upon some arbitrary and ambiguous, alleged “likelihood”, wherein the law prejudicially labels Byrum to be an “extremely dangerous” “sexually violent predator” and assumes that he would commit an unknown future act of sexual violence. Yet, Byrum points to the actual empirical evidence—that during the 16-years, after THSC, Chapter 841, was enacted in 1999, as an outpatient program, until it was amended to be an inpatient program in 2015, not one civilly committed person committed a new sex offense in the State of Texas—offering actual evidence that there is actually very little “likelihood” that Byrum would ever recidivate, let alone sexually recidivate.

Additionally, the Petitioner, the “State of Texas” is not a “person” as defined by Texas Constitution, Art. 1, Sec. 13, and, therefore, has no standing to bring any such suit.

Since the Petitioner can neither show that it has suffered any injury; nor can it show any evidence of an immediate danger posed by Byrum; nor that it, nor its representatives, have any actual standing, he prayed that the court would “dismiss this suit.”

H. The trial court overruled Byrum's "Motion to Dismiss/Unconstitutional Retributive Law", without giving the matter any additional discussion, when the motion provided arguments and authorities contending that THSC, Chapter 841, as applied, is a functionally unconstitutional, retributive law, as THSC § 841.001 asserts that "...long-term supervision and treatment is necessary...", while THSC § 841.021 directs the TDCJ to delay the assessment for a "behavioral abnormality" that would indicate the need for the "long-term" "necessary" treatment, until the persons "anticipated release, when Byrum had already been in the State's custody for a "long-term" of 22¹/₂-years, wherein the State could have, and should have, provided the treatment—that such reckless and deliberate negligence is a violation of Byrum's Eighth Amendment rights, under the U.S. Constitution.

Therefore, Byrum prayed that the trial court would "dismiss this suit, pursuant to Texas Rule of Civil Procedure 91a, as it is functionally retributive in nature and process.

I. Trial court overruled "Respondent's Motion for Mistrial", stating that it "will be considered in due course", when the matter deserved attention prior to trial, as Byrum's motion recited the history revealing that his original, State Counsel for Offenders (SCFO) Attorney, Sheila Kies, led him to believe that all his communications with her and information gathered by her would be, protected by "attorney-client privilege" in accordance with the 6th

Amendment to the U.S. Constitution and Byrum's SCFO Attorney violated such privilege.

Byrum's motion offered a history of his correspondence and sharing of various documents with the defense attorney, only to be later told by her that she was "required by law" to send copies of those documents to the Petitioner, when, in fact, no such law exists—that in accordance with THSC § 841.142(d) the only agencies required to release or exchange information are the TDCJ, the TCCO, a service provider contracting with one of these agencies, the multi-disciplinary team (MDT, under TDCJ), and the applicable attorney representing the state. The attorney representing the respondent is not on this list

Byrum's motion offered arguments and authorities and prayed that "the court will declare a mistrial, or dismissal, of this cause, as, at very least, this Respondent's U.S. Constitutional, 6th Amendment rights have been violated. (see CR, Vol. 1, Pgs. 146-147)

- J. The trial court overruled Byrum's "Respondent's Motion to Dismiss/ Unconstitutional Venue", while his trial/defense attorney stated that "We'll just stand by our motion", without giving any additional argument, when Byrum's motion contended that the THSC Chapter 841 law violates the Texas Constitution, Article IV., § 22, "The Attorney General *shall* represent the State in *all suits* and pleas *in the Supreme Court* of the State in which *the State may be a party*" and in accordance with Texas Constitution, Article V. §

8, "District Court jurisdiction consists of exclusive, appellate, and original jurisdiction of all actions, proceedings, and remedies, *except in cases where exclusive, appellate, or original jurisdiction may be conferred by this Constitution or other law on some other court...*" (emphasis added).

Byrum's motion asserts argument and authority contending that, since the State is the petitioning party in this THSC, Chapter 841, suit, the proper, constitutional venue for the trial should have been in the Supreme Court of Texas, not the 26th District Court of Williamson County. And the attorney representing the State should have been the Attorney General, not the District Attorney as prescribed by THSC § 841.002(1).

Thereby, Byrum prayed "the Court will dismiss this suit for stated unconstitutional grounds. Also refer to Texas Rule of Civil procedure 257(d) 'for sufficient cause'."

- K. Byrum finds that the trial court completely failed to give any review to his "Respondent's Motion for Petitioner to Select and Notify", wherein Byrum pointed to THSC § 841.061(e) requiring "The attorney representing the state may rely on the petition filed under section 841.041 and supplement the petition with documentary evidence **or** live testimony", arguing that even the smallest words in the English language, such as "or", have tremendous and impactful meaning. Therefore, he prayed "the court to require the attorney for the state, Tara Matlak, to choose and give notice of which mode of evidence that she is selecting to supplement the petition, *documentary evidence, or live*

testimony.”—that as a result of the court’s failure to give review to this motion, the Petitioner was allowed to present both documentary *and* live testimony, being in conflict with the letter of the law.

II. All of the issues presented in Byrum’s “Pro Se Supplemental Brief” (and the additional issues and evidence that he identified after he received the court records) deserve to given review in the Court of Appeals of Texas for the following summarized reasons.

- A. The Court of Appeals of Texas “filed”, reviewed and responded to several other Pro Se documents submitted and signed by Byrum.
- B. As Byrum has considerable liberty interests at stake in these quasi civil/criminal commitment proceedings, the Court of Appeals should have provided equal protection for his rights to be observed (see U.S. Constitution, Sixth and Fourteenth Amendments)—that he should have been allowed to proceed Pro Se on appeal.
- C. As the appellate court failed to offer any opinion with regard to Byrum’s “Pro Se Supplemental Brief”, Byrum asserts substantial cause for remand in accordance with Rule 56.1(a)(6), as the appellate court should have granted the appellate attorney’s “Motion to Withdraw” filed with “Appellant’s Motion to Proceed Pro Se” in the Court of Appeals on 2/17/24—that.
- D. As Byrum finds in *Faretta v California*, 422 U.S. 806, 835, 95 S. Ct. 2525, (1975) that:

“the question is whether a state may constitutionally hale a person into its criminal courts and there force a lawyer upon him, even when he insists that he wants to conduct his own defense ... that the Sixth Amendment right to the assistance of counsel implicitly embodies a ‘correlative right to dispense with a lawyer’s help.’ ...

Because these rights are basic to our adversary system of criminal justice, they are part of the 'due process of law' that is guaranteed by the Fourteenth Amendment ... To thrust counsel upon the accused, against his considered wish, thus violates the logic of the Amendment. In such a case, counsel is not an assistant, but a master; and the right to make a defense is stripped of the personal character upon which the Amendment insists."

- E. As Byrum finds in *Martinez v. Court of Appeal of California, Fourth Appellate Dist.*, 528 U.S. 152, 154, 120 S. Ct. 684 (2000) that:

"we conclude that neither the holding, nor the reasoning in Faretta requires California to recognize a constitutional right to self-representation on direct appeal from a criminal conviction. Our holding is of course narrow. It does not preclude the states from recognizing such a right under their own constitutions."

—that if Pro Se filings are honored at all other levels in the Texas court system, then they should certainly also be honored at the first appellate level.

- F. As Byrum finds in *Fewins v. State*, 170 S.W.3d 293; (2005), that:

"...The Court of Criminal Appeals extended the Sixth Amendment right of self-representation recognized in Faretta to appeals. ... The Legislature adopted article 1.051 in 1987. ...Article 1.051(d) provides in pertinent part:

(d) An eligible indigent defendant is entitled to have the trial court appoint an attorney to represent him in the following appellate... matters:

(1) an appeal to a Court of appeals; [and]

(2) an appeal to the Court of Criminal Appeals if the appeal is made directly from the trial court or if a petition for discretionary review has been granted[.]

TEX. CODE CRIM. PROC. ANN art. 1.051(d)(1), (2).

Subsection (f) then provides that a defendant may waive his right to counsel. Id. art. 1.051(f). Finally, subsection (g) requires a trial court to advise a defendant who wishes to waive his right to counsel 'of the dangers and disadvantages of self-representation,' and determine whether 'the waiver is voluntarily and intelligently made.' ...

...The plain language of this statute cannot now be ignored merely because the decisions which served as its genesis have since been disavowed insofar as they found a constitutional right to self-representation on appeal..."

- G. As Byrum finds that in *Sickles v Texas*, 170 S.W.3d 298; (2005), that:

"We cannot determine whether to grant Sickles's motion to represent himself until it has been determined by the trial court that his decision to waive appointed counsel has been made voluntarily and intelligently. Therefore, we abate this appeal to the trial court for a hearing to make this determination.

The trial court shall, within thirty days after the date of this Order: (1) conduct the hearing; (2) cause a court reporter to make a record of the hearing; (3) make appropriate orders and findings of fact and conclusions of law; and (4) deliver any orders and findings of fact and conclusions of law to the trial court clerk.

If the trial court determines that Sickles has voluntarily and intelligently waived his right to appointed counsel, the court shall inform Sickles that his brief is due within thirty days after the date of the hearing.

Therefore, in light of the statements made in these U.S. Supreme Court rulings, and this Supreme Court of Texas decision, shedding light on the statutory, Texas Code of Criminal Procedure 1.051(f) directive, the Third Court of Appeals should have followed the precedent established in *Sickles*.

H. Byrum asserts that the Constitution of the State of Texas 1876, Article I, Bill of Rights, Section 10 requires:

"In all criminal prosecutions the accused shall have a speedy public trial by an impartial jury. He shall have the right to demand the nature and cause of the accusation against him, and to have a copy thereof. He shall not be compelled to give evidence against himself, and shall have the right of being heard by himself or counsel, or both, shall be confronted by the witnesses against him and shall have compulsory process for obtaining witnesses in his favor, ..."

And Constitution of the State of Texas 1876, Article I, Bill of Rights, Section 19 requires:

"No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land."

III. Despite several requests for copy of his Court Record and Trial Record to his appellate counsel and clerks of both the trial and appellate courts, Byrum did not receive copy of the Clerks Record, nor Recorders Record, until the trial court ordered the Clerk's and Recorder's Offices to send Byrum these records on October 14th, 2024, being about 7-months after the appellant's brief(s) was due. Upon receiving and reviewing the record, Byrum found additional, serious evidentiary and procedural matters that also deserve review in the Court of

Appeals of Texas, lending additional cause for abatement and reset of Byrum's appellate court procedure.

Issue No. 2: Ineffective Assistance of Appellate Counsel

As presented to the Court of Appeals of Texas in the "Appellant's Motion for Rehearing or En Banc Reconsideration", Byrum asserts that appointed appellate counsel, Vikash M. Bhakta, failed to render effective assistance, having possession of the complete trial record, refusing to provide a copy of the record to the Appellant, while further refusing to take up and argue relevant, non-frivolous issues that Byrum had specifically directed counsel to argue in the "Brief for Appellant"—issues that were primarily preserved from the trial court for argument to the Court of Appeals—that these issues are relevant, non-frivolous) and consistent with existing law and/or arguable for an extension, modification or reversal of existing law (see Texas Disciplinary Rules of Professional Conduct, Rule 3.01, General Comment 2)—there existed no reasonable cause for appellate counsel to assert that the issues Byrum wanted to have presented were, or could be considered to be frivolous. In fact, while Byrum stands on the merits of the three issues presented in appellate counsel's "Brief for Appellant" (see Appendix B-4), Byrum finds it incredulous that appellate counsel elected to argue only the same three issues that have been repeatedly presented and rejected by the higher courts in Texas, yet somehow expecting to have a different result—there could be nothing much more frivolous than that.

Even the Appellee in their “Brief of The State of Texas”, filed in the Court of Appeals on April 3rd, 2024, found such merit in the issues presented in Byrum’s “Appellant’s Pro Se Supplemental Brief”, giving more than cursory response to them.

As Bhakta’s ineffective assistance of counsel was presented to the Court of Appeals in the “Appellant’s Motion for Rehearing or En Banc Reconsideration” (see Appendix B-7). Byrum asserts that by failing to respond to this matter, the appellate court committed an error of law of such importance to the state’s jurisprudence that it should be corrected in accordance with Texas Rules of Appellate Procedure, Rule 56.1(a)(4) and (5)—that without the effective assistance of appellate counsel, Byrum had no choice but to take action of his own to submit these issues in a “Appellant’s Pro Se Supplemental Brief”, timely submitted on March 21, 2024, and filed in the Court of Appeals on 3/26/24 (see Appendix B-5). Mr. Bhakta’s refusals not only violated Appellant’s right to effective assistance of counsel and due process vested in the Sixth and Fourteenth Amendments to the U.S. Constitution and the Constitution of the State of Texas 1876, Article I, Bill of Rights, Section 10, stating: “In all criminal prosecutions the accused shall have a speedy public trial by an impartial jury. He shall have the right to demand the nature and cause of the accusation against him, *and to have a copy thereof*. He shall not be compelled to give evidence against himself, and shall have the right of being heard by himself or counsel, *or both*, shall be confronted by the witnesses against him and shall have compulsory process for obtaining witnesses in his favor” (*emphasis added*); and THSC § 841.005 and §

841.144(a), assuring that Byrum "is entitled to the assistance of counsel *at all stages* of the proceeding" (*emphasis added*); and in so doing, Attorney Bhakta also violated:

THE TEXAS LAWYER'S CREED—A MANDATE FOR PROFESSIONALISM

Our Legal System.

A lawyer owes to the administration of justice personal dignity, integrity, and independence. A lawyer should always adhere to the highest principles of professionalism.

2. I am responsible to assure that all persons have access to competent representation regardless of wealth or position in life.

Lawyer to Client.

A lawyer owes to a client allegiance, learning, skill, and industry. A lawyer shall employ all appropriate legal means to protect and advance the client's legitimate rights, claims, and objectives. A lawyer shall not be deterred by any real or imagined fear of judicial disfavor or public unpopularity, nor be influenced by mere self-interest.

2. I will endeavor to achieve my client's lawful objectives in legal transactions and in litigation as quickly and economically as possible.
3. I will be loyal and committed to my client's lawful objectives, but I will not permit that loyalty and commitment to interfere with my duty to provide objective and independent advice.

TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT

Preamble: A Lawyer's Responsibilities:

2. As advocate, a lawyer *zealously* asserts the client's position under the rules of the adversary system...

3. a lawyer should *zealously* pursue client's interests within the bounds of the law. *In doing so, a lawyer should be competent, prompt and diligent.* A lawyer should *maintain communication* with a client concerning the representation... (*emphasis added*)

Rule 1.01. Competent and Diligent Representation.

(b) In representing a client, a lawyer *shall not*:

- (1) *neglect a legal matter entrusted to the lawyer*; or
- (2) *frequently fail to carry out completely the obligations that the lawyer owes to a client or clients.*

(c) As used in this Rule, "neglect" signifies *inattentiveness involving a conscious disregard for the responsibilities owed to a client or clients.* (*emphasis added*)

Rule 1.02. Scope and Objectives of Representation.

(a) Subject to paragraphs (b), (c), (d), (e), and (f), a lawyer *shall abide by a client's decisions*:

- (1) *concerning the objectives and general methods of representation;* (*emphasis added*)

Rule 1.03. Communication.

(a) A lawyer shall keep a client reasonably informed about the status of a matter *and promptly comply with reasonable requests for information.*

(emphasis added)

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

Rule 8.04. Misconduct.

(a) A lawyer *shall not*:

(1) *violate these rules, ...* (emphasis added)

Issue No. 3: Court of Appeal's Should Review Appellant's Pro Se Brief

Petitioner, Byrum, asserts that The Court of Appeals of Texas failed give review to Byrum's "Pro Se Supplemental Brief" noting it as "received" (*see* Appendix B-5) and also failed to give due diligence in consideration of the issues presented in "Appellant's Motion for Rehearing or En Banc Reconsideration", "overruling" it, without giving cause nor reason (*see* Appendix B-7), while "filing" other Pro Se documents submitted and signed by Byrum. The Court of Appeals "filed" "Appellant's Motion Regarding Dissemination of Filings" and "Appellant's Motion to Receive Records" on February 21st, 2024; then "filed" the "Appellant's Pro Se Reply Brief" on April 30, 2024; and, on June 10, 2025, "filed" "Appellant's Motion for Rehearing and En Banc Reconsideration" (*see* Appendix, B-5). Therefore, Byrum asserts that the Court of Appeals should have "filed" and given equal consideration to Byrum's "Pro Se Supplemental Brief". Especially in consideration of Byrum's liberty interests at stake in these quasi civil/criminal commitment proceedings, the Court of Appeals should have provided equal protection for such rights to be observed (*see* U.S. Constitution, Sixth and Fourteenth Amendments)—including the right to represent one's self and/or have all of his issues presented and reviewed by the Court of Appeal

Furthermore, Byrum finds that the Court of Appeals disregarded review of his “Pro Se Supplemental Brief”, while stating that “*We may not disregard undisputed facts that do not support the finding. ...we determine whether, in light of the entire record, the disputed evidence a reasonable fact finder could not have credited in favor of the verdict, along with undisputed facts contrary to the verdict” (emphasis added) (see Appendix, B-6), while disregarding and failing to give review to the “undisputed facts” presented to the court in the Appellant’s “Pro Se Supplemental Brief”.*

In these civil commitment proceedings, Byrum, having asserted tremendous liberty interests and recognizing numerous violations of statutory, civil and constitutional rights, asserting that the Court of Appeals of Texas should have granted appellate counsel’s “Motion to Withdraw” and “Appellant’s Motion to Proceed Pro Se”, and/or otherwise given consideration to the Byrum’s “Pro Se Supplemental Brief” that was timely posted and “received” by the appellate court (see Appendix, B-5)—that all of his issues would have been given the fair consideration that they deserve—that Byrum deserves.

Byrum asserts that it was these issues that were at the crux of the impasse between he and appellate counsel, Mr. Bhakta, refusing to provide effective assistance to these issues in the “Brief for Appellant”—that Byrum’s issues would have also been presented for the appellate court’s review—leading to Byrum’s desire to proceed Pro Se and Appellant Counsel’s Motion to Withdraw, filed in this Court on February 17, 2024 (see Appendix, B-2), as Mr. Bhakta stated in his motion:

“...Counsel of record, Vikash M. Bhakta, would show the following:

1. Counsel was appointed to Appellant’s direct appeal and appeared in the matter 09/05/2023.

2. Counsel drafted a brief in the matter which was reviewed by Appellant.
3. Appellant wishes to raise additional grounds to supplement Counsel's brief.
4. Appellant informed that Texas does not allow supplemental briefs as hybrid representation is not allowed in the State.
5. Appellant has now informed Counsel he wishes to proceed Pro Se in order to raise his arguments.
6. As counsel believes Appellant to be college educated and of sound mind, Counsel now motions the court to 1) allow counsel to withdraw, 2) allow Appellant to proceed Pro Se, 3) grant Pro Se Appellant access to his records and 4) hold brief filing deadlines in abeyance until Appellant 1 receives his records..."

Additionally, Byrum motioned...

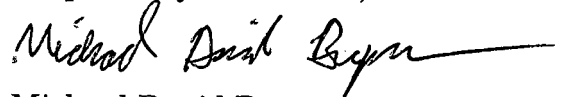
"...the court on the following basis:

1. On June 23, 2023, Vikash Bhakta was appointed to represent indigent Appellant/Respondent on direct appeal.
2. Appellant/Respondent has been served with and has reviewed a copy of Appellate counsel's brief on direct appeal.
3. After reaching an impasse with Counsel on which legal arguments to raise on direct appeal, Appellant/Respondent now wishes to proceed Pro Se in the matter.
4. Appellant/Respondent affirms the following:
 - a. Appellant understands Arguments that can be raised on Appeal
 - b. Appellant understands Legal Research and Writing
 - c. Appellant knows how to write a brief
 - d. Appellant reviewed Texas Rules of Appellate Procedure
 - e. Appellant understands how to access his records
 - f. Appellant understands his rights post direct appeal..."

CONCLUSION

For the reasons stated above and in the interest of justice, Petitioner, Byrum, prays that this, The Supreme Court of the United States, will rule in favor of the Petitioner, considering the matter of Pro Se self-representation in the appellate court, remanding this case back to the Appellate Court with directive to give due diligence in consideration of both submitted briefs, or allowing for an abatement of the prior appeal with a complete reset of the appellate case, wherein Petitioner/Appellant will be allowed to proceed Pro Se in accordance with the procedures prescribed in *Sickles*, , or any other decision that this Court might render to resolve and provide review to all of Byrum's appellate issues that deserve review and consideration.

Respectfully Submitted,



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