

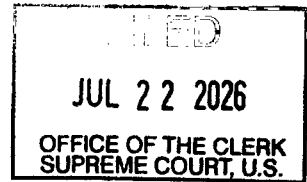
26-5853

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



DAVID HAROLD ELSE, JR. — PETITIONER
(Your Name)

vs.

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

DAVID HAROLD ELSE, JR. (pro se)
(Your Name)

899 fm 632
(Address)

Kenedy, Texas 78119
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1.) WHETHER THE GATEWAY ACTUAL INNOCENCE STANDARD, UNDER TEXAS CODE OF CRIMINAL PROCEDURE (TCCP) ARTICLE 11.07 §4(a)(2), APPLIED BY THE TEXAS COURT OF CRIMINAL APPEALS, TO REACH ITS JUDGMENT OF DISMISSAL, IS INCONSISTENT WITH THIS COURT'S OPINION IN SCHLUP V. DELO, 115 S. CT. 851(1995) AND FEDERAL LAW, IN VIOLATION OF PETITIONER (ELSE) RIGHTS TO DUE PROCESS:

2.) WHETHER THE STATE HABEAS PROCESS, THAT LED TO THE DISMISSAL OF ELSE'S STATE HABEAS APPLICATION, WAS DEFECTIVE, IN VIOLATION OF ELSE'S RIGHTS TO DUE PROCESS OF LAW:

3.) WHETHER ELSE MADE A SUFFICIENT PROCEDURAL GATEWAY ACTUAL INNOCENCE, AND BUT FOR U.S. CONSTITUTIONAL VIOLATION, SHOWING TO RECEIVE A MERITS REVIEW OF HIS BRADY V. MARYLAND, 373 U.S. 83(1963); Claim;

4.) WHETHER ELSE MADE A SUFFICIENT PROCEDURAL GATEWAY ACTUAL INNOCENCE, AND BUT FOR U.S. CONSTITUTIONAL VIOLATION, SHOWING TO RECEIVE A MERITS REVIEW OF HIS MOONEY V. HOLOHAN, 294 U.S. 103(1935) FALSE EVIDENCE CLAIM.

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.

DAVID HAROLD ELSE, JR - PETITIONER

STATE OF TEXAS, RESPONDENT

RELATED CASES

ELSE v. STATE, 2000 Tex.App.Lexis 2787 (Apr. 28, 2000)app. affirmed
Ex Parte ELSE, WR-51,286-01 (Tex.Crim.App.2002) app. Denied
Ex Parte ELSE, WR-51,286-02 (Tex.Crim.App.2015) App. Dism'd
Ex Parte ELSE, WR-51-286-03 (Tex.Crim.App.Mar. 16, 2022)app. Dism'd
In Re ELSE, WR-51,286-04 (Tex.Crim.App.Jan 30, 2024) mandamus denied

In Re ELSE, WR-51,286-05 (Tex.Crim.App.Nov 13, 2024)mandamus denied
In Re ELSE, WR-51,286-06 (Tex.Crim.App.Apr. 23, 2025)mandamus Denied
In Re ELSE, WR-51,286-07 (Tex.Crim.App.Apr. 16, 2026)mandamus denied
Ex Parte ELSE, WR-51,286-08 (Tex.Crim.App.Apr. 16, 2026)app. dism'd
Else v. Dretke, #3:02-cv-01188-P(N.D.Tex.Apr. 19, 2005) denied
Else v Quartermen, #05-10662 (5th Cir. 6/28/2006)COA denied
Else v. Quarterman, #06-8583(US 3/5/2007) cert. denied
In Re Else, #16-10620 (5th Cir. 7/20/2016) auth motion denied
In Re Else, #22-10578 (5th Cir. 7/1/2022) auth motion denied

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OTHER

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 Ex Parte Else, WR-51,286-08; 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 N/A.

☐ 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 4/16/2026.
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: N/A, 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 N/A (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

UNITED STATES CONSTITUTION AMENDMENT 14 § 1

Texas Code Of Criminal Procedures Article 11.07 §4(a)(2)

28 USC §1257(a)

STATEMENT OF THE CASE

The TCCA dismissal of Else's application for state habeas review, in No. WR-51,286-08, is based on a standard that is inconsistent with this court's case law holdings (federal law), and on an unfair and defective state process.

TCCP ART. 11.07 §4(a)(2) was enacted, as a procedural gateway actual innocence statute, based on this court's holdings in *Schlup v. Delo*, 115 S. CT. 851(1995)(see, *Ex Parte Brooks*, 219 S.W.3d 396(Tex.Crim.App.2007), and *EX Parte Wood*, Tex.Crim.App.Lexis 490). Yet, the TCCP Art. 11.07 §4(a)(2) statute's standard requires an applicant to show that -- "by a preponderance of the evidence, but for a violation of the United States Constitution, no rational juror could have found applicant guilty beyond a reasonable doubt. Therefore, the standard applied by the TCCA was interwoven with federal law, but it was inconsistent with the correct *Murray v. Carrier*, 477 U.S. 478(1986)/ *Schlup* standard.

Schlup, specifically, held that the proper standard is not whether the evidence was legally sufficient, but whether any "reasonable juror would have found the defendant guilty." The court chose *Carrier's* standard's use of the word would to focus the inquiry on the likely behavior of the trier of fact (rejecting the *Jackson v. Virginia*, 443 U.S. 307(1979) standard's use of the word could ---focused the inquiry on the power of the trier of fact..

Additionally, the TCCA's dismissal was based the following facts: a) Else's habeas record had been copied, filed, and transmitted (without notice) to the TCCA incomplete [missing Else's key evidence exhibit]; and disorganized; b) the respondent/state had not raised a procedural default defense, and had generally denied Else's habeas grounds/facts--pending the outcome of its investigation of Else's grounds/facts;

c) the habeas trial court took no action -- which by default, gives the inference that there were no controverted, previously unresolved issues (after the respondent state had conceded that there were) and d) the respondent's office was laboring under a conflict of interest when Else's habeas record was copied, filed, and transmitted to the TCCA incomplete and disorganized-- prior to the completion of the respondent/state's investigation of Else's grounds/facts, with a supplemental response conceding or denying Else's claims.

These above stated facts show that the process that led to the TCCA's dismissal of Else's WR-51,286-08 (and original WR-51,286-03) habeas application was unfair, and defective, resulting in Else being denied a meaningful opportunity to present his new evidence of innocence, and receive habeas review.

Else ask this court to grant certiorari review of the TCCA judgment of dismissal of Else's state habeas application in EX Parte Else, WR-51,286-08 (tex.Crim.App.2026)(unpub).

Else was convicted for the capital murder of Hector Cavazos (decedent) [by dousing and igniting gasoline, a deadly weapon, on decedent, in the course of kidnaping decedent]. Texas Penal Code (T.P.C.) §§ 19.03(a)(2) and 7.02(a)(2). Else was sentenced to capital life.

The underlying flame burn assault, in Else's capital conviction, occurred in Dallas, Texas, on May 14, 1998.

The state has never said what "time" decedent was burn assaulted. Irving Police Department (IPD) arrested and charged Else/co-def.s for the Dallas burn assault of Cavazos, as an aggravated kidnapping-- alleging that Else/co-def.s kidnapped decedent from Irving, Texas, and burn assaulted him in Dallas -- on May 14, 1998. Lead IPD Detective Harold Renfro (Det. Renfro) upgraded the charge to capital murder.

1) A defense trial exhibit--the IPD 911 dispatch of Else/co-def.s arrest, shows that on May 14, 1998, at 1:15 am, IPD stopped a dark car in Irving, Texas.

IPD suspected that the occupants of the car were involved in a drug deal. Else/co-def.s Kerry Cheatham, Roderick Earl, and state's alleged sole eye-witness, Eric Watson, was in the car. At 1:20 am Cheatham sped off, and a nonstop chase began. At 2:00 am, the car wrecked out. Else/co-def.s were apprehended and arrested. Arresting IPD officer, Olegar Conde, testified, in trial, that he encountered a shaken Eric Watson, who told officer Conde "they just killed my friend and made me watch." Conde passed this information on to Dallas authorities, who "later" found decedent burn assaulted.

Watson testified, in trial, that Else/co-def.s motive for burning decedent was that decedent was unable to return money or drugs in a deal gone bad.

2) Officer Conde charged Else/co-def.s for aggravated kidnapping decedent from Irving, and taking him to Dallas where they burn assaulted/killed decedent. After Det. Renfro upgraded their charges to capital murder(robbery/ engaging in org crime), Lead trial prosecuting attorney, Gregg Long, re-indicted Else/co-def.s for capital murder (kidnapping).

3) In Else's pre-trial / probable cause hearing, Det. Renfro testified, under Else's co-counsel (Kevin Brooks) cross examination questioning, that Eric Watson directed authorities to find a burn assaulted Hector Cavazos (decedent).

4) In trial, the state presented Dallas Firefighter/ Paramedic (DFD), Marcy Harris, who testified that when she found decedent, burn assaulted, no police were around (there).

5) Based on this pre-trial and trial testimony, and evidence, Else (the defense) was led to believe that decedent's burn assault had occurred before 1:00am. This false evidence created the pre-trial false impression that Watson directed DFD to find decedent, before he was taken to the hospital where he died. Also, that IPD was the sole police agency to investigate decedent's burn assault/murder.

6) After Else's trial/Conviction, Det. Renfro e was impeached, by Jennifer Balido, co-def Cheatham's trial attorney. Det. Renfro admitted, under Balido's cross-examination questioning, that he was aware that someone saw decedent on fire and called Dallas 911 (at the Dallas burn assault crime scene). It was never made known if attorney, Jennifer Balido, knew that Det. Renfro had testified falsely "that Eric Watson had directed authorities to find decedent in Dallas:"

7) Else used this impeachment trial record, from Cheatham's trial, as the evidence underlying his prosecution misconduct, and IAC, claims in his initial WR-51,286-01 writ. ADA Long, who was present when Det. Renfro gave his false testimony -- that Watson had directed authorities to find decedent-- in Else's pre-trial hearing, responded that DFD found decedent based on a 911 call made in dallas.Id. ADA Long submitted an exhibit [state's ex 185], which Long represented as the DFD 911 dispatch, relative to decedents burn assault.Id. ADA Long never mentioned DPD's discovery of decedent, nor did he mention the time that decedents burn assault occurred.Id.

8) After the denial of Else's 01 writ, Else's advocates began making information request, for police reports (relative to the burn assault/murder of decedent), to DPD, IPD, DCDAD, Dallas Sheriffs Dept., and the Dallas County District Clerk's Office (DCDCO). IPD released an incomplete 2-page report. ^{Ex parte, 11} Everyone else denied having any records related to decedents burn assault/murder.

9) DCDAD sent Else a package containing Else's arrest warrant affidavits-- after denial of Else's initial writ. In these affidavits, the affiant officer swore that Det. Renfro told him that Eric Watson directed a DPD officer to find decedent burn assaulted. Else then filed his first subsequent writ, Ex Parte Else, WR-51,286-02, raising prosecutor misconduct grounds related to Det. Renfroes perjury--relative to Watson being responsible for decedents discovery.

Jennifer Balido, co-def Cheatham's trial attorney (who impeached Det. Renfroe about Renfroe's knowledge of the Dallas 911 caller relative to decedent's discovery), had become the Judge of the 291st Judicial District Court -- Else's habeas Judge. Judge Balido recommended dismissal, without hearing. TCCA dismissed Else's writ. At that point the time of decedent's burn assault, and DPD's discovery of decedent was unknown and unverified. Id.

10) A family member/advocate, whom had been released from prison, after Else's dismissal of his writ, contacted IPD -- in attempt to obtain records related to decedent's burn assault/murder. IPD released the PDF compact disk containing the investigative file of Det. Renfroe -- relative to the capital murder of decedent Cavazos -- in Sept. 2020. After receiving a copy of a IPD record, that verified that DPD was first to respond to, and find decedent burned, but alive, Else asked his advocate to travel to DPD and purchase all records related to decedent Cavazos's burn assault/murder.

11) On July 28, 2021, DPD sold Else's advocate a 3-page 911 dispatch (DPD) of a DPD officer's response to the burn assault of decedent. This newly discovered DPD 911 dispatch report established that DPD was the first to respond to, and locate, a burn assaulted decedent (Cavazos), on May 14, 1998, in Dallas, Texas, at 1:43am, on 4300 Redbird Ln. DPD concluded that decedent had been burned at 1:37am.

12) Utilizing the newly discovered 3-page DPD 911 dispatch and the IPD arrest incident [complete] reports -- as well as previously submitted exhibits -- Else filed his second subsequent writ. Ex Parte Else, WR-51,286-03. Else's application consisted of: 1) the letter to the clerk; 2) 19-page application; 3) 25-page memorandum of law; and 4) 54-page Index of Appendices [organized with A-0 label pages, and secured with a two-hole punched binder clip]. Id.

13) Else raised a Brady claim-- based on his newly discovered DPD 911 dispatch report [relative to the 1:37am burn assault of decedent Cavazos], and the newly discovered IPD complete arrest/incident reports, of IPD officer Olegar Conde/ Det. Renfroe , charging Else for the aggravated burn assault kidnapping of decedent/Cavazos [between 1:25am and 1:38am]. Else also included previous reports, that were not new. Else new IPD reports were the reports that were included in Det. Renfroe's investigative file, released in September 2020 -- which also included the DFD / Paramedics 911 dispatch report, relative to the DFD's response to decedent's burn assault injuries. This DFD/Paramedic report shows that the report that trial prosecutor, Long, submitted as [state's ex. 185] in Else's D1 writ response was not the DFD report Long represented it to be (i.e., Long committed fraud on the initial habeas court). Both IPD/DPD reports show that decedent was burned at 1:37am-- a time when Else, co-defendants, and Eric Watson was in Irving, Tx. , as opposed to Dallas, Tx. where/when the burn assault occurred. Else alleged that the state suppressed this evidence before and during trial. Else argued that but for this U.S. Constitutional error no reasonable juror would have convicted Else of capital murder T.P.C. §§ 19.03(a)(2), and 7.02(a)(2).

14) Based on the same newly discovered DPD/IPD reports Else raised a U.S. Constitutional false evidence claim, under Mooney v. Holohan, alleging that the state fabricated a false agg: kidnapping charge to frame Else for the Dallas, Texas burn assault/murder of decedent Cavazos [from 1:25am-1:38am]. The state then concealed the time to prevent Else from impeaching the state (with the newly discovered DPD/IPD reports--showing the time decedent was burned/killed is inconsistent with Else's guilt.) Else alleged that state's witnesses Eric Watson, Marcy Harris (DFD), Officer Conde (IPD), and Det. Renfroe (IPD), all testified falsely relative to Else/co def.s being on the Dallas burn scene when decedent was burned/killed, or gave false testimony relative to how/when decedent was discovered-- in efforts to conceal or move the time decedent was burned.

Else relied on the procedural gateway actual innocence standard in Schlup, and TCCP Art. 11.07 §4(a)(2), to have his U.S. Const. claims reviewed on the merits.

15) The state responded recommending that the trial court designate the controverted unresolved issues for a hearing. Additionally, the state initiated its investigation into the allegations underlying Else's grounds/facts. The state generally denied Else's grounds-- pending its supplemental response (conceding or denying Else's grounds) at the conclusion of its investigation.

16) Prior to the conclusion of the state's investigation, and without the state's supplemental response [conceding or denying Else's grounds], or the habeas trial court taking action, the DCDCO transmitted Else's writ record to the TCCA. TCCA dismissed Else's O3 writ /Ex Parte, Else, WR-51,286-03.

17) Next, Else purchased the O3 writ record from TCCA, and discovered that the record was incomplete [missing a page of the 3-page DPD 911 dispatch report]; the memorandum of law had not been included; the organized A-O label pages --which organized the Index of Appendices-- had not been included; and the record was shuffled into an unreadable state.

Else filed a mandamus on this issue. Ex Parte Else, WR-51,286-04. In response to the court's order, the DCDCO admitted error-- that the A-O label pages were lost. The clerk made no mention of the missing page, of the 3-page DPD dispatch report. The clerk then submitted a supplemental record, containing an incomplete copy of Else's memorandum of law.Id. The TCCA then denied Else's mandamus application.

TCCA then placed a copy of the clerk's supplemental record in Else's (Ex Parte Else, WR-51,286-03 record. The TCCA then sent Else a white card informing Else that his supplemental clerk's record/ memorandum had been presented to the court (TCCA).

18)After hearing nothing from the TCCA, Else filed a mandamus requesting the TCCA to order the trial court to reconstruct Else's original 11.07 application/package, organized how Else mailed it to the court). TCCA denied Else's mandamus application. Ex Parte Else, WR-51,286-05.

19) Else discovered that his trial co-counsel, Kevin Brooks, was the DCDAO First Assistant DA [whom Det. Renfro gave untruthfull testimony "that Watson directed authorities to find Cavazos"]. Also, Else discovered that

Else's co-defendant (Cheatham's) trial attorney, Jennifer Balido, had become the DCDAO Appellate Section Chief [head of the department responsible for investigating Else's grounds/facts, in his WR-51,286-03 writ]. ADA Balido, was the attorney who impeached Det. Rēnfroe -- to admit that he had knowledge that a 911 call was made in Dallas by someone who had saw decedent on fire, as opposed to decedent being found through Watson's directions. Balido was also the habeas trial judge in Else's 02 writ proceedings. Else filed a mandamus, in the TCCA, complaining about this issue. Ex Parte Else, WR-51,286-06. TCCA denied Else's mandamus application.Id.

20) Else then filed a motion in the 291st Judicial District Court in Dallas to disqualify the DCDAO from any further participation in Else's 98-02347-U-(C) cause no., due to conflict of interest-- related to all of the facts stated above. The 291st Judicial Court has yet to respond to Else's motion to disqualify.Id.

21) In light of the TCCA white card, and based on the clerk's late supplemental clerk's record, Else believed that his WR-51,286-03 writ had been reopened by TCCA.

In September 2025 Else mailed an 11.07 application, to amend his 03 writ record with a complete record (and a SPECIFIC ACTUAL INNOCENCE GATEWAY CLAIM/ARGUMENT).The DCDCO refused to accept and file this application. Else filed a mandamus regarding this issue (in the TCCA). Ex Parte Else, WR-51,286-07. TCCA ordered the DCDCO to respond if Else had mailed the September 2025 11.07 application to be filed, and if so, to forward it.Id.

22) Else had also mailed a copy of the 11.07 to Judge Stephanie Huff, Of the 291st Judicial District Court in Dallas. Judge Huff's office transferred the 11.07 application record to the DCDCO with instructions to file it. In December 2025 the DCDCO filed this record, and mailed Else a copy of the file stamped application (which was missing pages [incomplete].)

23) The DCDAO responded that an investigation may be warranted, but generally denied Else's claims on the merits. Ex Parte Else, WR-51,286-08. The DCDAO also responded that Else failed to prove his claims by a preponderance of the evidence.Id. The DCDAO stated that it would supplement its response (conceding or deying Else claims) at the conclusion of any investigation that may be conducted.Id.

24) The DCDCO transmitted the above stated record to the TCCA, in both the 07 mandamus order's response (denying mandamus), and in Ex Parte Else, WR-51,286-08 (dismissing application for writ of habeas corpus).

Else now request this court grant certiorari review .

25) Else raised his U.S. Const. 14th Amendent Brady v Maryland, 373 U.S. 83(1963),and Mooney v Holohan, 294 U.S. 103(1935) False Evidence claims based on Federal Law. Else specifically raised a gateway procedural actual innocence claim, which the state's case law bases on Schlup v Delo, 115 S. Ct. 851(1995). Therefore Else asserts that the Texas dismissal of his claim was interwoven with Federal law and this court has jurisdiction under holdings in Michigan v Long 463 U.S. 1032 (1983).

REASONS FOR GRANTING THE PETITION

Reason 1)

Because Texas's highest state court is forcing Else (and all applicants) to make a gateway procedural actual innocence showing under TCCP Art.

11.07 §4(a)(2) -- requiring applicant(s) to show that "by a preponderance of the evidence, but for a violation of the United States Constitution, no rational juror could find guilt beyond a reasonable doubt. This standard goes against U.S.S.C. holding, and federal law. *House v Bell*, 547 U.S. 518 (2006)(citing, *Schlup v Delo*, 115 S. Ct. 851(1995)).

To meet the 11.07 §4(a)(2) exception, and receive merits review, Texas Applicant(s) must make a *Jackson v. Virginia*, legal insufficiency showing. Not only did the "House" court hold against using the "Jackson" standard, the Jackson-Legal-Insufficiency ground of error was decided against Else on direct appellate review.

Therefore, Else can never meet the Texas 11.07 §4(a)(2) gateway standard regardless of what new evidence he presents. Else asserts that the use of the Jackson-type standard deprived him of a meaningful opportunity to present his newly discovered [DPD/IPD reports] evidence to TCCA, for review, in violation of Else's due process rights. For this reason Else ask this court to grant certiorari review.

Reason 2)

The TCCA have allowed the errors, committed by the DCDCO, to go uncorrected-- i.e., DCDCO filing and transmitting an incomplete and shuffled record to TCCA. After the DCDAO responded, and began its investigation of Else's claims, the DCDCO committed the above stated errors. DCDAO had an on-going investigation at the time of the above stated clerk's errors. DCDCO certified the record as a complete copy of the record (11.07 application) that Else mailed in to be filed. The TCCA dismissed Else's application after the DCDCO failed to transmit the key evidence Else relied on to support his claim, and while the DCDAO still had an on-going investigation. TCCA had no knowledge of these facts, because Else is a pro se applicant/litigant, with no access to the Texas Appellate Management E-file System (TAMES). (see, *Ex Parte Grant*, 622 S.W.3d 392 (Tex. Crim.App.2021)). The habeas trial court (who took no action) had no knowledge of the defective process, and clerk errors.

Else made every effort to the procedural errors committed by the DCDCO

and DCDAO to receive a meaningful review of his newly discovered [DPD/IPD records] evidence (filing 2 11.07 applications, and 3 mandamus applications).

For these reasons Else was deprived of a meaningful opportunity to present his new DPD/IPD report evidence and have it considered in light of his gateway actual innocence claim, and his Brady/False evidence claims.

Else ask this court to grant certiorari review on this issue.

Reason 3 and 4)

Else asserts that, in light of the DCDCO errors, the conflict in the DCDAO, the failure of the trial court to hold a hearing, and TCCA dismissal -- based on the Jackson standard, Else's record in his WR-51, 286-08 record is sufficient to show that "any" juror, acting reasonably, with knowledge that the state suppressed police reports that show that Else was in another city when the crime was being committed in Dallas [and could not have been present on the crime scene participating in the charged offence] would have acquitted Else.

Moreover, any juror, acting reasonably, who knew that the arresting and charging police agency/officer(s) charged Else for a crime in another city [at a time when they knew Else could not have committed the crime (i.e., framed Else), then concealed the false charge evidence, would acquit Else.

For these reasons, Else ask this court to grant certiorari review -- to apply the correct Schlup standard and send Else case back to the state for a full and fair review.

Else is an indigent, pro se litigant who ask that, if the staff of this court, see any merit to this petition (construed liberally), please appoint counsel to draft this petition in a way that will highlight the point(s) of error in a way that pleases the court

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

David Harold Gelfin (Pro Se)

Date: 7-10-2026