

APPENDIX

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

October 7, 2019

Mr. Donald G. Flint
Prisoner ID 1509401
2665 Prison Road
#1
Lovelady, TX 75851

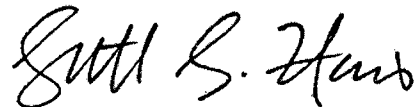
Re: Donald G. Flint
v. Lorie Davis, Director, Texas Department of Criminal Justice,
Correctional Institutions Division
No. 18-9147

Dear Mr. Flint:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott S. Harris". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Scott S. Harris, Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT



No. 14-41190
USDC No. 5:12-CV-53

A True Copy
Certified order issued Dec 04, 2015

Styl W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit

DONALD FLINT,

Petitioner-Appellant

v.

WILLIAM STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent-Appellee

Appeal from the United States District Court for the
Eastern District of Texas, Texarkana

ORDER:

Donald Flint, Texas prisoner #1509401, seeks a certificate of appealability (COA) to appeal the denial of his 28 U.S.C. § 2254 application, which challenged his convictions on one count of aggravated sexual assault of a child and three counts of indecency with a child. Flint argues that he received ineffective assistance of counsel because counsel did not move for the dismissal of his untimely indictment and that his guilty pleas on two counts are invalid because the trial court did not admonish him of his rights to be tried by a jury, confront his accusers, and to be free from self-incrimination.

In order to obtain a COA, Flint must demonstrate "that jurists of reason could disagree with the district court's resolution of his constitutional claims

or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003).

Flint provides no argument for a COA on his § 2254 claims that the trial court’s failure to pronounce his guilt on two counts rendered those convictions void and that he received ineffective assistance of counsel because counsel misadvised him about his sentencing exposure and did not object to evidence of the aggravated assault. Those claims are therefore deemed abandoned. *See Matchett v. Dretke*, 380 F.3d 844, 848 (5th Cir. 2004). As Flint has not shown that jurists of reason could disagree with the district court’s resolution of his remaining ineffective assistance of counsel claim and his claim attacking the validity of his guilty plea, his motion for a COA is denied. *See Miller-El*, 537 U.S. at 327.

Seeking court-appointed counsel, Flint has filed a financial affidavit demonstrating his indigence. He has not, however, shown that appointment of counsel is required in the interests of justice. Accordingly, Flint’s motion for appointment of counsel is also denied. *See Wardlaw v. Cain*, 541 F.3d 275, 279 (5th Cir. 2008).

MOTIONS DENIED.

/s/ James L. Dennis

JAMES L. DENNIS
UNITED STATES CIRCUIT JUDGE