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Appendix A

Rule 14.1(i)(i)—Appellate Opinion/Order

FIFTH CIRCUIT COURT OF APPEALS

**2019 Feb 27 – Certificate of Appealability
Denied**

Case: 18-50675 Document: 00514853889 Page: 1

Date Filed: 02/27/2019

**IN THE UNITED STATES COURT OF
APPEALS FOR THE FIFTH CIRCUIT**

No. 18-50675 [5th Cir. Seal]

A True Copy

Certified order issued Feb 27, 2019

/s/ Lyle W. Cayce

Clerk, U.S. Court of Appeals Fifth Circuit

WES PERKINS,

Petitioner-Appellant

v.

LORIE DAVIS, DIRECTOR, TEXAS DEPARTMENT
OF CRIMINAL JUSTICE, CORRECTIONAL
INSTITUTIONS DIVISION,

Respondent-Appellee

Appeal from the United States District Court
for the Western District of Texas

O R D E R:

Wes Perkins, former inmate of the Travis County, Texas jail, filed the instant 28 U.S.C. § 2254 application challenging his jury conviction for fleeing a police officer in violation of Texas Transportation Code § 545.421. In his application, he contended that the trial court lacked personal and subject matter jurisdiction over him. He now seeks a certificate of appealability (COA) from the district court's denial of his § 2254 application.

A COA may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); *see Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003). When the district court rejects constitutional claims on their merits, a COA should issue only if the applicant demonstrates "that jurists of reason could disagree with the district court's [1 2] resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." *Miller-El*, 537 U.S. at 327; *see Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000).

Because Perkins has failed to make such a showing, his motion for a COA is DENIED.

/s/Jennifer Walker Elrod
JENNIFER WALKER ELROD
UNITED STATES CIRCUIT JUDGE

Rule 14.1(i)(ii)—Additional Orders

Habeas

**WESTERN DISTRICT OF TEXAS (Austin Div.)
(PITMAN, J.)**

**2018 Jul 20 – Habeas denied, Certificate of
Appealability denied (and
STATE A.G. dismissed as party)**

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

WES PERKINS

§

V.

§

§

§

§

CUSTODIAN SALLY

§

HERNANDEZ and

§

KEN PAXTON

§

A-18-CV-0201-RP

ORDER

Before the Court are Petitioner's pro se "Ex Parte Original Petition for Habeas § 2251/§ 2254" (ECF No. 1), and his motion to stay enforcement of a state court judgment (ECF No. 2), and Respondent Hernandez's answer to the petition. (ECF No. 12). Also before the Court are Respondent Paxton's motion to dismiss (ECF No. 8) and Petitioner's response thereto (ECF No. 13).¹ Petitioner is no

¹ Respondent Paxton asserts he is not a proper

longer in custody and he has paid the full filing fee for this matter. For the reasons set forth below, Petitioner's application for writ of habeas corpus is DENIED.

STATEMENT OF THE CASE

On July 27, 2014, Petitioner was arrested and charged by municipal court complaint with fleeing a police officer, in violation of Texas Transportation Code § 545.421(a), a Class B misdemeanor. (ECF No. 1-3 at 5, 16; ECF No. 12 at 1).² Petitioner was released on cash bond. (ECF [1 2] No. 1-3 at 2). A jury trial was conducted in the County Court at Law for Travis County. (ECF No. 1-3 at 4).

At trial, Perkins argued he was not moving persons or property from one place to another for

respondent because Petitioner was subjected to county, rather than state, custody. (ECF No. 8).

² This statute provides:

(a) A person commits an offense if the person operates a motor vehicle and wilfully fails or refuses to bring the vehicle to a stop or flees, or attempts to elude, a pursuing police vehicle when given a visual or audible signal to bring the vehicle to a stop. ...

The Police Report states:

Arrest of a documented sovereign citizen for eluding, driving while license invalid, and failure to identify. Seizure of a vehicle that was unregistered, and was bearing an LP not issued by any state and/or country.

(ECF No. 1-3 at 20).

hire in the state and therefore was not engaged in "transportation" as he defines that word.

According to Perkins, "transportation" requires a "commercial element" and because he was not engaged in commerce, he was not "in transportation." Perkins also testified that he did not consent to being in commerce, and did not consent to "the presumption that [he was] operating a motor vehicle," which he "denies at all times." On cross-examination Perkins agreed that Officer Rodriguez activated his lights and his siren and signaled for Perkins to pull over. He also agreed that rather than pull over immediately he traveled about half a mile before doing so. Perkins stated that he did not disagree with Officer Rodriguez's account of the events but that his defense to the offense charged was that he was not subject to the Texas Transportation Code because he was not "in commerce" and was not "moving persons or property from one place to another for hire" and therefore was not engaged in "transportation."

(ECF No. 1-3 at 6-7). On July 28, 2015, Petitioner was found guilty as charged. The court assessed punishment at 60 days confinement in the Travis County Jail. (ECF No. 1-3 at 6-7, 142-43).

Petitioner appealed his conviction, asserting 22 issues. (ECF No. 1-3 at 7).³ The Third Court of

³ The Third Court of Appeals stated:

Even construed liberally, the arguments presented in Perkins's numerous issues and sub-issues are confusing, repetitive, and in many instances incomprehensible. The brief is similar

Appeals addressed only three of those issues: (1) whether the trial court had subject-matter jurisdiction; (2) whether the trial court had personal jurisdiction over Petitioner because he was not served with an indictment; and (3) whether there was sufficient evidence to support his conviction. (ECF No. 1-3 at 8). On August 11, 2016, the appellate court overruled Petitioner's claims and [1 3] affirmed his conviction. *See also Perkins v. State*, No. 03-15-00702-CR, 2016 WL 4272109 (Tex. App.—Austin 2016, no pet.), cert. denied, 138 S. Ct. 382 (2017).

Petitioner sought review of the Court of Appeals' decision by the Texas Supreme Court, which denied review for want of jurisdiction on January 20, 2017. (ECF No. 1-3 at 13). A rehearing of the petition for review was denied on March 3, 2017. *Perkins*, 2016 WL 4272109. Petitioner sought a state writ of habeas corpus, which was denied by the trial court, without a hearing on February 23, 2018. (ECF No. 1-3 at

in substance to previous briefs Perkins has submitted to this Court in appeals from convictions for violating other provisions of the Texas Transportation Code.

Perkins v. State, No. 03-15-00702-CR, 2016 WL 4272109, at *2 (Tex. App.—Austin 2016, no pet.). *See also Perkins v. State*, Nos. 03-14-00305-CR, 03-14-00306-CR, 03-14-00307-CR, 03-14-00308-CR, 03-14-00309-CR, 03-14-00310-CR, 2015 WL 3941572 (Tex. App.—Austin 2015, no pet.), cert. denied, 136 S. Ct. 817 (2016); *Perkins v. State*, No. 03-14-00733-CR 2016 WL 691265 (Tex. App.—Austin 2016, pet. denied), cert. denied, 137 S. Ct. 1070 (2017).

147).

Petitioner was booked and admitted into custody in Travis County on March 9, 2018, and was released on March 26, 2018. (ECF No. 2; ECF No. 9).

Petitioner's writ of habeas corpus was received on March 6, 2018. (ECF No. 1-1 at 2).

In his federal habeas petition Petitioner asserts the trial court did not have jurisdiction to try and convict him, based on the meaning of the word "transportation" as used in the relevant code. In the habeas petition Petitioner asks the Court to stay enforcement of the judgement [sic], i.e., the sentence of 60 days confinement (which has now been served), and to vacate the underlying conviction.

ANALYSIS

Petitioner seeks habeas corpus relief from this Court on the grounds that the trial court did not have personal and subject matter jurisdiction over him, based on the meaning of the word "transportation" in the Texas Transportation Code. Petitioner argues: "The 3d CoA's gutting of the Transp. Code renders it legally impossible for there to be any legitimacy in any 'transportation'-dependent prosecution, it being legally impossible to obtain an enforceable judgment." (ECF No. 1 at 5). Petitioner asserts that, as a sovereign citizen [sic], the State of Texas may [4] not legitimately regulate his operation of a motor vehicle if the operation of that vehicle is for personal, rather than commercial, purposes. (ECF No. 1; ECF No. 2). This claim was raised in the Texas Third Court of Appeals, which denied relief. Perkins, 2016 WL 4272109 at *2 ("The definition of " [sic] transportation" [sic] is irrelevant

to the offense for which Perkins was charged.”). The interpretation of state law by a state appellate court is entitled to deference by this Court. *Young v. Dretke*, 356 F.3d 616, 628 (5th Cir. 2004).

To be entitled to federal habeas relief, the petitioner must assert the violation of a federal constitutional right; conclusory allegations that an erroneous application of state law violated a petitioner’s rights do not properly state a claim for habeas relief. *Wilder v. Cockrell*, 274 F.3d 255, 260 (5th Cir. 2001) (“A fleeting reference to the federal constitution, tacked onto the end of a lengthy, purely state-law evidentiary argument, does not sufficiently alert and afford a state court the opportunity to address an alleged violation of federal rights.”); *Ross v. Estelle*, 694 F.2d 1008, 1012 (5th Cir. 1983).

CONCLUSION

Even broadly construing Petitioner’s pleadings, he has not alleged the cognizable violation of a federal constitutional right.

CERTIFICATE OF APPEALABILITY

An appeal may not be taken to the court of appeals from a final order in a habeas corpus proceeding unless a judge issues a certificate of appealability. 28 U.S.C. § 2253(c) (1)(A). Pursuant to Rule 11 of the Federal Rules Governing Section 2254 Cases, the district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant. A certificate of appealability may issue only if a petitioner has made a substantial showing of the denial of a [1 5]

constitutional right. 28 U.S.C. § 2253(c)(2). The Supreme Court fully explained the requirement associated with a “substantial showing of the denial of a constitutional right “ [sic] in *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). In cases where a district court rejected a petitioner’s constitutional claims on the merits, “the petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong. “ [sic] *Id.*

In this case, reasonable jurists could not debate the dismissal or denial of the Petitioner’s section 2254 petition on substantive or procedural grounds, nor find that the issues presented are adequate to deserve encouragement to proceed. *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003), *citing* [sic] *Slack*, 529 U.S. at 484. Accordingly, the Court shall not issue a certificate of appealability.

It is therefore **ORDERED** that the Application for Writ of Habeas Corpus [ECF No. 1], is **DENIED**.

It is further **ORDERED** that Petitioner’s Motion to Stay [ECF No. 2] is **DENIED** as **MOOT**.

It is further **ORDERED** that the Motion to Dismiss Ken Paxton as a Respondent [ECF No. 8] is **GRANTED**.

It is finally **ORDERED** that a certificate of appealability is **DENIED**.

SIGNED on July 20, 2018.

/s/ Robert Pitman
ROBERT PITMAN
UNITED STATES DISTRICT JUDGE

2018 Jul 20 – Judgment

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

WES PERKINS	§	
	§	
V.	§	A-18-CV-0201-RP
	§	
CUSTODIAN SALLY	§	
HERNANDEZ and	§	
KEN PAXTON	§	

JUDGMENT

BE IT REMEMBERED on this day the Court issued its order denying Petitioner's application under 28 U.S.C. § 2254 against Respondents, and thereafter the Court renders the following judgment:

IT IS ORDERED, ADJUDGED, and DECREED that Petitioner's application under 28 U.S.C. § 2254 against Respondent is **DENIED**.

SIGNED on July 20, 2018.

/s/ Robert Pitman
ROBERT PITMAN
UNITED STATES DISTRICT JUDGE

TEX. CT. CRIM. APP.

2018 Mar 7 - Leave to file Habeas denied

OFFICIAL NOTICE FROM COURT OF CRIMINAL
APPEALS OF TEXAS
P.O. BOX 12308, CAPITOL STATION, AUSTIN,
TEXAS 78711

[Seal]

3/7/2018

PERKINS, WESLEY

Tr. Ct. No. C-1-CR-14-212016 WR-88,116-01

This is to advise that the Court has denied without
written order the motion for leave to file the original
application for writ of habeas corpus.

Deana Williamson, Clerk

WESLEY PERKINS
11900 METRIC BLVD #J179
AUSTIN, TX 78758
* DELIVERED VIA E-MAIL *

COUNTY COURT AT LAW NO. 3 (MCCORMICK,
sitting for the vacationing LIPSCOMBE)

2018 Feb 23 - Habeas denied without hearing

CICR -
Cause No. 14- 202016

EX PARTE WESLEY PERKINS

§
§

A-11

(PERKINS v. HERNANDEZ, Sheriff) §
§
§
§
§

§ In the Transferee
§
§ COUNTY COURT AT LAW
§
§ NO. 3
§
§ TRAVIS COUNTY, TEXAS
§

**REMAINING ACADEMICALLY POSSIBLE
ORDER DENYING WRIT OF HABEAS CORPUS**

On this day came on to be heard Respondent Perkins's Application for a Writ of Habeas Corpus regarding Cause No. C-1-CR-14-212016, Judge (Justice) MICHAEL MCCORMICK, presiding.

Upon review of the Application and any response by STATE, this court is of the opinion that the Application should be denied without hearing.

Therefore, it is

ORDERED that Perkins's Application for a Writ of Habeas Corpus is hereby denied without hearing.

Signed on this 23 day of Feb., 2018.

/s/ M. McCormick

JUDGE PRESIDING

ORDER denying Application without hearing (No. C-1-CR-14-212016) 1

From the Direct Appeal

THIRD COURT OF APPEALS

2016 Aug 11 – Opinion

**TEXAS COURT OF APPEALS,
THIRD DISTRICT, AT AUSTIN**

NO. 03-15-00702-CR

Wesley Eugene Perkins, Appellant

v.

The State of Texas, Appellee

**FROM THE COUNTY COURT AT LAW NO. 3
OF TRAVIS COUNTY
NO. C-1-CR-14-212016
HONORABLE MICHAEL J. MCCORMICK,
JUDGE PRESIDING**

MEMORANDUM OPINION

Wesley Eugene Perkins was charged by information with the offense of fleeing or attempting to elude a police officer, a Class B misdemeanor. *See* Tex. Transp. Code § 545.421. Following a jury trial in the county court at law, Perkins was found guilty of the charged offense. The court assessed punishment at 60 days' confinement in the Travis County jail. Perkins, appearing pro se, brought this appeal. We will affirm the judgment of conviction.

BACKGROUND

Officer Domingo Rodriguez, an officer with the City of Austin Police Department, testified that on July 24, 2014 he was on patrol on Westgate Boulevard when he observed Perkins driving at a speed that he perceived to be over the posted speed limit. Officer Rodriguez then confirmed Perkins's speed using his radar, made a u-turn, turned on his overhead lights, and attempted to conduct a traffic stop of Perkins's vehicle. Officer Rodriguez was driving a black and [1 2] white Ford SUV marked with large police emblems on both the driver's side and passenger's side doors. Officer Rodriguez caught up to Perkins's car one block after making the u-turn. Despite Officer Rodriguez's police vehicle being directly behind him with activated overhead emergency lights and flashing headlights, Perkins passed several places where he could have safely pulled over. After traveling one block, Officer Rodriguez started intermittently activating his siren, but Perkins still did not stop. Officer Rodriguez then used his public announcement speaker to command that Perkins pull over, but Perkins did not do so. Officer Rodriguez then turned on his siren and followed Perkins for four more city blocks before Perkins finally came to a stop. Officer Rodriguez testified that Perkins traveled a total of eight city blocks in a residential area, passing at least eight side streets, before coming to a stop in a shopping center.

After pulling into a parking space, Perkins got out of his car and approached Officer Rodriguez's vehicle. Officer Rodriguez testified that he does not like it

when people get out of their vehicles without being asked during a traffic stop because he does not know what the person's state of mind is or whether the person might have a weapon. When Perkins came toward Officer Rodriguez, he immediately arrested him for eluding a police officer. Officer Rodriguez testified that when he asked Perkins why he did not pull over on one of the side streets, Perkins only stated that there may have been plenty of side streets on which to pull over but that he was trying to get to the parking lot.

At trial, Perkins took the stand and testified that on July 24, 2014 he was not moving persons or property from one place to another for hire in the state and therefore was not engaged in "transportation" as he defines that word. According to Perkins, "transportation" [13] requires a "commercial element" and because he was not engaged in commerce, he was not "in transportation." Perkins also testified that he did not consent to being in commerce, and did not consent to "the presumption that [he was] operating a motor vehicle," which he "denies at all times." On cross-examination Perkins agreed that Officer Rodriguez activated his lights and his siren and signaled for Perkins to pull over. He also agreed that rather than pull over immediately he traveled about half a mile before doing so. Perkins stated that he did not disagree with Officer Rodriguez's account of the events but that his defense to the offense charged was that he was not subject to the Texas Transportation Code because he was not "in commerce" and was not "moving persons or property from one place to another for hire" and therefore was

not engaged in “transportation.”

The jury found that Perkins was guilty of the offense of fleeing or attempting to elude a police officer. The court assessed punishment at 60 days’ confinement in the Travis County jail. Perkins then perfected this appeal and filed a brief in which he identifies 22 appellate issues. Even construed liberally, the arguments presented in Perkins’s numerous issues and sub-issues are confusing, repetitive, and in many instances incomprehensible.

⁴ The brief is similar in substance to previous briefs Perkins has submitted to this Court in appeals from convictions for violating other provisions of the Texas Transportation Code. *See Perkins v. State*, No. 03-14-00733-CR, 2016 WL 691265 (Tex. App.—Austin Feb. 19, 2016, pet. denied) (mem. op., not designated for publication) (appeal from conviction of driving while license invalid); *Perkins v. State*, Nos. 03-14- [1 4] 00305-00310-CR, 2015 WL 3941572 (Tex. App.—Austin June 25, 2015, pet. denied) (mem. op., not designated for publication) (appeal from convictions of driving with expired registration, driving with expired inspection sticker, and failing to maintain financial responsibility). ⁵ In this opinion we will

⁴ Although we liberally construe pro se briefs, litigants who represent themselves are held to the same standards as litigants represented by counsel. *See Mansfield State Bank v. Cohn*, 573 S.W.2d 181, 184-85 (Tex. 1978). To do otherwise would give pro se litigants an unfair advantage over litigants represented by an attorney. *Id.*

⁵ In one of the two cases we declined to grant the State’s motion to hold Perkins in contempt and

address the three essential arguments Perkins raised in his 22 issues challenging his conviction, namely that (1) the trial court did not have subject-matter jurisdiction over the case because Perkins was not engaged in “transportation” such that he could properly be charged with an offense included in the Texas Transportation Code, (2) the trial court did not have personal jurisdiction over him because he was not served with an indictment, and (3) there was no evidence supporting the judgment of conviction because there was no evidence that Perkins was engaged in “transportation” as he defines that term.⁶

Subject-Matter Jurisdiction

Perkins argues that he was not engaged in an activity constituting his definition of “transportation” and, consequently, could not have been in violation of any provision of the Texas Transportation Code,

assess sanctions for filing baseless and groundless pleadings but we cautioned Perkins that repetition of arguments similar to those presented in this brief could result in sanctions. *See Perkins v. State*, Nos. 03-14-00305-00310-CR, 2015 WL 3941572, at *5 n.8 (Tex. App.—Austin June 25, 2015, pet. denied) (mem. op., not designated for publication). The State has not requested sanctions in this appeal.

⁶ Other various complaints in Perkins’s brief depend on this Court’s adopting Perkins’s definition of “transportation,” which we have previously rejected, are inadequately briefed, or do not constitute comprehensible legal arguments that could support reversing the trial court’s judgment of conviction for the charged offense.

including section 545.421. He maintains that, for this reason, the trial court did not have subject-matter jurisdiction over the case. According to Perkins, in order for his activity [15] to constitute

"transportation" it must be done "for profit or hire" and must involve "carrying passengers or cargo."

Perkins argues that because the statute he was charged with violating is found in the Texas Transportation Code, it applies only to activities involving commercial activity and thus does not extend to individuals who are not operating their cars for profit or hire and who are not carrying passengers or cargo.

The definition of "transportation" is irrelevant to the offense for which Perkins was charged. A person commits the offense of fleeing or attempting to elude a police officer if:

the person operates a motor vehicle and fails or refuses to bring the vehicle to a stop or flees, or attempts to elude, a pursuing police vehicle when given a visual or audible signal to bring the vehicle to a stop.

See Tex. Transp. Code § 545.421(a). The word "transportation" is not used in the statute. Nor is being engaged in some activity deemed to be "transportation" an element of the offense. Relying on his own definition of "transportation," Perkins argues that the Toyota Prius he was driving could not be a "vehicle" under the Texas Transportation Code since there was no "transportation" involved, and therefore he could not have been found to be operating a motor vehicle. We have previously rejected the arguments Perkins repeats here to

support his definition of “transportation.” *See Perkins v. State*, 2015 WL 3941572, at *3. We overrule Perkins’s challenge to the trial court’s subject-matter jurisdiction over this case. ⁷ [16]

Personal Jurisdiction

Perkins argues that the trial court did not have personal jurisdiction over him because he was charged with a felony by information instead of by indictment. The offense with which Perkins was charged, however, was a Class B misdemeanor. *See* Tex. Transp. Code § 545.421(c). Thus Perkins was properly charged by information. The right to an indictment extends only to felonies. *See* Tex. Const. art. I, § 10; Tex. Code Crim. Proc. arts. 1.05, 1.141; *State v. Chardin*, 14 S.W.3d 829, 831 (Tex. App.—Austin 2000, pet. ref d) (“An accused cannot be tried and convicted for a felony except on indictment of a grand jury unless the accused waives that right.”). We overrule Perkins’s challenge to the court’s exercise of personal jurisdiction over him.

Relatedly, Perkins asserts that his due process rights were violated because he was charged by information filed with the court and not served. *See* Tex. Code Crim. Proc. art. 25.04 (“In misdemeanors, it shall not be necessary before trial to furnish the accused with a copy of the indictment or information;

⁷ We also overrule Perkins’s complaint that the transfer of his case from County Court at Law Number 6 to County Court at Law Number 3 was invalid because the transferring court did not have subject-matter jurisdiction over the case.

but he or his counsel may demand a copy, which shall be given as early as possible.”). The record reflects, however, that Perkins knew he was charged with fleeing or attempting to elude a police officer. Perkins signed a cash bond that stated he was charged with fleeing a police officer and filed a “Waiver of Attorney” form, albeit intentionally crossing out the words “I am fully aware of the charges against me.” Perkins also filed numerous pre-trial motions including a special appearance, a document titled “Assertion of Rights,” and other motions containing arguments similar to those he makes on appeal. The reporter’s record contains a statement from counsel for the State that he offered to reduce the charge to a Class C misdemeanor with deferred disposition if Perkins would pay a small fine and stay out of trouble for six months, after [17] which the case would be dismissed. Perkins declined that offer. It is apparent from the record that Perkins was aware of the offense he was charged with and participated fully in the proceedings. Perkins has not demonstrated that he was deprived of his right to due process.

Sufficiency of the Evidence Supporting Conviction

Perkins also asserts that there is insufficient evidence to support the judgment of conviction. Perkins does not dispute Officer Rodriguez’s testimony, from which a rational trier of fact could have found the essential elements of the offense of fleeing or attempting to elude a police officer. See *Brooks v. State*, 323 S.W.3d 893, 895 (Tex. Crim. App. 2010) (standard for legal sufficiency). Instead,

Perkins argues that because the State failed to prove “transportation,” as he defines that term, he could not have been found to have committed the charged offense. For the reasons already stated when discussing the court’s subject-matter jurisdiction, we reject Perkins’s argument that the State was required to adduce evidence that he was engaged in “transportation” as he defines the term, i.e., the commercial enterprise of moving people or cargo for profit or hire, in order to prove the elements of the offense of fleeing or attempting to elude a police officer. The judgment of conviction is supported by legally sufficient evidence.

CONCLUSION

The trial court had subject-matter jurisdiction to render a judgment in this case. Perkins was properly charged by information with the offense of fleeing or attempting to elude a police officer. The State presented undisputed evidence sufficient for a reasonable juror to find each of the elements of the charged offense. The trial court properly rendered judgment on the jury’s [18] verdict and was authorized to assess punishment at 60 days’ confinement in the Travis County jail. We overrule all of Perkins’s appellate issues and affirm the judgment of conviction.⁸

⁸ We overrule Perkins’s request to supplement the record with a letter dated June 14, 2016 from Perkins to the Texas Department of Motor Vehicles regarding disposition of Perkins’s Toyota Prius. We dismiss as moot Perkins’s motions to strike letters from the Clerk of this Court requesting that Perkins

Scott K. Field, Justice

Before Justices Puryear, Goodwin, and Field

Affirmed

Filed: August 11, 2016

Do Not Publish

2016 Aug 11 – Judgment

**TEXAS COURT OF APPEALS,
THIRD DISTRICT, AT AUSTIN**

JUDGMENT RENDERED AUGUST 11, 2016

NO. 03-15-00702-CR

Wesley Eugene Perkins, Appellant

v.

The State of Texas, Appellee

**APPEAL FROM THE COUNTY COURT AT LAW
NO. 3 OF TRAVIS COUNTY**

file a docketing statement and an amended notice of
appeal.

A-22

**BEFORE JUSTICES PURYEAR, GOODWIN
AND FIELD
AFFIRMED – OPINION BY JUSTICE FIELD**

This is an appeal from the judgment of conviction rendered by the trial court. Having reviewed the record and the parties' arguments, the Court holds that there was no reversible error in the trial court's judgment. Therefore, the Court affirms the trial court's judgment of conviction. Appellant shall pay all costs relating to this appeal, both in this Court and the court below.

MCCORMICK's final judgment

COUNTY COURT AT LAW NO. 3

2015 Jul 28 – Judgment and Sentence

FILED FOR RECORD

2015 JUL 28 PM 4:17

DANA DEBEAUVOIR

COUNTY CLERK

TRAVIS COUNTY TEXAS

NO. C-1-CR- 14-212016

THE STATE OF TEXAS

C-1-CR-14-212016

VS

Rule 14.1(i)(iii)—Rehearing

None

**Rule 14.1(i)(iv)—(Habeas) Judgment of
different date**

None

Rule 14.1(i)(v)—Statutes and Rules

Texas Transportation Code

§ 545.421

Sec. 545.421. FLEEING OR ATTEMPTING TO
ELUDE POLICE OFFICER; OFFENSE.

(a) A person commits an offense if the person operates a motor vehicle and wilfully fails or refuses to bring the vehicle to a stop or flees, or attempts to elude, a pursuing police vehicle when given a visual or audible signal to bring the vehicle to a stop.

(b) A signal under this section that is given by a police officer pursuing a vehicle may be by hand, voice, emergency light, or siren. The officer giving the signal must be in uniform and prominently display the officer's badge of office. The officer's vehicle must bear the insignia of a law enforcement agency, regardless of whether the vehicle displays an

emergency light.

(c) Except as provided by Subsection (d), an offense under this section is a Class B misdemeanor.

...

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.21, eff. September 1, 2009.

Rule 14.1(i)(vi)—Additional Essential Materials

Reference to the Records on Appeal is sufficient.

This is the second of three trial matters in this court. Regarding complete exoneration, Judicial Notice is requested of the trial Records in Nos. C-1-CR-13-200882 (first case) (in particular the recent Probation revocation proceeding) and C-1-CR-19-200932 (third case), County Court at Law No. 3, Travis County (the underlying new matter on which Probation revocation was requested).