



SHARON KELLER  
PRESIDING JUDGE

MIKE KEASLER  
BARBARA P. HERVEY  
BERT RICHARDSON  
KEVIN P. YEARY  
DAVID NEWELL  
MARY LOU KEEL  
SCOTT WALKER  
MICHELLE M. SLAUGHTER  
JUDGES

## COURT OF CRIMINAL APPEALS

P.O. BOX 12308, CAPITOL STATION  
AUSTIN, TEXAS 78711

DEANA WILLIAMSON  
CLERK  
(512) 463-1551

SIAN SCHILHAB  
GENERAL COUNSEL  
(512) 463-1597

Friday, February 28, 2020

Juan Domingo Velazquez  
Polunsky Unit - Tdc # 1347285  
3872 Fm 350 S.  
Livingston, Tx 77351

**Re:** Velazquez, Juan Domingo  
CCA No. WR-85,125-01  
Trial Court Case No. 1028399-A

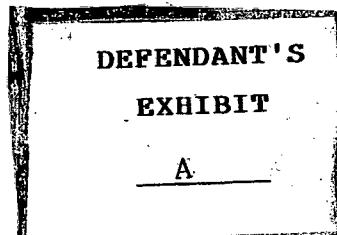
**IMPORTANT: PLEASE INFORM THIS COURT OF ALL ADDRESS CHANGES IN WRITING.**

Your letter has been received. Please be advised your application for writ of habeas corpus has been received on 5/23/2016. The status is: DENIED WITHOUT WRITTEN ORDER ON THE FINDINGS OF THE TRIAL COURT WITHOUT A HEARING on 8/10/2016.

Sincerely,

Deana Williamson, Clerk

## APPENDIX A



OFFICIAL NOTICE FROM COURT OF CRIMINAL APPEALS OF TEXAS  
P.O. BOX A12308S CAPITOL STATION, AUSTIN, TEXAS 78711

STATE OF TEXAS  
PENALTY FOR  
PRIVATE USE

U.S. POSTAGE » PITNEY BOWES

ZIP 78702 \$ 000.27<sup>0</sup>  
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0000372116 APR. 23. 2020

4/22/2020

VELAZQUEZ, JUAN DOMINGO Tr. Ct. No. 1028399-A WR-85,125-01

This is to advise that the applicant's suggestion for reconsideration has been denied without written order.

Deana Williamson, Clerk

JUAN DOMINGO VELAZQUEZ  
POLUNSKY UNIT - TDC # 1347285  
3872 FM 350 S.  
LIVINGSTON, TX 77351

185  
078

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APPENDIX B

DEFENDANT'S  
EXHIBIT

— B —

FILED

Chris Daniel  
District Clerk

APR 07 2006

EX PARTE § IN THE 248<sup>TH</sup> DISTRICT COURT, TEXAS  
§ COURT OF

JUAN DOMINGO VELAZQUEZ, § HARRIS COUNTY, TEXAS  
Applicant

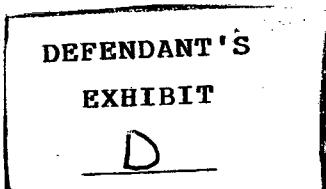
**STATE'S PROPOSED FINDINGS OF FACT  
AND CONCLUSIONS OF LAW, AND ORDER**

The Court has considered the original application for writ of habeas corpus, the State's Original Answer, the affidavit of trial counsel Edward P. Sillas, and official court records in the above-captioned cause. The Court finds that there are no controverted, previously unresolved facts material to the legality of the applicant's confinement which require an evidentiary hearing and recommends that the relief requested be denied for the following reasons:

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. The Court finds that the affidavit of trial counsel Edward P. Sillas is credible and the facts asserted therein are true.
2. The Court finds, based on the credible affidavit of trial counsel, that the trial strategy of arguing self-defense was created in cooperation with the applicant and supported by the applicant's own statements to police, oral

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statements to trial counsel, his written statement to trial counsel, and some physical evidence.

3. The Court finds that in order to present a self-defense defense that the applicant was required to admit he shot the complainant.

4. The Court will not second-guess the tactical decision made by trial counsel.

*Solis v. State*, 792 S.W.2d 95, 100 (Tex. Crim. App. 1990).

5. The applicant fails to show that the result of the trial would have been different but for counsel's alleged deficient conduct. *Mercado v. State*, 615 S.W.2d 225, 228 (Tex. Crim. App. 1981.)

6. The applicant fails to overcome the presumption that counsel's representation was within the wide range of reasonable professional assistance. *Strickland v. Washington*, 466 U.S. 668, 689 (1984).

7. The Court finds that trial counsel provided sufficient assistance based on the totality of the representation of the accused. *Bolden v. State*, 634 S.W.2d 710, 714 (Tex. Crim. App. 1982; *Ewing v. State*, 549 S.W.2d 392, 395 (Tex. Crim. app. 1977)).

8. The Court finds, based on the credible affidavit of trial counsel, that the eyewitness, Stephanie Jones, was interviewed by trial counsel prior to trial and the court's records show she was cross examined extensively by trial counsel while on the witness stand (Vol. 3 R.R. at 92-115, 119-121, 124).

Accordingly, the Court recommends to the Court of Criminal Appeals that relief be denied.

## **ORDER**

THE CLERK IS ORDERED to prepare a transcript of all papers in cause number 1028399-A and transmit same to the Court of Criminal Appeals as provided by TEX. CODE CRIM. PROC. ANN. art. 11.07 § 3. The transcript shall include certified copies of the following documents:

1. the application for writ of habeas corpus;
2. the State's answer along with any attachments;
3. the Court's order;
4. the indictment, judgment and sentence, and docket sheets in cause number 1028399 (unless they have been sent to the Texas Court of Criminal Appeals pursuant to a post-conviction writ of habeas corpus order);
5. the affidavit of trial counsel Edward P. Sillas;
6. the Court's Findings of Fact and Conclusions of Law; and
7. the State's and Applicant's Proposed Findings of Fact and Conclusions of Law (if any).

THE CLERK is further ORDERED to send a copy of this order to the applicant's last known address, Juan Domingo Velazquez, #1347285 Polunsky Unit, 3872 FM 350 South, Livingston, Texas 77351, and to counsel for the State,

February 18, 2020

Deana Williamson, Clerk  
Court of Criminal Appeals  
Post Office Box 12308  
Austin, Texas 78711-2308

Re: Writ No. WR-85,125-01

Dear Ms. Williamson:

Enclosed for proper filing is Applicant's MOTION FOR RECONSIDERATION ON THE COURT'S OWN INITIATIVE.

Thank you for presenting this to the Court.

Yours Sincerely,

Juan Domingo Velazquez  
Juan Domingo Velazquez, #1347285  
Polunsky Unit  
3872 Fm 350 South  
Livingston, Texas 77351

APPENDIX C

DEFENDANT'S  
EXHIBIT

C