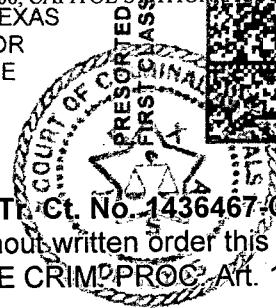


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STATE OF TEXAS
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7/13/2022

WHITE, VANCE L.

Tr. Ct. No. 1436467-C

WR-88,277-05

The Court has dismissed without written order this subsequent application for a writ of habeas corpus. TEX. CODE CRIM. PROC. Art. 11.07, Sec. 4(a)-(c).

Deana Williamson, Clerk

VANCE L. WHITE
JESTER III UNIT - TDC # 2033401
3 JESTER ROAD
RICHMOND, TX 77406

28 FMEZNAB 77406



Marilyn Burgess

HARRIS COUNTY DISTRICT CLERK

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 |
www.hcdistrictclerk.com

May 31, 2022

**Vance White
#02033401- Jester III
3 Jester Rd.
Richmond, Tx 77406**

To Whom It May Concern:

Pursuant to Article 11.07 of the Texas Code of Criminal Procedure, please find enclosed copies of the documents indicated below concerning the Post-Conviction Writ filed in cause number 14364670101C the 179th District Court.

- STATE'S ORIGINAL ANSWER FILED—
- AFFIDAVIT FILED
- COURT ORDER DATED ,
- STATE'S PROPOSED ORDER DESIGNATING ISSUES AND FOR FILING AFFIDAVIT.
- STATE'S PROPOSED FINDINGS OF FACT AND ORDER **05/30/2022**— ,
- OTHER —

Sincerely,

/s/T. Reed-Solomon,
Deputy
Criminal Post Trial

Enclosure(s) —

CAUSE NO. 1436467-C

EX PARTE § IN THE 179TH DISTRICT COURT
§ OF
VANCE LOUIS WHITE § HARRIS COUNTY, TEXAS
Applicant

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

The trial court has considered the application for writ of habeas corpus, the State's original answer, and official trial court records in the above-captioned cause and the applicant's previous habeas proceedings. The trial court finds there are no controverted, previously unresolved facts material to the legality of the applicant's confinement which require an evidentiary hearing, and recommends the Court of Criminal Appeals dismiss the instant writ application because the applicant fails to include sufficient specific facts establishing that his current claims could not have been presented previously because the factual or legal basis for the claims were unavailable; or that, by a preponderance of the evidence, no rational juror could have found the applicant guilty beyond a reasonable doubt. Tex. Code Crim. Proc. Ann. art. 11.07, § 4(a).

ORDER

The trial court **ORDERS** the clerk to prepare a transcript of all papers in cause number 1436467-C, and transmit same to the Court of Criminal Appeals pursuant to Tex. Code Crim. Proc. Ann. art. 11.07, § 3. The transcript shall include certified copies of the following documents:

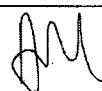
1. the indictment, judgment and sentence, and docket sheets in cause number 1436467;
2. the application for writ of habeas corpus;
3. the State's Original Answer;
4. the State's Proposed Findings of Fact and Conclusions of Law;
5. the applicant's Proposed Findings of Fact and Conclusions of Law, if any; and
6. the trial court's Findings of Fact and Conclusions of Law and Order.

THE CLERK is further **ORDERED** to send a copy of this Order to the applicant, Vance Louis White, TDCJ# 020334010 / Jester III, 3 Jester Road, Richmond, Texas 77406, and to email a copy to habeas to counsel for the State, Farnaz Hutchins, at Hutchins_Farnaz@dao.hctx.net.

BY THE FOLLOWING SIGNATURE, THE COURT ADOPTS THE STATE'S PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW IN CAUSE NUMBER 1436467-C.

SIGNED this _____ day of _____, 2022.

Signed:
5/30/2022



JUDGE PRESIDING, 179th DISTRICT COURT
HARRIS COUNTY, TEXAS

CERTIFICATE OF SERVICE

Service has been accomplished by sending a copy of this State's Proposed Findings of Fact, Conclusions of Law and Order in cause number 1436467-C to the applicant at the following address:

Vance Louis White
TDCJ# 020334010 – Jester III
3 Jester Road
Richmond, Texas 77406

SIGNED this 17th day of May, 2022.

Respectfully submitted,

/s/ Farnaz Hutchins
Farnaz Hutchins
Assistant District Attorney
Harris County, Texas
500 Jefferson, Suite 600
Houston, Texas 77002
Hutchins_Farnaz@dao.hctx.net
(713) 274-5990
Texas Bar ID#24063791

Prepared by: Nancy E. Wade
Legal Intern



Marilyn Burgess

HARRIS COUNTY DISTRICT CLERK

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 |
www.hcdistrictclerk.com

May 18, 2022

Vance White
#020334010- Jester III
3 Jester Rd.
Richmond, Tx 77406

To Whom It May Concern:

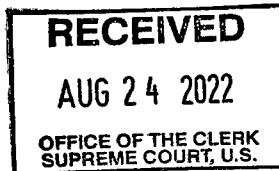
Pursuant to Article 11.07 of the Texas Code of Criminal Procedure, please find enclosed copies of the documents indicated below concerning the Post-Conviction Writ filed in cause number 1436467-C the 179th District Court.

- STATE'S ORIGINAL ANSWER FILED—**05/18/2022**
- AFFIDAVIT FILED
- COURT ORDER DATED
- STATE'S PROPOSED ORDER DESIGNATING ISSUES AND FOR FILING AFFIDAVIT.
- STATE'S PROPOSED FINDINGS OF FACT AND ORDER –
- OTHER —

Sincerely,

/s/ T. Reed-Solomon,
Deputy
Criminal Post Trial

Enclosure(s) —



CAUSE NO. 1436467-C

EX PARTE § IN THE 179TH DISTRICT COURT
VANCE LOUIS WHITE § OF
Applicant § HARRIS COUNTY, T E X A S

STATE'S ORIGINAL ANSWER

The State of Texas, through its Assistant District Attorney for Harris County, files this, its Original Answer in the above-captioned cause, having been served with an application for writ of habeas corpus pursuant to Tex. Crim. Proc. Code Ann. art. 11.07, § 3, and would show the following:

I.

The *pro se* applicant, Vance Louis White, is confined pursuant to the judgment and sentence of the 179th District Court of Harris County, Texas, in cause number 1436467, where he pleaded guilty to the felony offense of aggravated assault with a deadly weapon and “true” to one prior felony enhancement paragraph. On November 5, 2015, the trial court assessed punishment in accordance with the plea agreement at twelve years confinement in the Texas Department of Criminal Justice—Institutional Division (TDCJ).

On June 26, 2019, the Texas Court of Criminal Appeals (CCA) dismissed the applicant’s first writ application, cause number 1436467-A, for non-compliance with the rules of appellate procedure. The CCA denied the applicant’s second writ application, cause number 1436467-B, on September 2, 2020.

The applicant filed the instant *pro se* writ application, cause number 1436467-C, on April 1, 2022. The Harris County District Clerk's Office electronically notified the State about this application on May 13, 2022. The State's answer is due June 13, 2022. The trial court's deadline to designate any issues that need to be resolved is July 5, 2022. Tex. Code Crim. Proc. art. 11.07, §§ 3(b) and (c).

II.

The State denies the factual allegations made in the instant application, except those supported by official court records, and offers the following additional reply:

REPLY TO APPLICANT'S GROUNDS FOR RELIEF

The applicant asserts five grounds for relief. *Writ Application* at 6-15. However, if a subsequent writ application is filed after final disposition of an initial application challenging the same conviction, the Court may not consider the merits of or grant relief based on a subsequent application unless the application contains sufficient specific facts establishing that:

- (1) the current claims and issues have not been and could not have been presented previously in an original application or in a previously considered application filed under this article because the factual or legal basis for the claim was unavailable on the date the applicant filed the previous application; or
- (2) by a preponderance of the evidence, but for a violation of the United States Constitution no rational juror could have found the applicant guilty beyond a reasonable doubt.

Tex. Crim. Proc. Code Ann. art. 11.07, § 4 (a).

The instant writ application was filed after the final disposition and denial of the applicant's previous writ application, cause number 1436467-B, wherein he challenged the merits of the same conviction. In this application, the applicant fails to include sufficient specific facts establishing that the current claims could not have been presented previously because the factual or legal basis for the claims were unavailable; or that, by a preponderance of the evidence, no rational juror could have found the applicant guilty beyond a reasonable doubt. *See id.* Therefore, the Court may not consider the merits of, or grant habeas relief and the applicant's instant writ application should be **DISMISSED**.

III.

The applicant raises questions of law and fact which can be resolved by the Court of Criminal Appeals upon review of official court records and without need for an evidentiary hearing.

CERTIFICATE OF COMPLIANCE UNDER TEX. R. APP. 73.1(f)

The State of Texas, through its Assistant District Attorney for Harris County, files this, its Certificate of Compliance in the above-captioned cause, having been served with an application for writ of habeas corpus pursuant to Tex. Crim. Proc. Code art. 11.07, § 3. The State certifies that the number of words in the State's Original Answer, including the Certificate of Compliance, is 777.

SIGNED this 17th day of May, 2022.

Respectfully submitted,

/s/ Farnaz Hutchins
Farnaz Hutchins
Assistant District Attorney
Harris County, Texas
500 Jefferson, Suite 600
Houston, Texas 77002
Tel: (713) 274-5990
Hutchins_Farnaz@dao.hctx.net
Texas Bar ID #24063791

Prepared by: Nancy E. Wade
Legal Intern