

2/16/2022

REECE, SHANNON DEWAYNE Tr. Ct. No. 787383-C WR-54,1
The Court has dismissed without written order this subsequent application for
of habeas corpus. TEX. CODE CRIM. PROC. Art. 11.07, Sec. 4(a)-(c).

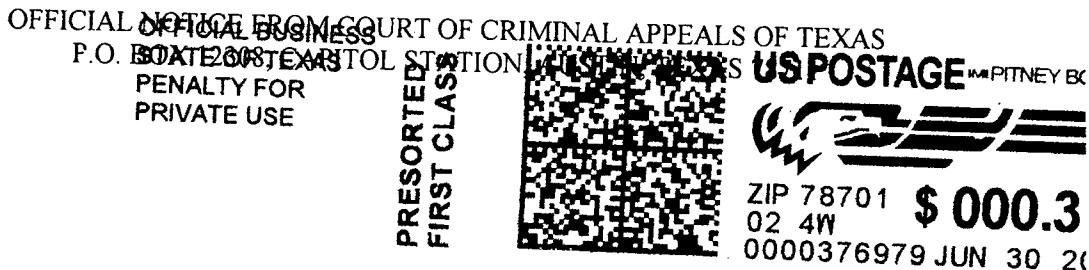
Deana Williamson

SHANNON DEWAYNE REECE
JESTER III UNIT - TDC # 855553
3 JESTER ROAD
RICHMOND, TX 77406

AGW



(7)



6/29/2022

REECE, SHANNON DEWAYNE Tr. Ct. No. 787383-D WR-54,137
The Court has dismissed without written order this subsequent application for a
of habeas corpus. TEX. CODE CRIM. PROC. Art. 11.07, Sec. 4(a)-(c).

Deana Williamson, C

AGW

SHANNON DEWAYNE REECE
JESTER III UNIT - TDC # 855553
3 JESTER ROAD
RICHMOND, TX 77406

CAUSE NO. 0787383-D

EX PARTE § IN THE 180TH DISTRICT COURT
§ OF
SHANNON DEWAYNE REECE, § HARRIS COUNTY, TEXAS
Applicant

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. Code Crim. Proc. Ann. art. 11.07, § 3, and would show the following:

I.

The *pro se* applicant, Shannon Dewayne Reece, is confined pursuant to the judgment and sentence of the 180th District Court of Harris County, Texas, in cause no. 787383. A jury, having found applicant guilty of aggravated robbery, assessed punishment at confinement for fifty years in the Texas Department of Criminal Justice – Institutional Division and a fine of \$10,000.

The First Court of Criminal Appeals affirmed applicant's conviction. *Reece v. State*, 01-98-01293-CR, 2000 WL 553197 (Tex. App.—Houston [1st Dist.] May 04, 2000). On December 06, 2000, the First Court of Criminal Appeals issued a mandate of affirmance.

On February 19, 2003, the Court of Criminal Appeals denied the applicant's initial writ application, cause no. 0787383-A. The Court of Criminal Appeals dismissed cause no.'s 0787383-B and 0787838-C on May 08, 2013, and February 16, 2022, respectively.

On April 07, 2022, applicant filed the instant application for writ of habeas corpus, cause no. 0787383-D. The Harris County District Clerk's Office served the State with the application on April 11, 2022. State's answer is due on May 11, 2022, and the trial court's deadline to designate any issues that need resolving is May 31, 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

In the instant writ application, applicant sets out six grounds for relief. 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. Code Crim. Proc. Ann. art. 11.07, § 4 (a).

The applicant filed the instant writ application after the final disposition of the applicant's previous writ application, cause no. 0787383-A, 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 bases 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 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.

IV.

A true copy of the above has been mailed to applicant, Shannon Dewayne Reece, as follows:

Shannon Dewayne Reece
TDCJ CID# 00855553 – Jester III Unit
3 Jester Road
Richmond, Texas 77406

SIGNED this 4th day of May, 2022.

Respectfully submitted,

/s/ Cristina Platter
Cristina Platter
Assistant District Attorney
State Bar No. #24080492
500 Jefferson, Suite 600
Houston, Texas 77002
Telephone: (713) 274-5990
platter_cristina@dao.hctx.net

CERTIFICATE OF COMPLIANCE

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. Code Crim. Proc. Ann. art. 11.07, § 3. The State certifies there are 736 words in the State's Answer, including the *Certificate of Compliance*.

SIGNED this 4th day of May, 2022.

Respectfully submitted,

/s/ Cristina Platter
Cristina Platter
Assistant District Attorney
State Bar No. #24080492
500 Jefferson, Suite 600
Houston, Texas 77002
Telephone: (713) 274-5990
platter_cristina@dao.hctx.net

Cause No. 0787383-C

EX PARTE

§ IN THE 180TH DISTRICT COURT

SHANNON REECE,
Applicant

§ OF

§ HARRIS COUNTY, T E X A S

STATE'S ORIGINAL ANSWER

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

I.

The applicant is confined pursuant to the judgment and sentence of the 180th District Court of Harris County, Texas, in cause number 0787383 (the primary case), where the applicant was convicted by a jury for the felony offense of aggravated robbery. The jury assessed the applicant's punishment at fifty years confinement in the Texas Department of Criminal Justice - Institutional Division.

The First Court of Appeals affirmed the applicant's conviction and sentence in the primary case on May 2, 2000. *Reece v. State*, No. 01-98-01293-CR, 2000 (Tex. App.—Houston [1st Dist.] May 2, 2000, pet. ref'd). The mandate issued on December 6, 2000.

The instant writ application was filed after the applicant's initial writ application, cause number 0787383-A, was denied on February 19, 2003. In the initial writ application the applicant challenged his conviction in the primary case. The applicant has failed to include sufficient specific facts establishing that the current claims could not have been presented previously because the factual or legal basis for the claim was unavailable; or that, by a preponderance of the evidence, no rational juror could have found the applicant guilty beyond a reasonable doubt. TEX. CRIM. PROC. CODE art. 11.07 § 4(a).

Therefore, the Court may not consider the merits of or grant relief based on the instant writ of habeas corpus.

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.

IV.

Service has been accomplished by sending a copy of the State's Original Answer to the applicant at the following address:

Cause No. 0787383-C

EX PARTE § IN THE 180TH DISTRICT COURT
SHANNON REECE, § OF
Applicant § HARRIS COUNTY, T E X A S

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 is 753.

SIGNED this 2nd day of December, 2021.

Respectfully Submitted,

/s/ Emily E. Thompson
Emily E. Thompson
Assistant District Attorney
Harris County, Texas
500 Jefferson, Suite 600
Houston, Texas 77002
(713) 274-5990
Texas Bar I.D. # 24091214
thompson_emily@dao.hctx.net

Cause No. 0787383-C

EX PARTE

§ IN THE 180TH DISTRICT COURT

SHANNON REECE,
Applicant

§ OF

§ HARRIS COUNTY, TEXAS

CERTIFICATE OF SERVICE

Service has been accomplished by mailing a copy of this instrument to the applicant:

Shannon Reece
TDCJ #00855553 – Jester III Unit
3 Jester Road
Richmond, Texas 77406

SIGNED this 2nd day of December, 2021.

Respectfully submitted,

/s/ Emily E. Thompson
Emily E. Thompson
Assistant District Attorney
Harris County, Texas
500 Jefferson, Suite 600
Houston, TX 77002
(713) 274-5990
Texas Bar I.D. #24091214
thompson_emily@dao.hctx.net

Cause No. 0787383-C

EX PARTE § IN THE 180TH DISTRICT COURT
SHANNON REECE, § OF
Applicant § HARRIS COUNTY, TEXAS

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

The Court has considered the application for writ of habeas corpus, the State's answer, and official court records in the above-captioned cause and in the applicant's previous habeas proceedings. 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 instant writ, cause number 0787383-C, be dismissed because the applicant has failed to include sufficient specific facts establishing that the current claims could not have been presented previously because the factual or legal basis for the claim was unavailable; or that, 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 CLERK IS ORDERED to prepare a transcript and transmit same to the Court of Criminal Appeals as provided by TEX. CRIM. PROC. CODE ANN. art. 11.07. The transcript shall include certified copies of the following documents: