

APPENDIX

EXHIBIT

- A. Criminal Docket Sheet in Cause Number 0630576D.
- B. Written Waiver of Defendant-Joined by Attorney, signed by [unknown] Jill Davis as: "Jill Davis for Randy S. Myers."
- C. Judicial Confession, signed by [unknown] Jill Davis as: "Jill Davis", Attorney for Defendant.
- D. Affidavit of Randy Myers.
- E. Affidavit of Jill Davis.
- F. Conformed Copy of "Order of Referral" from habeas judge to Magistrate judge Charles P. Reynolds to prepare and file Findings of Fact and Conclusions of Law.
- G. Conformed Copy of "Order Adopting Actions of Magistrate and Order of Transmittal" where judge Elizabeth Beach falsely states that she is adopting the Findings of Fact and Conclusions of Law submitted by the Magistrate judge Charles p. Reynolds, when in fact were submitted by Sharen Wilson's office.
- H. Conformed Copy of "official notice" from the Court of Criminal Appeals of Texas denying without written order Petitioner's Application for Habeas Corpus, Article 11.07.
- I. Conformed Copy of "official notice" from the Court of Criminal Appeals of Texas denying Petitioner's motion for rehearing.
- J. Letter from "Board of Pardons & Parole" applying two years of time served in the State of Utah to a Texas Non-Existent sentence.

EXHIBIT

- K. Pgs 4 & 5 of civil action: **Bacilio v. Garner**, 2018 U.S. Dist. Lexis 171036.
- L. Agreement allowing jury to separate dated December 10, 1997 signed by retained trial attorney Randy Myers. (there was no jury to separate on December 10, 1997).
- M. Conformed Copy of Petitioner's Application for writ of Habeas Corpus Article 11.07 that was filed in the Court of Criminal Appeals of Texas.
- N. Conformed Copy of "Findings of Fact and Conclusions of Law" submitted by Sharen Wilson's office, nor Magistrate judge Charles P. Reynolds as stated by judge Elizabeth Beach; which is a violation of court order and federal law.

EXHIBIT (A)

Criminal Docket Sheet in Cause No. 0630576D

3 Pgs

STATE OF TEXAS

CASE # 0630576
BACILIO, MIGUEL ANGEL
CDC1 CID # 0288661
110132 AGG SEXUAL ASLT CHILD- 08/08/96
I.P. BACILIO, ERIKA
FILED: 08/23/96 ARRESTED: 08/20/96
M M 3 04/10/1-
Offense 064-91810F

DETAINER _____
(CRIMINAL) DISTRICT COURT _____

TRANSFERRED TO _____

AUG 23 1996

COMPLAINT FILED. BOND SET AT \$75,000

AUG 27 1996

Carrie Taylor appointed as counsel

SEP 2 6 1996

INDICTMENT VOL. MIZ PAGE 11

SEP 2 6 1996

State's Announcement of Ready Filed

10-4-96

Rex Barnett, atty retained

OCT 3 0 1996

CONTESTED DOCKET

10-30-96

Motion to withdraw as attorney of record
filed & granted. encl

11-11-96

Motion for Reduction of Bond - Rex Barnettatty.

11-14-96

Bond Hearing: Bond Reduced to \$25,000

w/ conditions

12-4-96

Randy Myers retained as counsel

1-3-97

State's Motion to Decline Bond Insufficient.

JAN 15 1997

CONTESTED DOCKET

MAR 12 1997

CONTESTED DOCKET - Date - AM 8:55

MAY 14 1997

CONTESTED DOCKET

JUL 23 1997

CONTESTED DOCKET

OCT 1 1997

CONTESTED DOCKET

CRIMINAL DOCKET

Right
Thumb Print

DISPOSITION OF CASE:

- 10 yrs deferred probation INDEXED
- Adjudicated, 30 Years IDDCJ A

3. _____

4. _____

State's Attorney *Barry Shultz & Ben Leonard*

On Probation Revocation *Michele Hartmann*

Defendant's Attorney *Jill Davis*

On Probation Revocation *Blake Burns*

Surety *Randy Myers*

Appeals Attorney *Mark Scott*

DEC - 3 1997 CONTESTED DOCKET

12-3-97 Defendant's Motion for Assessment of Punishment and Application for Probation filed

12-9-97 Bond Forfeited, warrant issued

Bond set at \$50.00 w/ same conditions

12-10-97 Agreement allowing Jony to separate

George Duff arranged & plead NOT GUILTY

(OVER)

Thomas A. Wilder

DISTRICT CLERK
TARRANT COUNTY, TEXAS

THESE ARE CRIMINAL DISTRICT DOCKET PAPERS

NOV 25 2007

ATTESTED
BY: *Myers*
DEPUTY

CRIMINAL DOCKET

12-10-97

Jury selected, seated

12-11-97

Court's Charge Filed

12-12-97

Defendant withdrew plea of NOT Guilty

12-12-97

Defendant waived arraignment. Waiver of jury signed by all

parties in open Court and filed. Defendant, after being

warned, entered a plea of guilty to ~~1~~ ~~2~~ ~~3~~ ~~4~~ ~~5~~ ~~6~~ ~~7~~ ~~8~~ ~~9~~ ~~10~~ ~~11~~ ~~12~~ ~~13~~ ~~14~~ ~~15~~ ~~16~~ ~~17~~ ~~18~~ ~~19~~ ~~20~~ ~~21~~ ~~22~~ ~~23~~ ~~24~~ ~~25~~ ~~26~~ ~~27~~ ~~28~~ ~~29~~ ~~30~~ ~~31~~ ~~32~~ ~~33~~ ~~34~~ ~~35~~ ~~36~~ ~~37~~ ~~38~~ ~~39~~ ~~40~~ ~~41~~ ~~42~~ ~~43~~ ~~44~~ ~~45~~ ~~46~~ ~~47~~ ~~48~~ ~~49~~ ~~50~~ ~~51~~ ~~52~~ ~~53~~ ~~54~~ ~~55~~ ~~56~~ ~~57~~ ~~58~~ ~~59~~ ~~60~~ ~~61~~ ~~62~~ ~~63~~ ~~64~~ ~~65~~ ~~66~~ ~~67~~ ~~68~~ ~~69~~ ~~70~~ ~~71~~ ~~72~~ ~~73~~ ~~74~~ ~~75~~ ~~76~~ ~~77~~ ~~78~~ ~~79~~ ~~80~~ ~~81~~ ~~82~~ ~~83~~ ~~84~~ ~~85~~ ~~86~~ ~~87~~ ~~88~~ ~~89~~ ~~90~~ ~~91~~ ~~92~~ ~~93~~ ~~94~~ ~~95~~ ~~96~~ ~~97~~ ~~98~~ ~~99~~ ~~100~~ ~~101~~ ~~102~~ ~~103~~ ~~104~~ ~~105~~ ~~106~~ ~~107~~ ~~108~~ ~~109~~ ~~110~~ ~~111~~ ~~112~~ ~~113~~ ~~114~~ ~~115~~ ~~116~~ ~~117~~ ~~118~~ ~~119~~ ~~120~~ ~~121~~ ~~122~~ ~~123~~ ~~124~~ ~~125~~ ~~126~~ ~~127~~ ~~128~~ ~~129~~ ~~130~~ ~~131~~ ~~132~~ ~~133~~ ~~134~~ 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Judge, Criminal District Court *HC*

6-19-98

Petition to Proceed to Adjudication *Ex 125-13*

Filed. Alias Capias issued. NO BOND - HOLD

First Amended Petition to Proceed to Adjudication *Ex 125-13*

filed. Alias Capias issued, upon the Order of the Judge of this Court.

3-28-03

Ex 125-13

Petition to Proceed to Adjudication filed. Alias Capias

issued upon the Order of the Judge of this Court.

2-25-04

Held NO Bond

AUG 16 2007

Petition to Proceed to Adjudication filed. Alias Capias

issued upon the Order of the Judge of this Court.

4-28-10

No Bond

12-6-13

For 50 letter filed; copy to State/Prostitution

Election of Counsel

12-13-13

INITIAL APPEARANCE

Request for Appointed Counsel filed

Financial Statement filed

Mark Burns appointed as Counsel

1-3-13

CONSULTATION

Plea Offer Acknowledgement filed

JAN 10 2014

Consultation

1-22-14

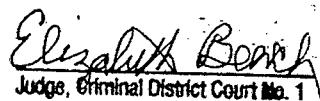
Pro Se filed (1)

FEB 18 2014

PROBATION REVOCATION

Defendant entered a plea of Not True to Paragraphs 1, 3, 4, 5, 6, 7, 8, testimony began, Court found Paragraphs 1, 3, 4, 5, 8 true & Paragraphs 6, 7 not true, Court sentenced defendant to 30 Years in the Institutional Division of the Texas Department of Criminal Justice, to be credited with time spent in custody.

Court's Certification of Defendant's Right to Appeal filed.


Elizabeth Bond
Judge, Criminal District Court No. 1

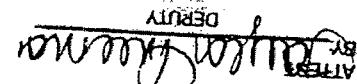
2-18-14

NOTICE OF APPEAL FILED

MOTION FOR FREE REPORTER'S RECORD AND AFFIDAVIT OF INABILITY TO PAY FOR COUNSEL AND REPORTER'S RECORD

Mark Scott appointed as Counsel

DEPUTY



NOV 25 2015

EXHIBIT (B)

WRITTEN WAIVER OF DEFENDANT-JOINED BY ATTORNEY.

WRITTEN WAIVER OF DEFENDANT-JOINED BY ATTORNEY

Comes now the Defendant, in open Court, joined by my attorney and state:

(1) I am able to read the English language and fully understand each of the written plea admonishments given by the Court and I have no questions. If I am unable to read the English language, then my attorney or an interpreter for my attorney has read this entire document to me in my own language and I fully understand each of the written plea admonishments given by the Court and I have no questions.

(2) I waive arraignment and formal reading of the indictment or felony information;

(3) I am aware of the consequences of my plea;

(4) I am mentally competent and my plea is knowingly, freely, and voluntarily entered;

(5) Should my attorney be recently appointed, I give up and waive any right I may have for further time to prepare for trial;

(6) If I am proceeding on a felony information, I give up my right to indictment by a Grand Jury.

(7) Should I be tried on more than one case, I agree that all may be heard and determined at one time;

(8) I waive all pretrial motions that may have been filed in connection with my case(s);

(9) I am totally satisfied with the representation given to me by my attorney. My attorney provided me fully effective and competent representation;

(10) I also waive and give up in accordance with Art. 1.14 C.C.P. all rights given to me by law, whether of form, substance, or procedure;

(11) Joined by my attorney, I waive and give up my right to a jury, both as to my guilt and assessment of my punishment, and in accordance with Art. 1.15 C.C.P., I waive and give up the right to appearance, confrontation, and cross-examination of the witnesses, and I consent to oral and written stipulations of evidence;

(12) I give up my right not to incriminate myself and agree to testify under oath and judicially confess my guilt if requested by my attorney or the State's attorney;

(13) I request the Court to approve of the plea recommendation (in Paragraph 5 of the Plea Admonishments) and dispose of my case(s) in accordance therewith.

10-3-10
DEFENDANT

I have fully reviewed and explained the above and foregoing court admonishments, rights, and waivers to the Defendant and am satisfied that the Defendant is legally competent and has intelligently, knowingly, and voluntarily waived his rights and will plead guilty, understanding the consequences thereof.

July 26, 2004
ATTORNEY FOR DEFENDANT



EXHIBIT (C)

JUDICIAL CONFESSION.

JUDICIAL CONFESSION

Upon my oath I swear my true name is Alvin A. Buscilio, and I am 41 years of age; I have read the indictment or information filed in this case and I committed each and every act alleged therein, except those acts waived by the State; I am guilty of the offense as well as all lesser included offenses; all enhancement and habitual allegations set forth in the indictment are true and correct, except those waived by the State; I further admit my guilt on any unadjudicated offenses set forth in the plea recommendation (Paragraph 5 of the Plea Admonishments) and request the Court to take each into account in determining my sentence for the instant offense; I swear to all of the foregoing and I further swear that all testimony I give in the case will be the truth, the whole truth and nothing but the truth, so help me God.

Alvin A. Buscilio
DEFENDANT

APPLICATION FOR PROBATION

I swear and it is my testimony here in open court that I have never before been convicted of a felony offense in any court of the State of Texas, any other state, nor in any Federal Court of the United States. I request the Court to consider this my application for a probated sentence.

Alvin A. Buscilio
DEFENDANT

Sworn to and subscribed before me this 12 day of Dec, 1997

Deputy
DEPUTY DISTRICT CLERK
TARRANT COUNTY, TEXAS

RECORDED

In open court we join and approve the waiver of jury trial pursuant to Art. 1.13 C.C.P. and the stipulations of evidence pursuant to Art. 1.15 C.C.P. We further agree and consent to the admission of guilt of any unadjudicated offense under Section 12.45 of the Texas Penal Code. In addition, the Court finds as a fact that the Defendant is mentally competent and that his plea is intelligently, freely and voluntarily entered.

Attala
ATTORNEY FOR DEFENDANT

SBN 0079005-2

Dawn Sullton
ATTORNEY FOR STATE

SBN 18211600

Sharen Wilson
SHAREN WILSON, PRESIDING JUDGE



A CERTIFIED COPY
ATTEST: 04/26/2017
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: [Signature] Amanda Gaff

EXHIBIT (D)

AFFIDAVIT OF RANDY MYERS

EX PARTE

MIGUEL ANGEL BACILIO

S IN THE CRIMINAL DISTRICT
 S
 S COURT NO. 1 OF
 S
 S TARRANT COUNTY, TEXAS

AFFIDAVIT OF RANDY S. MYERS

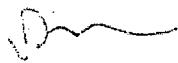
STATE OF TEXAS

COUNTY OF TARRANT

BEFORE ME, the undersigned authority, on this day personally appeared RANDY S. MYERS who after being duly sworn stated:

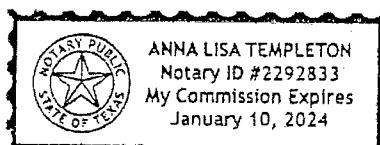
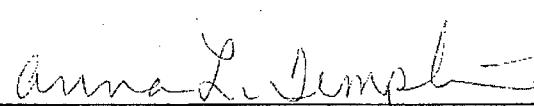
"My name is RANDY S. MYERS. I was the retained trial counsel for MIGUEL ANGEL BACILIO.

"At the trial, the State offered ten years deferred adjudicated probation. The Defendant chose to take the plea. The Defendant was admonished of his rights. The Defendant signed the plea papers. Ms. Jill Davis handled the actual plea. In my opinion, the plea was knowingly and voluntarily entered by the Defendant."



 RANDY S. MYERS, Affiant

SUBSCRIBED AND SWORN TO BEFORE ME on the 8th day of April, 2022, to certify which witness my hand and seal of office.

 Notary Public, State of Texas

EXHIBIT (E)

AFFIDAVIT OF JILL DAVIS

NO. C-1-W012094-0630576-B

EX PARTE

MIGUEL ANGEL BACILIO

S IN THE CRIMINAL DISTRICT
S
S COURT NO. 1 OF
S
S TARRANT COUNTY, TEXAS

AFFIDAVIT OF JILL DAVIS

STATE OF TEXAS

COUNTY OF TARRANT

BEFORE ME, the undersigned authority, on this day personally appeared JILL DAVIS who after being duly sworn stated:

"My name is JILL DAVIS. I assisted in the trial for MIGUEL ANGEL BACILIO.

"While the jury was out deliberating during trial, the State offered, for the first time, the Defendant ten years deferred adjudicated probation. Mr. Myers, myself, and Mr. Benny Martinez (interpreter) went over the plea paperwork with Mr. Bacilio. The Defendant agreed to the plea offer. In my opinion, the plea was knowingly and voluntarily entered by the Defendant."


JILL DAVIS, Affiant

SUBSCRIBED AND SWORN TO BEFORE ME on the 15 day of April, 2022, to certify which witness my hand and seal of office.

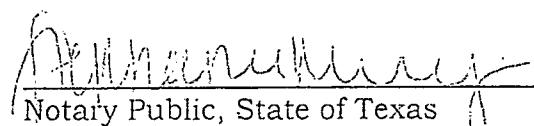


Notary Public, State of Texas

EXHIBIT (F)

CONFORMED COPY OF ORDER OF REFERRAL TO MAGISTRATE JUDGE
CHARLES P. REYNOLDS TO PREPARE AND FILE FINDINGS OF FACT
AND CONCLUSIONS OF LAW.

EX PARTE § IN THE CRIMINAL
§ DISTRICT COURT NO. 1 OF
MIGUEL ANGEL BACILIO § TARRANT COUNTY, TEXAS

ORDER OF REFERRAL

The Court has before it Applicant's Application or request for relief pursuant to a Writ of Habeas Corpus filed under Article 11.07 of the Texas Code of Criminal Procedure and refers these matters to Magistrate Charles P. Reynolds, or other qualified magistrate, to resolve the issues and to prepare and enter findings of fact and conclusions of law. The issues may be resolved by affidavits, depositions, interrogatories, additional forensic testing, and hearings, as deemed necessary by the magistrate.

The Clerk is ordered to send a copy of this order to Applicant at Applicant's currently known address, or to Applicant's counsel if Applicant is represented, and to the Post-Conviction Section of the Tarrant County Criminal District Attorney's Office.

So ordered on this 14th day of March, 2022.

/s/ Elizabeth Beach
Judge Presiding

Exhibit # 6

C

C-1-W012094-0630576-B

FILED
TARRANT COUNTY
8/24/2022 2:44 PM
THOMAS A. WILDER
DISTRICT CLERK

EX PARTE

MIGUEL ANGEL BACILIO

§ IN THE CRIMINAL
§ DISTRICT COURT NO. 1 OF
§ TARRANT COUNTY, TEXAS

ORDER ADOPTING ACTIONS OF MAGISTRATE
AND ORDER OF TRANSMITTAL

BE IT KNOWN that the Court has reviewed the actions taken by Magistrate Charles P. Reynolds, sitting for this Court in the above styled and numbered cause, per a specific or standing order of referral, and has reviewed all ORDERS contained on the docket in this cause and within the papers filed in this cause and any findings entered.

IT IS HEREBY ORDERED AND DECREED that the Court specifically adopts and ratifies the actions taken by said Magistrate on behalf of this Court in compliance with Sections 54.656(a)(4) and 54.662 of the Texas Government Code, as well as Article 11.07 of the Code of Criminal Procedure as applicable.

The Court FURTHER ORDERS AND DIRECTS:

1. The Clerk of this Court to file this order and transmit it along with the Writ Transcript to the Clerk of the Court of Criminal Appeals if required by law.
2. The Clerk of this Court to furnish a copy of this order along with a copy of the Court's findings to Applicant at his currently known address, or to Applicant's counsel if Applicant is represented, and to the Post-Conviction Section of the Tarrant County Criminal District Attorney's Office.

SIGNED AND ENTERED this 24th day of Aug., 2022

/s/ Elizabeth Beach
Judge Presiding

EXHIBIT (G)

CONFORMED COPY OF ADOPTING ACTIONS OF MAGISTRATE AND ORDER
OF TRANSMITTAL.

EXHIBIT (H)

CONFORMED COPY OF OFFICIAL NOTICE DENYING PETITIONER'S
APPLICATION 11.07 WITHOUT WRITTEN ORDER.

OFFICIAL NOTICE FROM COURT OF CRIMINAL APPEALS OF TEXAS
P.O. BOX 12094 CAPITOL STATION, AUSTIN, TEXAS 78711

STATE OF TEXAS
PENALTY FOR
PRIVATE USE

US POSTAGE MPITNEY BOWES

PRESORTED
FIRST CLASS



ZIP 78701 \$ 000.34⁸
02 4W
0000376979 NOV 04 2022

11/2/2022

BACILIO, MIGUEL ANGEL Tr. Ct. No. C-1-W012094-0630576-B WR-86,254-03

This is to advise that the Court has denied without written order the application for writ of habeas corpus on the findings of the trial court without a hearing and on the Court's independent review of the record.

Deana Williamson, Clerk

MIGUEL ANGEL BACILIO
STEVENSON UNIT - TDC # 1912589
1525 FM 766
CUERO, TX 77954

3 IMEVNAB

11/14/22 ✓

11/14/22 ✓

EXHIBIT (I)

CONFORMED COPY OF OFFICIAL NOTICE DENYING PETITIONER'S
MOTION FOR REHEARING

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

ZIP 11704 \$000.34⁸

1/6/2023

BACILIO, MIGUEL ANGEL T# Ct. No. C-1-W012094-0630576-B WR-86,254-03
On this day, this Court has denied applicant's motion for reconsideration/rehearing.

Deana Williamson, Clerk

MIGUEL ANGEL BACILIO
STEVENSON UNIT - TDC # 1912589
1525 FM 766
CUERO, TX 77954

REFINAC 77954

✓
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**Additional material
from this filing is
available in the
Clerk's Office.**