

APPENDIX 'A'
OFFICIAL NOTICE FROM COURT OF CRIMINAL APPEALS OF TEXAS
OFFICIAL BUSINESS
STATE OF TEXAS
PENALTY FOR
PRIVATE USE

US POSTAGE
ZIP 78701 \$ 000.37⁸
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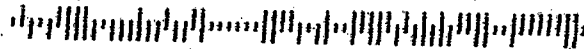
MARKLE, JONATHAN JAMES * Tr. Ct. No. 1991CR1460W-W1 WR-95,408-01
This is to advise that the Court has denied without written order the application for writ of habeas corpus on the findings of the trial court and on the Court's independent review of the record.

Deana Williamson, Clerk

JONATHAN JAMES MARKLE
ALLRED UNIT - TDC # 0582926
2101 FM 369 NORTH
IOWA PARK, TX 76367

4D-498

MHANAB 76367



APPENDIX 'B'
OFFICIAL NOTICE FROM COURT OF CRIMINAL APPEALS OF TEXAS
OFFICIAL BUSINESS
STATE OF TEXAS
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PRIVATE USE

US POSTAGE
ZIP 78701 \$ 000.37⁸
02 4W
0000372106 FEB. 02 2024

1/31/2024

MARKLE, JONATHAN JAMES * Tr. Ct. No. 1991CR1461W-W1 WR-95,408-02
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 and on the Court's independent review of the record.

Deana Williamson, Clerk

JONATHAN JAMES MARKLE
ALLRED UNIT - TDC # 0582926
2101 FM 369 NORTH
IOWA PARK, TX 76367

4D-498

MHANAB 76367



NO. 1991CR1460W-W1
NO. 1991CR1461W-W1

EX PARTE	§	IN THE DISTRICT COURT
	§	226th JUDICIAL DISTRICT
JONATHAN JAMES MARKLE	§	BEXAR COUNTY, TEXAS

ORDER

On October 2, 2023, Applicant, **Jonathan James Markle**, filed pro-se applications for post-conviction writ of habeas corpus pursuant to the Texas Code of Criminal Procedure in causes 1991CR1460W and 1991CR1461W.

HISTORY OF THE CASE

On March 27, 1991, Applicant was convicted of the offense of murder in cause 1991CR1460W, and he was convicted of the offense of aggravated robbery in cause 1991CR1461W. He was sentenced to life on the murder conviction, and 40 years on the aggravated robbery conviction.

ALLEGATIONS OF APPLICANT

Applicant claims in both writ applications that there was a “clerical error.” He asserts that he was convicted and sentenced on two separate “counts” (meaning the two cause numbers), and that he was “erroneously released on parole on July 31, 2008.” He claims that, upon the revocation of parole on August 17, 2008, he was denied any and all time accrued while released on parole.

Applicant claims in both applications a “double jeopardy” violation. He asserts that upon the revocation of his “erroneously granted parole,” the state has refused to recognize the time accrued while on parole.

Applicant claims in both applications a “violation of liberty interest.” He asserts that he has a liberty interest that emanates from either the due process clause and/or from state law that was

violated when TDCJ refused to acknowledge 10 years and 18 days of time that had accrued while he was erroneously released on parole.

Applicant claims in both applications a “violation of statutory law.” He asserts that the board of pardons and paroles released him erroneously on July 31, 2008, and that, through no fault of his, he was denied time that had accrued.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. On or about December 20, 2023, the court received an affidavit from Charley Valdez, Program Supervisor V, Classification and Records Department at TDCJ. The court finds Mr. Valdez to be truthful and credible. In his affidavit, which is attached and incorporated herein by reference, he states as follows, in pertinent part:
 - a. When Applicant was received into TDCJ on 04/19/1991 the sentences under cause number 91CR1461W and 91CR1460W were inadvertently processed as concurrent, rather than consecutive, which allowed Applicant to erroneously release from TDCJ custody to parole supervision on 07/31/2008.
 - b. An arrest warrant was issued on 02/24/2013 by the Parole Division and executed on 03/12/2013 in Travis County. Applicant was transferred to an Intermediate Sanction Facility (ISF) on 04/30/2013. The warrant was withdrawn on 07/31/2013 and Applicant was continued on parole supervision. Applicant received jail credit from 03/12/2013 to 07/31/2013.
 - c. An arrest warrant was issued on 01/03/2017 by the Parole Division and executed on 06/10/2017 in Guadalupe County. Applicant was transferred to ISF on 07/17/2017 and to SAFPF on 08/10/2017. The warrant was withdrawn on 02/08/2018 and Applicant was continued on parole supervision. Applicant received jail credit from 06/10/2017 to 02/08/2018.

- d. An arrest warrant was issued on 02/16/2018 by the Parole Division and executed on 07/17/2018 in Bexar County. Applicant's parole supervision was revoked on 08/17/2018 due to violations of Applicant's parole conditions.
- e. Applicant was transferred to TDCJ on 09/13/2018. Applicant's time was corrected to show that cause number 91CR-1460W was consecutive to cause number 91CR-1461W, as indicated on the judgment. The sentence in cause number 91CR-1460W began on 07/31/2008, the date Applicant was released to parole. *Ex parte Kuester*, 21 S.W.3d 264 (Tex. Crim. App. 2000)(A sentence "ceases to operate" when it is served out in full day-for-day or on the date a parole panel designates as the date the offender would have been released to parole but for the second sentence).
- f. Applicant was awarded 354 days of pre-sentence jail credits to reflect a sentence begin date of 08/12/2007 for the Life sentence under cause number 91CR-1460W. Also see *Ex parte Ashcraft*, No. WR-248903-05 (Tex. Crim. App. 2011); *Ex parte Vela*, No. .WR-37,070-02 (Tex. Crim. App. May 13, 2015).
- g. Because Applicant violated the terms of parole supervision and his parole supervision was revoked, he is only entitled to credit for the time that he was being held under pre-revocation arrest warrants and not the remainder of the time that he was erroneously released to parole. *Ex parte Hale*, 117 S.W.3d 866, 873 (Tex. Crim. App. 2003).
- h. Because Applicant was serving a sentence for an offense listed under Tex. Gov't. Code § 508.149(a), murder, at the time of revocation, he was not eligible for "street-time" credit and was charged with out of custody for time spent on supervision, 8 years, 8 months, and 26 days Tex. Gov't. Code § 508.283(b).
- i. In response to Applicant's claim that the State has erroneously refused to recognize the time accrued while on parole, Mr. Valdez states that, because Applicant's parole

supervision was revoked for violating parole conditions, he forfeited the street time during which he was erroneously released.

- j. In response to Applicant's claim that TDCJ violated his rights when it refused to acknowledge 10 years and 18 days of time that had accrued while he was erroneously released to parole, Mr. Valdez states that the 10 years and 18 days in question is from Applicant's release to the date of revocation of parole, (07/31/2008 to 08/17/2018). Applicant received jail credit for the jail time due to arrest warrants issued by the Parole Division. However, Applicant forfeited street time due to the revocation of his parole supervision.
 - k. In response to Applicant's claim that he was erroneously released to parole and, through no fault of his own, he was denied time that had accrued, Mr. Valdez states that Applicant forfeited street time accrued during his erroneous release, due to the revocation of his parole. Tex. Gov't. Code § 508.149(a); Tex. Gov't. Code § 508.283(b); *Ex parte Hale*, 117 S.W.3d 866, 873 (Tex. Crim. App. 2003).
2. Under Government Code section 508.283(b), "[i]f the parole, mandatory supervision, or conditional pardon of a person described by Section 508.149(a) is revoked, the person may be required to serve the remaining portion of the sentence on which the person was released. *The remaining portion is computed without credit for the time from the date of the person's release to the date of revocation.*" [Emphasis added].
 3. Section 508.149(a) lists both murder and aggravated robbery. Applicant is therefore "a person described by Section 508.149(a)," because of his convictions for murder and aggravated robbery.
 4. Applicant has therefore forfeited his "street time" credit.
 5. This court recommends that Applicant's writ application be **DENIED**.

**NO. 1991CR1460W-W1
NO. 1991CR1461W-W1**


EX PARTE	§	IN THE DISTRICT COURT
	§	226th JUDICIAL DISTRICT
JONATHAN JAMES MARKLE	§	BEXAR COUNTY, TEXAS

ORDERS

The District Clerk of Bexar County, Texas, is hereby ordered to prepare a copy of this document, together with any attachments and forward the same to the following persons by mail or the most practical means:

- a. The Court of Criminal Appeals
Austin, Texas 78711
- b. Joe D. Gonzales
Criminal District Attorney
Attn: Conviction Integrity Unit
Paul Elizondo Tower
Bexar County, Texas 78205
- c. Jonathan James Markle
Applicant
TDCJ No. 0582926
James Allred Unit
2010 FM 369 North
Iowa Park, TX 76367

SIGNED and ENTERED on Jan 13, 2024


Velia Meza (Jan 13, 2024 13:45 CST)

JUDGE VELIA J. MEZA
226th Judicial District Court
Bexar County, Texas

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