



SHARON KELLER
PRESIDING JUDGE

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BERT RICHARDSON
KEVIN P. YEARY
DAVID NEWELL
MARY LOU KEEL
SCOTT WALKER
MICHELLE M. SLAUGHTER
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COURT OF CRIMINAL APPEALS

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Monday, January 29, 2024

Jared Domei Maloid
Bridgeport Unit - Tdc # 2398995
4000 N. 10th St.
Bridgeport, Tx 76426

Re: Maloid, Jared Domei
CCA No. WR-95,005-02
Trial Court Case No. C-297-W012345-1576238-B

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

Your letter has been received and your mailing address has been updated. Please be advised your application for writ of habeas corpus has been received on 11/1/2023. The status is: DENIED WITHOUT WRITTEN ORDER ON THE FINDINGS OF THE TRIAL COURT on 12/13/2023.

Sincerely,

Deana Williamson, Clerk

NO. C-297-W012345-1576238-B

EX PARTE § IN THE 297TH DISTRICT COURT
§
§ OF
§
JARED DOMEI MALOID, § TARRANT COUNTY, TEXAS
Applicant

FINDINGS AND ORDER

Jared Domei Maloid, Applicant, alleges that his confinement is illegal because (1) his community supervision was revoked for violating conditions that violated the First Amendment, (2) he received ineffective assistance of counsel, (3) conflicting precedent in the federal courts entitles him to relief, and (4) he has been improperly denied parole. *See Application*, p. 6-10, 12-13. The court adopts the State's Proposed Memorandum, Findings of Fact, and Conclusions of Law as its own, with the following modifications:

- Finding of Fact No. 6 is modified to read: At the adjudication hearing, the trial court accepted Applicant's pleas of true and found paragraphs one through seven and the first paragraph nine true, and the trial court adjudicated Applicant guilty and sentenced him to four years' confinement in the Texas Department of Criminal Justice – Institutional Division. *See* (1 RR 5-10)¹; (1 SRR 14-15)²; Judgment Adjudicating Guilt, No. 1576238D (Judgment); Certificate of Proceeding, June 10, 2022 (Proceeding).
- Finding of Fact No. 7 is modified to read: The Second Court of Appeals affirmed the trial court's judgment as modified to remove a prematurely assessed fee. *See Maloid v. State*, No. 02-22-00141-CR, 2023 WL 2926569,

¹ RR designates the reporter's record for the first adjudication hearing.

² SRR designates the reporter's record for the supplemental adjudication hearing.

at *2 (Tex. App.—Fort Worth Apr. 13, 2023, no pet.), reh'g denied (June 8, 2023).

- Finding of Fact No. 12 is modified to read: In addition to admitting that he accessed social media, Applicant pleaded true to the allegations that he failed to report to his probation officer, visited a place of harmful/disreputable character, entered a child safety zone, and failed to provide a urine sample in violation of the conditions of his community supervision. *See* (1 RR 5-10); (1 SRR 14-15); State's Third Amended Petition to Proceed to Adjudication, No. 1576238D (Petition); Judgment; Proceeding.
- Finding of Fact No. 13 is modified to read: The trial court adjudicated Applicant's guilt based upon his pleas of "true" to paragraphs one through seven, and the first paragraph nine of the State's third amended petition, not just the paragraphs that Applicant now complains violated his First Amendment rights. *See* (1 SRR 14-15); Judgment; Proceeding.
- Finding of Fact No. 14 is modified to read: The Second Court of Appeals found that it "need not consider [Applicant's] constitutional challenge to the conditions restricting his access to the internet and social media" because Applicant pleaded "true" to other alleged violations of his community supervision. *See Maloid v. State*, No. 02-22-00141-CR, 2023 WL 2926569, at *1 fn. 3 (Tex. App.—Fort Worth Apr. 13, 2023, no pet.), reh'g denied (June 8, 2023).
- Finding of Fact No. 18 is modified to read: In addition to admitting that he accessed social media, Applicant pleaded true to the allegations that he failed to report to his probation officer, visited a place of harmful/disreputable character, entered a child safety zone, and failed to provide a urine sample in violation of the conditions of his community supervision. *See* (1 RR 5-10); (1 SRR 14-15); Petition; Judgment; Proceeding.
- Conclusion of Law No. 16 is modified to read: At least one appellate court has agreed, after Applicant's adjudication, that conditions restricting social media are not unconstitutional. *See Taggart v. State*, No. 05-22-00214-CR, 2023 WL 5215253, at *7-8 (Tex. App.—Dallas Aug. 15, 2023, pet. filed) (mem. op., not designated for publication).

Therefore, the court recommends that Applicant's request for relief be **DENIED**.

The court orders the clerk of this court to include the certificate of proceeding from June 10, 2022, and the reporter's record and supplemental reporter's record in the habeas record that is transmitted to the Texas Court of Criminal Appeals.

The court further orders and directs the clerk of this court to furnish a copy of the court's findings and order to Applicant, Jared Domei Maloid, TDCJ-ID 02398995, Middleton Unit, 13055 FM 3522, Abilene, Texas 79601, and to the post-conviction section of the Tarrant County Criminal District Attorney's Office.

SIGNED AND ENTERED this the 31st day of October 2023.



Jacob Mitchell
Criminal Law Magistrate
Tarrant County, Texas

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