

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

3/27/2024

HERNANDEZ, JOSE EDGAR Tr. Ct. No. W-0946780-B WR-78,329-02

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

JOSE EDGAR HERNANDEZ
ALLRED UNIT - TDC #1638975
2101 FM 369 NORTH
IOWA PARK, TX 76367

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

4/26/2024

HERNANDEZ, JOSE EDGAR - Tr. Ct. No. W-0946780-B

WR-78,329-02

This is to advise that the applicant's suggestion for reconsideration has been denied without written order.

Deana Williamson, Clerk

JOSE EDGAR HERNANDEZ
ALLRED UNIT - TDC #1638975
2101 FM 369 NORTH
IOWA PARK, TX 76367

CLERK OF THE COURT

CDC No. 1

CASE NO. F-6946780

Dallas County

COPY

ENCLOSED PLEASE FIND MY SUBSEQUENT OR SUCCESSIVE ARTICLE 11.07 APPLICATION FOR
WRIT OF HABEAS CORPUS AND ITS ACCOMPANYING 8 PAGE BRIEF BOTH OF WHICH I WISH TO
FILE CHALLENGING THE LAWFULNESS OF MY CONVICTION

I HEREBY REQUEST THAT YOU SEND ME CONFIRMATION OF THE FILING AND THE DATE THEREOF
FOR MY RECORDS

YOUR ATTENTION TO THIS MATTER IS GRATEFULLY APPRECIATED

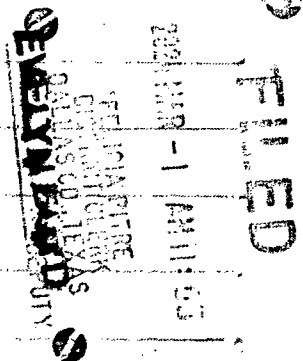
RESPECTFULLY:

JOSE EDGAR HERNANDEZ # 1638975

c/o THE JAMES V. ALLRED UNIT OF TDCU-10

2101 FM 369 NORTH

LOWA PARK, TEXAS 76367



CC/FILE

Case No. _____
(The district clerk of the county of conviction will fill in this blank.)

**IN THE COURT OF CRIMINAL APPEALS OF TEXAS
APPLICATION FOR A WRIT OF HABEAS CORPUS
SEEKING RELIEF FROM FINAL FELONY CONVICTION
UNDER CODE OF CRIMINAL PROCEDURE ARTICLE 11.07**

NAME: Jose Edgar Hernandez

DATE OF BIRTH: MARCH 11, 1975

PLACE OF CONFINEMENT: THE JAMES V ALLRED UNIT OF TDCJ-ID AT LASSA PARK, TX

WARDEN: SENIOR WARDEN KEVIN SMITH

TDCJ-CID NUMBER: 1638975 SID NUMBER: 08363195

(1) This application concerns (check all that apply):

- | | |
|--|--|
| ☒ a conviction | ☐ parole |
| ☒ a sentence | ☐ mandatory supervision |
| ☐ time credit | ☐ out-of-time appeal or petition for discretionary review |

(2) What are the court number and county of the district court in which you were convicted?

Criminal District Court no. 1 - Dallas County

(3) What was the case number in the trial court? (Put only one case number here, even if it includes multiple counts. You must make a separate application on a separate form for other case numbers.)

CASE NO. F-0946780

(4) What was the name of the trial judge?

THE HONORABLE ROBERT BURNS

- (5) Were you represented by counsel? If yes, provide the attorney's name:

yes- COURT APPOINTED DEFENSE COUNSEL JEFF BONCEK

- (6) What was the date that the judgment was entered?

April 7, 2010

- (7) For what offense were you convicted and what was the sentence?

TEXAS PENAL CODE § 21.02 - LIFE IMPRISONMENT

- (8) If you were sentenced on more than one count of an indictment in the same court at the same time, what counts were you convicted of and what was the sentence in each count?

N/A

- (9) What was the plea you entered? (Check one.)

☐ guilty-open plea
☒ not guilty

☐ guilty-plea bargain
☐ nolo contendere/no contest

If you entered different pleas to counts in a multi-count indictment, please explain:

N/A

- (10) What kind of trial did you have?

☐ no jury

☐ jury for guilt and punishment
☒ jury for guilt, judge for punishment

(11) Did you testify at trial? If yes, at what phase of the trial did you testify?

NO

(12) Has your sentence discharged? ☐ yes ☒ no

If you answered yes, when did your sentence discharge?

N/A

(13) Did you appeal from the judgment of conviction?

☒ yes

☐ no

If you did appeal, answer the following questions:

(A) Which court of appeals decided the appeal? FIFTH COURT OF APPEALS @ DALLAS

(B) What was the case number? 05-10-00493-CA

(C) Were you represented by counsel on appeal? If yes, provide the attorney's name: YES- COURT APPOINTED APPELLANT COUNSEL ADRIANNE DUNN

(D) What was the decision and the date of the decision? AFFIRMED OCTOBER 27, 2011

(14) Did you file a petition for discretionary review in the Court of Criminal Appeals?

☒ yes

☐ no

If you did file a petition for discretionary review, answer the following questions:

(A) What was the case number? PD-1760-11

(B) What was the decision and the date of the decision? REFUSED JUDICIAL 25, 2012

(15) Have you previously filed an application for a writ of habeas corpus under Article 11.07 of the Texas Code of Criminal Procedure challenging the conviction in this case number?

☒ yes

☐ no

If you answered yes, answer the following questions:

(A) What was the Court of Criminal Appeals' writ number? WR-7B, 329-01

(B) What was the decision and the date of the decision? DENIED WITHOUT WRITTEN ORDER

January 9, 2013

- (C) Please briefly explain why the current grounds were not presented and could not have been presented in your previous application.

Applicant did not have adequate access to the courts through his institution of
confinement's law library as defined by *Bowds v Smith*, 97 S.Ct. 1491, and *Lewis v Casey*,
116 S.Ct. 2174 and the situation had only been remedied by the state in the issuing
of digital media that included a LexisNexis app as well as a language app for those
whose primary language is not English on April 25, 2023

- (16) Do you currently have any petition or appeal pending in any other state or federal court?

☐ yes

☒ no

If you answered yes, please provide the name of the court and the case number:

N/A

- (17) If you are presenting a time credit claim, other than for pre-sentence jail time credit, have you exhausted your administrative remedies by presenting the time credit claim to the time credit resolution system of the Texas Department of Criminal Justice? (This requirement applies to any final felony conviction, including state jail felonies.)

☐ yes

☐ no

If you answered yes, answer the following questions:

- (A) What date did you present the claim to the time credit resolution system?

N/A

- (B) Did you receive a decision and, if yes, what was the date of the decision?

N/A

If you answered no, please explain why you have not presented your time credit claim to the time credit resolution system of the Texas Department of Criminal Justice:

N/A

- (18) Beginning on page 6, state concisely every legal ground for why you think that you are being illegally confined or restrained and then briefly summarize the facts supporting each ground. You must present each ground and a brief summary of the facts on the application form. If your grounds and a brief summary of the facts have not been presented on the application form, the Court will not consider your grounds. A factual summary that merely references an attached memorandum or another ground for relief will not constitute a sufficient summary of the facts.

If you have more than four grounds, use pages 14 and 15 of the application form, which you may copy as many times as needed to give you a separate page for each ground, with each ground numbered in sequence. The recitation of the facts supporting each ground must be no longer than the two pages provided for the ground in the form.

You may include with the application form a memorandum of law if you want to present legal authorities or provide greater factual detail, but the Court will *not* consider grounds for relief set out in a memorandum of law that were not raised on the application form. The memorandum of law must comply with Texas Rule of Appellate Procedure 73 and must not exceed 15,000 words if computer-generated or 50 pages if not. If you are challenging the validity of your conviction, please include a summary of the facts pertaining to your offense and trial in your memorandum of law.

If the application form does not include all of the grounds for relief, additional grounds brought at a later date may be procedurally barred.

GROUND ONE:

FAILURE TO PROVIDE AN INTERPRETER

A VIOLATION OF THE CONFRONTATION CLAUSE AND DUE PROCESS

FACTS SUPPORTING GROUND ONE:

AS THE RECORD WOULD CONFIRM, APPLICANT IS FROM GUATEMALA AND ENGLISH IS NOT

HIS PRIMARY LANGUAGE.

STATE STATUTORY LAW SUPPLEMENTING CONSTITUTIONAL GUARANTEE UNDER THE CONFRONTATION CLAUSE

AND DUE PROCESS MANDATED THE PROVISION OF AN INTERPRETER AS DEFINED BY TEXAS GOV'T

CODE THAT WAS NEVER PROVIDED EITHER BY AND/OR LACK OF REQUEST BY COURT APPOINTED

DEFENSE COUNSEL OR THE TRIAL COURT JUDGE THEREBY RENDERING APPLICANT PREJUDICED IN

ALL ASPECTS OF THE PROCEEDINGS FROM CONSULTING WITH COURT APPOINTED DEFENSE COUNSEL

THROUGH DIRECT APPEAL FOR LACK OF ABILITY TO COMPREHEND HENCE FORTH NOT BEING ABLE

TO MAKE HIS OWN INTELLIGENT AND KNOWING DECISIONS THAT WOULD AFFECT HIS PROTECTED

LIBERTY INTEREST(S).

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GROUND TWO:

PLEA BARGAINING - INTERPRETER FOR DEFENDANT

INEFFECTIVE ASSISTANCE OF COUNSEL AND DUE PROCESS

FACTS SUPPORTING GROUND TWO:

WHEN COURT APPOINTED DEFENSE COUNSEL WAS SUPPOSE TO RELAY THE STATE'S PLEA OFFER TO

APPLICANT HE FAILED TO DO SO THROUGH AN INTERPRETER AS STATUTORILY REQUIRED IN THIS

PARTICULAR CIRCUMSTANCES DUE TO APPLICANT'S FAILURE TO FULLY COMPREHEND ENGLISH.

COURT APPOINTED DEFENSE COUNSEL USURPED HIS AUTHORITY AND CAUSED APPLICANT TO GO

TO TRIAL UNDER DURESS IN HIS FAILURE TO CONVEY THE STATE'S OFFER IN A MEANINGFUL MANNER

AS PRESCRIBED BY LAW TO WHICH VIOLATED STATUTORY LAW, CONSTITUTIONAL LAW AND ITS

GUARANTEES, AND HAD A DIRECT AFFECT ON APPLICANT'S LIBERTY INTEREST

GROUND THREE:

FAILURE TO PERFORM MINISTERIAL DUTY

A VIOLATION OF DUE PROCESS

FACTS SUPPORTING GROUND THREE:

COURT APPOINTED DEFENSE COUNSEL FAILED TO ENSURE THAT APPLICANT HAD A CERTIFIED

INTERPRETER AS MANDATED BY STATUTORY LAW TO TRANSLATE ANY AND ALL MATTERS CONCERNED

- AS WELL AS THE TRIAL COURT JUDGE BEING AT FAULT ONCE THE APPLICANT WAS BEFORE HIM -

WHICH VIOLATED APPLICANT'S RIGHT TO DUE PROCESS ACCORDINGLY

COURT APPOINTED DEFENSE COUNSEL IS AN OFFICER OF THE COURT - AS WELL AS THE TRIAL

COURT JUDGE - AND THEREFORE HAS A MINISTERIAL DUTY TO ABIDE BY ALL COURT RULES AND

STATUTORY LAWS - I.E. ENSURE THAT A DEFENDANT CAN PROPERLY COMPREHEND THE PROCEEDINGS

NOT ONLY DID THIS FAILURE TO PERFORM A MINISTERIAL DUTY VIOLATE DUE PROCESS, BUT

IT HAD AN ADVERSE EFFECT ON APPLICANT'S LIBERTY INTEREST AND CAUSED HIM TO BE

PREJUDICED IN ANY AND ALL OF THE LEGAL PROCEEDINGS

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GROUND FOUR:

PROSECUTORIAL MISCONDUCT

A VIOLATION OF DUE PROCESS

FACTS SUPPORTING GROUND FOUR:

STATE'S PROSECUTING ATTORNEY PROCELOUS FORTH COUNTEY FERREIRA FROM THE SOUTHWESTERN INSTITUTE

OF FORENSIC SCIENCES FOR EXPERT WITNESS TESTIMONY THAT WAS MISLEADING TO THE JURY AT

BEST - SHE QUOTED A 99.99% ACCURACY OF THE APPLICANT BEING THE FATHER OF THE

VICTIM'S CHILD, YET UPON CROSS EXAMINATION ADMITTED TO 2 IN 10,000 PEOPLE HAVING

SIMILAR DNA MARKERS WHICH MEANS THAT IN THE DALLAS AREA (POPULATION A LITTLE

OVER 1 MILLION ACCORDING TO 1993 FIGURES FROM MERRIAM-WEBSTER) THERE WOULD BE

OVER 200 OTHER MATCHES THEREFORE SAID TESTIMONY WAS UNRELIABLE AND CONFUSING

THE STATE'S EXPERT WITNESS PLEADED IGNORANCE TO CHAIN OF CUSTODY PROCEDURES PRIOR TO

A SAMPLE ARRIVING AT HER FACILITY TO WHICH WOULD BE FALSE TESTIMONY BECAUSE ALL CHAIN

OF CUSTODY IF DONE ACCORDING TO STATUTORY LAW HAS A 'CUSTODY LOG' INVOLVED SO AS

TO ASCERTAIN IF THERE WAS A POSSIBILITY OF TAMPERING WITH EVIDENCE (OR IN THE CASE

OF A DNA SAMPLE - CONTAMINATION FROM IMPROPER HANDLING OR STORAGE)

THE STATE'S PROSECUTING ATTORNEY ^{PROFFERED} ALLOWED THIS TESTIMONY / OF WHICH WAS MISLEADING AT

BEST AND IN DOING SO VIOLATED 2 STATE STATUTES AND DUE PROCESS - SEE BRIEF

Mrs. FERREIRA WAS THE STATE'S PRIMARY AS WELL AS EXPERT WITNESS IN TESTIMONY

BEYOND THAT OF THE CRIMINAL WITNESS.

GROUND _____:

FACTS SUPPORTING GROUND:

WHEREFORE, I PRAY THAT THE COURT GRANT THE RELIEF TO WHICH APPLICANT MAY BE ENTITLED IN THIS PROCEEDING.

VERIFICATION

This application form *must be verified* in one of the following ways by either an applicant or a petitioner or it may be dismissed for noncompliance.

Applicants

In order to verify this application form, an applicant must sign one of the following:

- (1) the "Unsworn Declaration" for inmates (page 16) if applicant is an inmate; or
- (2) the "Unsworn Declaration" for non-inmates (page 17) if applicant is not an inmate; or
- (3) the "Oath Before a Notary Public" before a notary public (page 18).

Petitioners

If a petitioner, including an attorney, presents an application form on behalf of an applicant, the petitioner may verify the application form for the applicant. In order to verify this application form, a petitioner must sign one of the following:

- (1) the "Unsworn Declaration" for inmates (page 16) if petitioner is an inmate; or
- (2) the "Unsworn Declaration" for non-inmates (page 17) if petitioner is not an inmate; or
- (3) the "Oath Before a Notary Public" before a notary public (page 18).

In addition, *all petitioners*, including attorneys, presenting an application on behalf of an applicant must complete "Petitioner's Information" and sign "Petitioner's Statement" (page 19).

UNSWORN DECLARATION (INMATE)

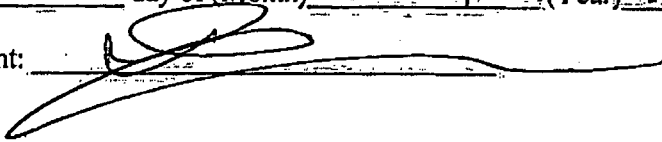
My name is (First) JOSE (Middle) EDGAR (Last) HERNANDEZ, my date of birth is 3/11/75, and my inmate identifying number, if any, is 1638975.

I am presently incarcerated in (Corrections unit name) THE JAMES V ALLRED UNIT & TOLSON in

(City) Lawton, (County) WICKITA, (State) TEXAS

(Zip Code) 76367. I declare under penalty of perjury that the contents of this application for a writ of habeas corpus and the facts stated in the application form are true and correct.

Executed on the 11th day of (Month) JANUARY (Year) 2024.

Signature of Declarant: 

UNSWORN DECLARATION (NON-INMATE)

My name is (First) _____ (Middle) _____ (Last) _____, my
date of birth is _____, and my address is (Street) _____
_____, (City) _____, (State) _____, (Zip
Code) _____, and (Country) _____. I declare under penalty of perjury that
the contents of this application for a writ of habeas corpus and the facts stated in the application form
are true and correct.

Executed in _____ County, State of _____, on the
_____ day of (Month) _____ (Year) _____.

Signature of Declarant: _____

OATH BEFORE A NOTARY PUBLIC

STATE OF TEXAS

COUNTY OF _____

_____, being duly sworn, under oath says: "I am the applicant or petitioner in this action and know the contents of this application for a writ of habeas corpus and, according to my belief, the facts stated in the application form are true."

Signature of Declarant

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 20____

Signature of Notary Public

PETITIONER'S INFORMATION

(Contact information for a petitioner presenting this application on behalf of the applicant)

Petitioner's printed name: _____

State bar number, if applicable: _____

Address: _____

Telephone: _____

Fax: _____

Email Address: _____

PETITIONER'S STATEMENT

"I am signing and presenting this application form on behalf of the applicant for the purpose of obtaining relief from the applicant's felony conviction. I have consulted with the applicant concerning this application and the applicant has given consent to the filing of this application form."

Signature of Petitioner

Signed on _____, 20____

APPLICANT'S BRIEF IN SUPPORT & SUBSEQUENT OR SUCCESSIVE

ARTICLE 11.07 APPLICATION FOR WRIT OF HABEAS CORPUS

COMES NOW, JOSE EDGAR HERNANDEZ, TDCJ# 1638975, WHOSE ORIGINAL ARTICLE 11.07 APPLICATION FOR WRIT OF HABEAS CORPUS, CCA NO. WR-78,329-01, THAT WAS DENIED W/O WRITTEN ORDER ON JANUARY 9, 2013, SUBMITS THIS SUBSEQUENT OR SUCCESSIVE APPLICATION BASED ON INFORMATION THAT HE WAS PREVIOUSLY UNABLE TO OBTAIN DUE TO NOT ONLY A LANGUAGE BARRIER, BUT THAT OF A NON-COMPLIANT PRISON LAW-LIBRARY THAT HAS CONSISTENTLY FAILED THE STANDARDS AS SET FORTH BY THE SUPREME COURT OF THE UNITED STATES AS SET FORTH IN BOTH *PROUDS V SMITH*, 97 S.C.T. 1491, AND *LEWIS V CASEY*, 116 S.C.T. 2174; THAT HAS ONLY RECENTLY BEEN REMEDIED BY THE ISSUANCE OF DIGITAL MEDIA BY THE TEXAS DEPT. OF CRIMINAL JUSTICE ON APRIL 25, 2023 THAT INCLUDES NOT ONLY A LANGUAGE APP FOR THOSE WHOSE PRIMARY LANGUAGE IS NOT ENGLISH, BUT THAT OF DIRECT ACCESS TO THE LEXISNEXIS LEGAL RESEARCH SYSTEM (WITH INSTRUCTIONS).

THE PRESENTED ISSUE(S) ARE BASED ON FUNDAMENTAL AND CONSTITUTIONAL RIGHTS VIOLATIONS AND ARE ENTITLED TO BE PRESENTED AT ANYTIME ACCORDING TO:

EX PARTE BECK, 922 S.W.2D 181 (TEX. CRIM. APP. 1996) "[A] DEFECT WHICH RENDERS A SENTENCE VOID MAY BE RAISED AT ANY TIME."

ARTICLE 11.07, § 4 (B), PROVIDES THAT IF A SUBSEQUENT APPLICATION FOR WRIT OF HABEAS CORPUS IS FILED AFTER FINAL DISPOSITION OF AN INITIAL APPLICATION CHALLENGING THE SAME CONVICTION, A COURT MAY NOT CONSIDER THE MERITS OF OR GRANT RELEASE BASED ON THE SUBSEQUENT APPLICATION UNLESS THE APPLICATION CONTAINS SUFFICIENT SPECIFIC FACTS ESTABLISHING THAT:

1. THE CURRENT CLAIMS AND ISSUES HAVE NOT 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;
2. BY A PREPONDERANCE OF THE EVIDENCE, BUT FOR A VIOLATION OF THE UNITED STATES CONSTITUTION NO RATIONAL JURY COULD HAVE FOUND THE APPLICANT GUILTY BEYOND A REASONABLE DOUBT.

MICHAELSON-WESTBERRY DICTIONARY & LAW (2020) - RATIONAL ADJ. 1: HAVING REASON OR UNDERSTANDING 2: RE-

...LATING TO, BASED ON, OR GUIDED BY REASON, PRINCIPLE, FAIRNESS, LOGIC, & LEGITIMATE STATE INTEREST, OR A
...CONSIDERATION OF FACT

...GROUND 1. FAILURE TO PROVIDE AN INTERPRETER

...A VIOLATION OF THE CONFRONTATION CLAUSE AND DUE PROCESS - IN A CRIMINAL CASE THE RIGHT TO AN INTERPRETER
...WHEN NECESSARY FOR THE DEFENDANT TO UNDERSTAND THE PROCEEDINGS IS CONSTITUTIONALLY GUARANTEED - APPLICANT
...IS FROM GUATEMALA AS THE RECORD CLEARLY REFLECTS (INCLUDING THE IMMIGRATION DETAINER FOR DEPORTATION)
...AND ENGLISH IS NOT HIS PRIMARY LANGUAGE.

...THE CONFRONTATION CLAUSE & U.S. CONST. AMEND. VI GUARANTEES THE RIGHT OF AN ACCUSED TO BE CONFRONTED
...WITH THE WITNESSES AGAINST HIM. SEE: TEXAS CONST. ART. I, § 10; GARCIA V STATE, 151 TEX CRIM 593; LIRA
...V STATE, 666 SW3D 493 - 2023 TEX CRIM APP LEXIS 12

...APPLICANT WAS CONVICTED UNDER THE 79TH LEGISLATURE AND T.C.C.P. ART. 38.30 & THAT TIME REFERS TO
...TEXAS GOVT CODE § 71.001 FOR IDENTIFICATION OF A 'CERTIFIED COURT INTERPRETER' TO WHICH IT STATES:

" 'CERTIFIED COURT INTERPRETER' MEANS AN INDIVIDUAL WHO IS A QUALIFIED INTERPRETER AS DEFINED IN ART. 38.31,
...CRIMINAL CODE OF PROCEDURE...

...ART. 38.31(9)(2): 'QUALIFIED INTERPRETER' MEANS AN INTERPRETER... WHO HOLDS A CURRENT LEGAL CER-
...TIFICATE ISSUED BY THE NATIONAL REGISTRY OF INTERPRETERS... OR A CURRENT COURT INTERPRETER CERTIFICATE
...ISSUED BY THE BOARD OF EVALUATION OF INTERPRETERS AT THE DEPT. OF ASSISTIVE AND REHABILITATIVE SERVICES.

...THIS IS STATUTORY LAW AS CREATED BY LEGISLATION TO PROTECT CITIZENS/INDIVIDUALS RIGHTS SO THAT THOSE
...WITH LANGUAGE BARRIERS CAN MAKE INTELLIGENT AND KNOWING DECISIONS THAT WOULD AFFECT THEIR LIBERTY
...INTEREST (1) OTHERWISE A FUNDAMENTAL ERROR PRESIDES OVER THE PROCEEDINGS VOIDING ANY OUTCOME.

...FAY V NOIA, 83 S.Ct. 822: "A JUDGMENT OF CONVICTION OBTAINED IN VIOLATION OF DUE PROCESS OF
...LAW IS VOID FOR WANT OF JURISDICTION OF THE COURT TO ENTER SUCH JUDGMENT."

...NOT ONLY WAS APPLICANT'S COURT APPOINTED DEFENSE COUNSEL NOT QUALIFIED UNDER THE STATUTORY LAW
...IN PLACE AT TIME OF HIS TRIAL AND UNLAWFUL CONVICTION, THE COURT OF CRIMINAL APPEALS OPINED IN THE
...CASE OF BALTIERRA V STATE, 586 SW2D 553, 559. "INTERPRETER REQUIRED UNDER THE CONFRONTATION CLAUSE

WHEN DEFENDANT DOES NOT SPEAK ENGLISH EVEN THOUGH COUNSEL FLUENT IN DEFENDANT'S LANGUAGE...

AND IN GARCIA V STATE, 149 SW3d 135 (TEXCRIMAPP 2004) IT STATES: "DEFENDANT'S RIGHT TO TRANSLATOR NOT WAIVED BY PRESENCE OF ASSISTANTS TO DEFENSE COUNSEL WHO SPOKE SPANISH EVEN THOUGH DEFENDANT FAILED TO COMPLAIN ABOUT THEIR ABILITY TO TRANSLATE BECAUSE THEY WERE NOT COURT APPOINTED TRANSLATORS."

ACCORDINGLY, BECAUSE COURTROOM INTERPRETATION IS A DEMANDING ART REQUIRING A BROAD VOCABULARY, INSTANT RECALL, AND CONTINUING JUDGMENT AS TO THE SPEAKER'S INTENDED MEANING, THE RIGHT TO AN INTERPRETER FOR NON-ENGLISH SPEAKING DEFENDANTS IS NOT SATISFIED MERELY BECAUSE A BI-LINGUAL ATTORNEY HAS BEEN APPOINTED FOR THE DEFENDANT OR THE DEFENSE TEAM INCLUDES A PERSON WHO SPEAKS THE LANGUAGE OF THE ACCUSED.

IN LINTON V STATE, 275 SW3d 493 (TEXCRIMAPP 2008) AT 501 IT SAYS: "AS A MATTER OF TEXAS LAW, ARTICLE 38.31(a) OF THE CODE OF CRIMINAL PROCEDURE REQUIRES A TRIAL JUDGE TO PROVIDE AN INTERPRETER..."

AND AT 502 IT SAYS: "WHEN A TRIAL JUDGE IS AWARE THAT THE DEFENDANT HAS A PROBLEM UNDERSTANDING THE ENGLISH LANGUAGE, THE DEFENDANT'S RIGHT TO [§ 24] HAVE AN INTERPRETER TRANSLATE THE TRIAL PROCEEDINGS INTO A LANGUAGE WHICH THE DEFENDANT UNDERSTANDS IS A CATEGORICAL TWO PART RIGHT. IN THESE CIRCUMSTANCES, THE JUDGE HAS AN INDEPENDENT DUTY TO IMPLEMENT THIS RIGHT IN THE ABSENCE OF A "KNOWING AND VOLUNTARY" WAIVER BY THE DEFENDANT."

APPLICANT WAS FUNDAMENTALLY PREJUDICED WHEN HIS COURT APPOINTED DEFENSE COUNSEL FAILED TO KNOW THE STATUTORY PROVISIONS APPLICABLE TO THE CASE" (QUOTING EX PARTE WELCH, 981 SW2d 183 (TEXCRIMAPP 1998)). BECAUSE IT LEFT APPLICANT UNABLE TO INTELLIGENTLY PARTICIPATE IN HIS OWN TRIAL TO WHICH INCLUDED (BUT NOT STRICTLY LIMITED TO) THE INABILITY TO CONFRONT THE WITNESS(S) AGAINST HIM OR TO EVEN COMPREHEND WHAT EVIDENCE WAS BE USED AGAINST HIM (HENCE KNOWINGLY)

TEXAS CODE OF CRIMINAL PROCEDURE ARTICLE 38.30(2) REQUIRES THE APPOINTMENT OF AN INTERPRETER WHEN EITHER THE DEFENDANT OR A WITNESS DOES NOT UNDERSTAND AND SPEAK THE ENGLISH LANGUAGE. BECAUSE THE RIGHT OF A DEFENDANT OR WITNESS TO AN INTERPRETER IS A RIGHT THAT MUST BE IMPLEMENTED UNLESS EXPRESSLY WAIVED IF THE TRIAL JUDGE IS AWARE THAT THE DEFENDANT HAS DIFFICULTY UNDERSTANDING ENGLISH, AND, UNDER TEXAS RULES OF CRIMINAL EVIDENCE 604 AN INTERPRETER IS SUBJECT TO THE RULES RELATING

TO THE QUALIFICATION OF AN EXPERT WITNESS AND MUST MAKE AN OATH OR AFFIRMATION TO RENDER A TRUE TRANSLATION OF WHICH NONE OF THE AGREEMENTED STATUTORY DEMANDS EVER CAME TO PASS IN THIS CASE AT BAR, ALL OF WHICH WOULD HAVE VIOLATED APPLICANT'S DUE PROCESS RIGHTS ON TOP OF HIS CONFRONTATION RIGHT ACCORDING TO BOTH STATE AND FEDERAL CONSTITUTION (4).

GROUND 2. INTERPRETER FOR DEFENDANT FOR PLEA BARGAINING - THE LACK OF THIS WOULD CONSTITUTE INEFFECTIVE ASSISTANCE OF COUNSEL - IN THAT WHEN COURT APPOINTED DEFENSE COUNSEL ALLEGEDLY DELIVERED THE STATES PLEA OFFER TO APPLICANT AN INTERPRETER WAS NECESSARY SO THAT APPLICANT WOULD CLEARLY UNDERSTAND THE TERMS AND CONDITIONS OF SAID PLEA SO THAT HE COULD MAKE AN INTELLIGENT AND KNOWING DECISION AS TO HIS COURSE OF ACTION BECAUSE A PLEA IS ENTERED KNOWINGLY ONLY IF THE DEFENDANT IS FULLY AWARE OF THE DIRECT CONSEQUENCES OF THE PLEA. SEE: BRADY V UNITED STATES, 403 U.S. 1463; UNITED STATES V SMALLWOOD, 920 F.2D 1231; EX PARTE SHUFELIN, 528 SW2D 610; AND EX PARTE REEDY, 282 SW3D 492, 496 (TEXCRIMAPP2009).

ACCORDING TO HERNANDEZ V STATE, 726 SW2D 53 (TEXCRIMAPP1986) "ARTICLE I, SECTION 10, OF THE TEXAS CONSTITUTION ENTITLES A DEFENDANT EFFECTIVE ASSISTANCE OF COUNSEL," EXCEPT THAT WHEN COUNSEL FAILS TO KNOW THE STATUTORY PROVISIONS APPLICABLE TO A CASE HE IS NOT EFFECTIVE BECAUSE "COUNSEL'S FUNCTION IS TO ENSURE A FAIR TRIAL BY ASSISTING THE DEFENDANT" (QUOTING STRICKLAND, 466 U.S. AT 686) AND THE SUPREME COURT OF THE UNITED STATES DECISION IN FLORIDA V NIXON, 543 U.S. 175, 187 (2004) STATES: "AN ATTORNEY MUST BOTH CONSULT WITH THE DEFENDANT AND OBTAIN CONSENT TO THE RECOMMENDED COURSE OF ACTION" OF WHICH COINCIDES WITH THE AMERICAN BAR ASSOCIATION MODEL CODE OF PROFESSIONAL RESPONSIBILITY EC-7-8 (1982) WHICH STATES: "IT'S THE LAWYER'S JOB TO ADVISE THE CLIENT OF HIS OR HER ALTERNATIVES, BUT THE CLIENT MAKES THE DECISION" - NOT TO USURP AUTHORITY DUE TO A LACK OF INTELLIGENT KNOWING THAT EXISTS MAINLY DUE TO A LANGUAGE BARRIER THAT BOTH STATE AND FEDERAL COURTS HAVE CREATED PROTECTION FROM IN THE FORM OF STATUTORY LAWS.

ACCORDING TO STRICKLAND, 466 U.S. AT 688 COUNSEL OWED THE APPLICANT A DUTY TO: "BRING TO BEAR SUCH SKILL AND KNOWLEDGE AS WILL RENDER THE TRIAL A RELIABLE ADVERSARIAL TESTING PROCESS", AND AT 690 -

Q91: "MAKE REASONABLE INVESTIGATIONS OR TO MAKE A REASONABLE DECISION THAT MAKES PARTICULAR INVESTIGATIONS UNNECESSARY". - HERE THE TRIAL CANNOT HAVE BEEN A RELIABLE ADVERSARIAL TESTING PROCESS IF THE PLEA WAS NEVER PROPERLY CONVEYED BE IT THROUGH LACK OF INTERPRETER OR UNTIMELY (OR BOTH) AND NONE OF THE DECISIONS MADE COULD BE CONSIDERED REASONABLE IF THEY ADVERSELY AFFECTED HIS CLIENTS RIGHTS AND IGNORED STATUTORY PROCEDURE(S). SEE: MERRIAM-WEBSTER'S DICTIONARY OF LAW (2020) - IMPEDIMENT
n: SOMETHING THAT PREVENTS OR INTERFERES WITH A PROCESS, POWER, OR RIGHT...: A BAR TO THE FORMATION OF A VALID CONTRACT OR MARRIAGE - COMPARE NULLITY
A PLEA NOT BE DEEMED INVALID IF THE DEFENDANT DID NOT UNDERSTAND THE LANGUAGE IN WHICH THE COURT PROCEEDINGS WERE CONDUCTED. A THRESHOLD DETERMINATION IS THEREFORE WHETHER THE DEFENDANT HAD AN ADEQUATE UNDERSTANDING OF ENGLISH OR WAS PROVIDED WITH A LANGUAGE INTERPRETER - SEE: UNITED STATES V PEREZ, 918 F.2d 488 (5th CIR [TEX] 1990).

3. DUE PROCESS

THE FAILURE OF COURT APPOINTED DEFENSE COUNSEL AND/OR THE TRIAL COURT TO ENSURE THAT APPLICANT HAD AN INTERPRETER IN COMPLIANCE WITH ARTICLE 38.30, TEXAS GOVT CODE 57.001, AND TEXAS RULES OF CRIMINAL EVIDENCE 604 VIOLATED APPLICANT'S DUE PROCESS RIGHT TO WHICH RESULTED IN DENYING HIM THE ABILITY TO INTELLIGENTLY AND KNOWINGLY PARTICIPATE IN ANY AND ALL PROCEEDINGS AGAINST HIM AS WELL AS TO BE ABLE TO CONFRONT ANY WITNESSES AGAINST HIM IN ANY MEANINGFUL MANNER. LIRA V STATE, 666 SW3d 498 2023 TEX CRIM APP 12** STATES: "THE UNITED STATES SUPREME COURT HAS RECOGNIZED THAT THE RIGHT TO BE PRESENT IN THE COURTROOM AT EVERY STAGE OF TRIAL IS GUARANTEED BY THE CONFRONTATION CLAUSE OF THE SIXTH AMENDMENT. IT IS ALSO BASED IN THE DUE PROCESS CLAUSES OF THE FIFTH AND FOURTEENTH AMENDMENTS AND APPLIES AT ANY STAGE OF THE CRIMINAL PROCEEDING THAT IS CRITICAL TO ITS OUTCOME IF THE DEFENDANT'S PRESENCE WOULD CONTRIBUTE TO THE FAIRNESS OF THE PROCEDURE. SEE CAIN V STATE, 947 SW2d 262

HERE, APPLICANT WOULD POINT OUT THAT IF HE DID NOT UNDERSTAND THE PLEA OFFER ALLEGEDLY CONVEYED THROUGH COURT APPOINTED DEFENSE COUNSEL BY THE STATE THEN COUNSEL USURPED HIS

AUTHORITY AND DECLINED THE STATE'S OFFER OF HIS OWN ACCORD WHICH DENIED APPLICANT THE ABILITY TO MAKE A DECISION THAT WAS HIS AND HIS ALONE TO MAKE INVOLVING (DIRECTLY) HIS LIBERTY INTEREST(S) AS PROTECTED BY BOTH STATUTORY AND CONSTITUTIONAL LAW AS A FUNDAMENTAL RIGHT.

IN *LINTON V STATE*, 275 SW3d 493 (TEXCRIMAPP 2009) AT 504 STATES: "... THE CONSTITUTION REQUIRES THAT A DEFENDANT SUFFICIENTLY UNDERSTAND THE PROCEEDINGS AGAINST HIM SUCH THAT HE IS ABLE TO ASSIST IN HIS OWN DEFENSE; AND AT 505 "... THE LEVEL OF LINGUISTIC COMPETENCY NECESSARY TO PARTICIPATE IN ONE'S DEFENSE IS DIRECTLY RELATED TO THE COMPLEXITY, BOTH FACTUALLY AND LEGALLY OF THE CASE."

IN *MENDIOLA V STATE*, 924 SW2d 157 IT STATES: "... WHILE AN INTERPRETER'S COMPETENCY IS A QUESTION OF LAW, THE ACCURACY OF THE INDIVIDUAL'S TRANSLATION IS A QUESTION OF FACT."

PLAINLY STATED, THE FAILURE TO ACCOMMODATE APPLICANT'S NEEDS IN THIS CASE ACCORDING TO BOTH STATE AND FEDERAL CASE LAW SHOWS ABUSE AND BEYOND A MERK VIOLATION OF DUE PROCESS, ESPECIALLY IF ONE WERE TO TAKE INTO CONSIDERATION THAT THE STATE'S PRIMARY / EXPERT WITNESS - MS. COURTNEY FERREIRA - REPRESENTED THE SOUTHWESTERN INSTITUTE FOR FORENSIC SCIENCES AND GAVE SOME TECHNICALLY COMPLICATED TESTIMONY THAT THE AVERAGE 'LAY-PERSON' WOULD HAVE HAD DIFFICULTY UNDERSTANDING - LET ALONE A GUATEMALIAN WHOSE PRIMARY LANGUAGE IS NOT ENGLISH AND WAS WITHOUT AN ADEQUATE INTERPRETER (ACCORDING TO STATUTORY LAW).

4. PROSECUTORIAL MISCONDUCT

CASES FINDING A DUE PROCESS VIOLATION BASED ON THE ACTIONS OF THE PROSECUTOR INVOLVE CONDUCT THAT IMPLICATE A DELIBERATE ATTEMPT TO MISLEAD, OR CONDUCT SUFFICIENTLY EGREGIOUS THAT IT INFECTS A TRIAL WITH UNFAIRNESS. SEE, E.G., *MILLER V PATE*, 386 U.S. 1, 5-6

WHEN THE STATE BROUGHT FOLSON'S EXPERT WITNESS COURTNEY FERREIRA FROM SOUTHWESTERN INSTITUTE FOR FORENSIC SCIENCES AND SAID EXPERT WITNESS TESTIFIED THAT THERE WAS A LIKELIHOOD GREATER THAN 99.99% THAT APPLICANT WAS THE FATHER OF THE VICTIM'S CHILD (RR VOL 13 PG 136) BUT ON CROSS EXAMINATION ADMITTED THAT APPROXIMATELY 2 OUT OF 10,000 PEOPLE COULD HAVE

A SIMILAR DNA PROFILE AS APPLICANT (RLR VOL 13 PG 145) THAT WOULD MEAN THAT IN A CITY SUCH AS DALLAS, WHERE THE POPULATION EXCEEDS 1,000,000 PEOPLE, THERE WOULD BE OVER 200 MATCHES TO THAT PROFILE THEREFORE IT FACTUALLY COULD NOT BE A 99.99% CHANCE THAT THE APPLICANT WAS THE FATHER OF THE VICTIM'S CHILD, AND, IT WAS ALSO ESTABLISHED ON RECORD (RLR VOL 13 PGS 149, 153, 182-183) THAT THERE WAS A DISTINCT POSSIBILITY THAT THE SAMPLE AS PROVIDED TO SOUTHWESTERN INSTITUTE FOR FORENSIC SCIENCES HAD BEEN COMPROMISED BY CONTAMINATION.

THE STATE'S PROSECUTING ATTORNEY ALLOWED THE TESTIMONY OF MS. FERREIRA TO BE INTRODUCED TO THE JURY WITHOUT FACT CHECK AND HER EXPERT TESTIMONY THEN HAD INFLUENCE ON THE JURY AS TRUE AND FACTUAL THEREBY CREATING A PREJUDICIAL EFFECT IN THE OVERALL PROCEEDINGS. EVEN WHEN MS. FERREIRA PLEADED IGNORANCE TO CHAIN OF CUSTODY PROCEDURES IN THE HANDLING OF SAID SAMPLE (RLR VOL 13 PG 153), THAT STATEMENT WAS FALSE AND PROSECUTION KNEW IT BECAUSE ALL LABS THAT DO FORENSIC TESTING ARE FAMILIAR WITH CHAIN OF CUSTODY & EVIDENCE PROCEDURES - THEY HAVE TO BE IN ORDER TO CERTIFY THEIR RESULTS AS TRUE AND CORRECT. (CAN TO SWEAR UNDER BOTH OR AFFIRMATION THAT THEIR STATEMENTS AS TO THE EVIDENCE ARE)

PROSECUTION CROSSED AN ETHICAL BOUNDARY TO ENSURE A CONVICTION

ARCHIE V STATE, 221 SW3D 695, 699-700 (TEXCRIM APP 2007) EXPLAINS THAT: "SUCH REVIEW TRULY BALANCES THREE FACTORS: (1) THE SEVERITY OF THE MISCONDUCT (PREJUDICIAL EFFECT); (2) CURATIVE MEASURES; AND (3) THE CERTAINTY OF CONVICTION OR THE PUNISHMENT ASSESSED AFFECT THE MISCONDUCT. SEE: HAWKINS V STATE, 135 SW3D 72, 77; MOSLEY V STATE, 983 SW2D 249, 259 (BOTH EN BANC)

THE PROSECUTING ATTORNEY IN THIS CASE IS ACCUSED OF VIOLATING STATUTORY LAW(S) AS PRESCRIBED IN BOTH ARTICLE 2.01 - DUTIES OF DISTRICT ATTORNEYS; AND ARTICLE 2.03 (B) - NEGLIGENCE DUTY AS THESE LAWS WERE IN EFFECT IN APRIL 7, OF 2010 - EITHER OR BOTH OF WHICH CONSTITUTES A VIOLATION OF OUR PROCESS DUE TO PROSECUTORIAL MISCONDUCT FOR THE INTENTIONAL CREATION OF PREJUDICE OF THE JURY THROUGH THE KNOWINGLY MISLEADING TESTIMONY PROFFERED AT THE STATE'S REQUEST - MS. FERREIRA WAS THE STATE'S EXPERT WITNESS AND THE STATE IS LIABLE FOR ANY AND ALL EFFECT SAID STATE'S EXPERT WITNESS CAUSE - IN GOOD FAITH OR IN BAD

THE UNITED STATES SUPREME COURT SUMMED UP THE ISSUE APPROPRIATELY IN WOOLF V MCDONNELL,
418 U.S. 539, 577: "WHEN THE STATE PROVIDES A STATUTORY RIGHT TO LIBERTY, AND A PERSON'S INTEREST
IN THAT RIGHT HAS REAL SUBSTANCE, THAT RIGHT IS 'SUFFICIENTLY EMBRACED WITHIN FOURTEENTH
AMENDMENT' LIBERTY TO ENTITLE HIM TO THOSE MINIMUM PROCEDURES APPROPRIATE UNDER THE
CIRCUMSTANCES AND REQUIRED BY THE DUE PROCESS CLAUSE TO ENSURE THAT THE STATE CREATED
RIGHT IS NOT ARBITRARILY ABROGATED."

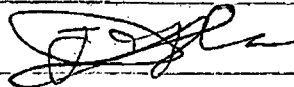
CONCLUSION:

APPLICANT'S ORIGINAL ARTICLE 11.07 HAD DEALT PRIMARILY WITH INEFFECTIVE ASSISTANCE OF
COUNSEL AND HE FIRMLY BELIEVES THAT NOW THAT HE HAS HAD AN OPPORTUNITY TO EXPERIENCE
MEANINGFUL RESEARCH THANKS TO THE RECENT ISSUE OF DIGITAL MEDIA THAT INCLUDES NOT
ONLY ACCESS TO LEXISNEXIS BUT THAT OF A LANGUAGE APP, THIS SUBSEQUENT OR SUCCESSIVE
FILING WOULD NOT ONLY CONFIRM HIS ORIGINAL CLAIM(S) BUT CORRECT WITH ADDITIONAL CLAIM(S)
THAT CLARIFY VIOLATION OF STATUTORY AND CONSTITUTIONAL LAW(S) INVOLVED IN THE CONVICTION
OF APPLICANT THAT INVALIDATED NOT ONLY THE PROCEEDURE BUT THE CONVICTION ITSELF

APPLICANT WOULD LOVE LIKED TO BELIEVE THAT "THE FUNCTION OF THE LEGAL PROCESS IS TO MINIMIZE
THE RISK OF ERRONEOUS DECISIONS" (QUOTING ADDINGTON V TEXAS, 441 US 418) BUT HAS FOUND
IT MORE TO BE THAT "THE TRIAL, CONVICTION, AND SENTENCE OF PETITIONER, UNDER THE CIRCUMSTANCES
HERE DISCLOSED, DEPRIVED HIM OF HIS LIBERTY WITHOUT DUE PROCESS OF LAW IN VIOLATION OF THE FIFTH
AMENDMENT..." (QUOTING POWELL V ALABAMA, 287 US 45; BROWN V MISSISSIPPI, 297 US 278)

THE ABOVE MENTIONED GROUNDS ARE THOSE OF A FUNDAMENTAL DEFECT IN THE PROCEEDINGS THEREFORE
APPLICANT DEMANDS FOR A FULL, FAIR, AND JUST HEARING ON HIS SUBMISSION

RESPECTFULLY SUBMITTED



JOSE EOGAN HERNANDEZ # 1638975

cc/file

WRIT NOS. W09-46780-B

EX PARTE

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§
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IN THE CRIMINAL

DISTRICT COURT NO. 1

JOSE EDGAR HERNANDEZ,
Applicant

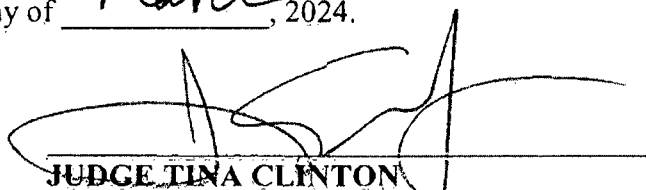
DALLAS COUNTY, TEXAS

**ORDER FINDING NO CONTROVERTED, PREVIOUSLY UNRESOLVED
FACTUAL ISSUES REQUIRING A HEARING**

Having considered the Applicant's Application for Writ of Habeas Corpus, Brief in Support, and the State's Response thereto, 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. This is Applicant's second writ application, the first having been denied by the Texas Court of Criminal Appeals. The Court finds that this is a subsequent writ application and that Applicant has failed to set forth specific facts sufficient to meet the requirements of Article 11.07, Section 4(a) of the Code of Criminal Procedure. Accordingly, the Court recommends that Applicant's instant writ application be **DISMISSED**.

The Clerk of the Court is **ORDERED** to immediately transmit a copy of this order, the application, and any answers filed to: (1) the Court of Criminal Appeals, (2) Applicant Jose Edgar Hernandez, and (3) to counsel for the State, Jessie R. Allen, Appellate Division, Dallas County District Attorney's Office.

SIGNED this the 6th day of March, 2024.


JUDGE TINA CLINTON
CRIMINAL DISTRICT COURT NO. 1
DALLAS COUNTY, TEXAS

EX PARTE

ARTICLE 11.07

JOSE EDGAR HERNANDEZ

NO. 409-46780-B

APPLICANT

NOTICE OF ERROR - CUMULABIS

Comes Now, JOSE EDGAR HERNANDEZ, TDCJ # 1638975. Applicant, AND SUBMITS THIS NOTICE OF ERROR to
 the ORDER FINDING NO CONTROVERTED, PREVIOUSLY UNRESOLVED FACTUAL ISSUES REQUIRING A HEARING BY THE CRIMINAL
 DISTRICT COURT NO. 1 AS ISSUED ON MARCH 6, 2024.

Applicant WOULD CONTEND THAT THE STATE'S FAILURE TO PROVIDE AN INTERPRETER NOT ONLY PRIOR TO TRIAL BUT AT
 TRIAL AND THE FACT THAT THE TEXAS DEPT OF CRIMINAL JUSTICE DOES NOT PROVIDE A TRANSLATOR IN ITS LAW LIBRARIES
 WAS AN 'IMPEDEMENT BY THE STATE' THAT CANNOT BE EXCUSED UNDER THE CONFRONTATION CLAUSE & THE CONSTITUTION
 THEREFORE SAID CLAIM WAS NOT AVAILABLE TO APPLICANT IF HE DID NOT KNOW OF ITS EXISTENCE AND THE STATE
 WITHHELD THE INFORMATION IN A FORM THAT APPLICANT COULD COMPREHEND UNTIL THE ISSUANCE OF DIGITAL MEDIA
 THAT INCLUDED A LANGUAGE APP AND LEXIS NEXIS.

UNDER ARTICLE 11.07, SECTION 5, THE COURT OF CRIMINAL APPEALS MAY DIRECT THAT APPLICANT'S CAUSE BE
 DOCKETED AND HEARD AS THOUGH ORIGINALLY PRESENTED TO SAID COURT OR AS AN APPEAL TO WHICH BEING THAT
 APPLICANT'S CONSTITUTIONAL RIGHT(S) TO CONFRONTATION AND DUE PROCESS WERE INDEED VIOLATED IN ORIGINAL
 PROCEEDINGS IT WOULD BE ONLY PRUDENT FOR THE COURT OF CRIMINAL APPEALS TO HEAR AND ADJUDICATE ON THIS/THOSE
 ISSUE(S) IN THE INTEREST OF FUNDAMENTAL FAIRNESS AND THE BEST INTEREST OF THE JUDICIAL DUE TO THE ABUSIVE
 COMMON-PRACTICE(S) OF THE LOWER COURTS THAT CONTINUALLY VIOLATE THE ACTUAL RIGHTS OF MIGRANTS.



JOSE EDGAR HERNANDEZ TDCJ # 1638975

EXECUTED ON

APPLICANT - RES SE

MARCH 16, 2024

CC/ CDC NO. 1
FILE