

TEXAS COURT OF CRIMINAL APPEALS

Ex parte Roberson, Brandon

Ex parte Roberson · No. WR-82,638-01 · Decided January 26, 2015

SUMMARY

This document is a pro se advisory filed in the Texas Court of Criminal Appeals by Brandon Roberson in connection with an Article 11.07 application for a writ of habeas corpus. It alleges that the district court failed to provide findings of fact and conclusions of law, ignored related motions, and violated due process, and it requests an order remanding the matter for further proceedings.

CASE DETAILS

COURT	Texas Court of Criminal Appeals
JURISDICTION	Texas
DECIDED	January 26, 2015
DOCKET	WR-82,638-01
DISPOSITION	other
PROCEDURAL POSTURE	A pro se prisoner submitted an advisory requesting that the Texas Court of Criminal Appeals remand his Article 11.07 habeas proceeding to the district court for findings of fact and conclusions of law.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Brandon Andre Roberson

TOPICS

[habeas corpus](#) [post-conviction relief](#) [due process](#) [right to counsel](#) [appellate procedure](#)

PRACTICE AREAS

[criminal procedure](#) [post-conviction relief](#) [constitutional law](#) [civil rights](#)

QUESTIONS PRESENTED

- Whether the Article 11.07 habeas proceeding should be remanded to the Burleson County district court for findings of fact and conclusions of law.
- Whether the district court's alleged failure to address Roberson's motions and provide notice implicated due process.

FACTUAL BACKGROUND

Roberson, a Texas inmate proceeding pro se, claimed that his attorney failed to file a notice of appeal and thereby deprived him of federally protected rights. He also claimed that the Burleson County district court failed to address or provide notice concerning his motions and had not furnished findings of fact or conclusions of law in connection with his Article 11.07 habeas application.

PROCEDURAL HISTORY

Roberson asserted that he filed an application for a writ of habeas corpus under Texas Code of Criminal Procedure article 11.07, alleging that counsel abandoned his direct appeal by failing to file a notice of appeal. He claimed that the Burleson County district court had not provided findings of fact, conclusions of law, or notice concerning several motions, and requested an order of remand with instructions.

DISPOSITION

other

REMAND INSTRUCTIONS

The document requests remand with instructions for the district court to make findings of fact and conclusions of law and consider Roberson's previously submitted motions, but it does not state that the court entered such an order.

OPINION

Roberson, Brandon Andre

PER CURIAM.

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ULERK§ABEL ACOSTA THURSDAY, JAN-22,2015

1 AM WR:TTING TO REGUESTING TG HAVE AN ADVISORY FILED WI:H
THE CRIMINAL COURT OF APPEALS ON BEHALF GF MY 11.07 WRIT OF
HABEAS CORPUS THAT YOU ALL RECEIVED ON 12/31,9014-1ALSO I WANT
IT TO BE DULY NOT THAT 1 JUST RECIVBD YOUR NOTIFICATION THIS
VERY MORNING AND IT WAS POST DATED FROM JAN.O€. 2015. SO IF
YOU WOULD BE KIND AND FILE THIS WITH THE COURT I WILL BE VERY
GRATEFUL . ‘ ` RESPECTFULLY SUBMITTED,

BRANDON ROBERSON #1378114

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CCURT OF CH|M|NAL APPEALS

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BRANDON RIBERSON TP. cT. NO. l3,164-A ADGFACOSEQ C!@rk

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HUGHES UNIT-TDC#1373114

RT. 2 BOX 4400

GATESVILLE, TEXAS 76597

IN THE COURT OF CRIMINAL APPEALS

AT AUSTIN

EXPARTE ROBERSON, BRANDON »* WRIT # WR-82.638-OI

ADVISORY TO COURT

TO THE HONORABLE JUSTICES OF THE TEXAS COURT OF CRIMINAL APPEALS.

COMES NOW, EXPARTE ROBERSON WHO BEING PRESENT MAKES THE FOLLOWING

STATEMENT OF CASE,

EXPARTE ROBERSON HAS FILED AN APPLICATION FOR WRIT OF HABEAS CORPUS UNDER TEXAS CODE OF CRIMINAL PROCEDURE. ARTICLE 11.07 ATTACRIN VIOLATIONS OF HIS FEDERALLY PROTECTED CIVIL RIGHTS OF THE 14TH AMENDMENT AND 14TH AMENDMENT BECAUSE HIS ATTORNEY ABANDONED: HIS DIRECT IN THAT DID NOT FILE ANY NOTICE OF APPEAL. / 2' _

MR. ROBERSON HAS WAITED FOR THE DISTRICT CLERK OF BURLESON COUNTY TO PROVIDE ANY FINDINGS OF FACTS AND CONCLUSIONS OF LAW; TO DATE HE HAS NOT RECEIVED ANY COPY OF ANY FINDINGS OF FACTS OR CONCLUSIONS OF LAW. IT WAS ONLY ON JANUARY 22, 2015 DID MR. ROBERSON RECEIVE THIS COURT'S CLERK'S NOTICE THAT THEY RECEIVED HIS APPLICATION FOR WRIT OF HABEAS CORPUS. AND THE POST MARK WAS DATED THE 6TH OF JANUARY 2015.

AT THIS TIME MR. ROBERSON IS DULY ADVISING THAT IF ANY FINDINGS OF FACTS WAS FILED BY THE DISTRICT COURT AT NO TIME WAS HE ADVISED OF THIS AND HAS BEEN DEPRIVED HIS DUE PROCESS RIGHTS BY DEPRIVING HIM THE EQUAL OPPORTUNITY TO MAKE AND FILE HIS OBJECTIONS IF ANY,

3. IN ADDITION TO THIS MR. ROBERSON FILED NUMEROUS MOTIONS:

A. MOTION TO EXPAND THE RECORD

B. MOTION OF PROPOSED DESIGNATION OF ISSUES

C. MOTION TO SHOW CAUSE, AND TO OBTAIN AN AFFIDAVIT FROM THE ATTORNEY WHO REPRESENTED MR. ROBERSON.

ALL PRETEXT MOTIONS WERE WHOLLY IGNORED BY THE DISTRICT COURT

AND BECAUSE THE DISTRICT CLERK OF BURLESON COUNTY FAILED TO

SEND ANY NOTICE OF THEM. FORWARDING THE 11.07 MR. ROBERSON

IS LEAD TO BELIEVE THAT NO ORDER WAS ENTERED BY THE DISTRICT

CLERK`TO FORWARD ALE MOTIONS_TO THIS COURT. FCR ALL CONSIDERATION
oF DUE PROCESS.

AT THIS TIME MR.ROBERSON BEING PROSE RESPECTFULLY ADVISES THIS
COURT OF PROCEDURE ERROR OF"THE DISTRICT CGURT FOR PRESUMABLY_
NOT MAKING ANY FiNDINGS OF FACT OR CONCLUSIONS OF LAW BUT THE
DISTRICT CLERK PRE-MATURLY TO THIS COURT. NOW IN NEED OF ORDER
OF REMAND. di PRAYER

ISSUE ORDER OF REMAND,.WITH INSTRUCTIONS`TO `AKE FINDINGS OF
FACTS AND CONCLUSIONS OF LAW AND IN THE_RETROSPECT OF THE EARLIER
MOTIONS.

RESPECTFULLY SUBMITTED,

BRANDON RORERSON §1378114`

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GATESVILLE,TX 76597