

TEXAS COURT OF CRIMINAL APPEALS

Johnson, Rickey Lynn

No. WR-?Z, 364-01, Texas Court of Criminal Appeals (June 9, 2015)

SUMMARY

This document consists of a June 1, 2015 letter and supporting affidavit by Rickey Lynn Johnson to the Texas Court of Criminal Appeals. Johnson alleges that another inmate deceived him into submitting a habeas corpus application without his knowledge of its contents and requests permission to refile a habeas application without being deemed to have abused the writ.

CASE DETAILS

COURT	Texas Court of Criminal Appeals
JURISDICTION	Texas
DECIDED	June 9, 2015
DOCKET	WR-?Z, 364-01
DISPOSITION	other
PROCEDURAL POSTURE	Applicant submitted an affidavit requesting permission to refile an Article 11.07 habeas application without being deemed to have abused the writ or filed a successive petition.
PRECEDENTIAL VALUE	Not determinable from the provided text; the document appears to be an applicant's filing or accompanying submission rather than a reasoned precedential opinion.

TOPICS

state post-conviction relief successive petitions post-conviction relief habeas corpus appellate procedure

PRACTICE AREAS

criminal post-conviction procedure habeas corpus

QUESTIONS PRESENTED

1. Whether Johnson should be permitted to file a subsequent Article 11.07 habeas application without being subject to an abuse-of-writ or successive-filing bar based on his allegation that the prior application was prepared or filed without his informed understanding.

FACTUAL BACKGROUND

Johnson stated that inmate Craig Converse reviewed his legal documents and represented that he could obtain reversal of Johnson's conviction and a new trial for \$60. Johnson alleged that, while suffering from serious medical problems affecting memory and balance, he signed habeas forms without having them read or explained and did not understand the claims or consequences. He requested permission to file a new application under Texas Code of Criminal Procedure article 11.07 without an abuse-of-writ finding.

PROCEDURAL HISTORY

The document states that a prior habeas application was denied without written order on November 26, 2014. Johnson alleged that another inmate prepared or induced the filing without adequately explaining its contents and asked the Texas Court of Criminal Appeals to permit a new filing. The provided text contains no judicial analysis or express disposition of that request.

DISPOSITION

other

OPINION

PER CURIAM.

33,'zw¢//D‘ ‘ ' RICKEY JOHNSON NO. 1742560- PACK UNIT 2400 WALLACE PACK, RD. NAVASOTA, TEXAS 77868 MR. ABLE ACOSTA, CLERK COURT OF CRIMINAL APPEALS¢ P.O. BOX- 12308, CAPITOL STATION AUSTIN, TEXAS 78711. JUNE 1, 2015 RE: WR;SZ, 364-01; Tr.Ct.No. CRIZ-Olla (11/26/14- DENIED WITHOUT W/O.) MR ACOSTA: I am providing you with this sworn affidavit, attesting to the fact that I was dooped into the filing of my Writ of Habeas Corpus`Appli- cation which was processed under the writ number cited above. I had no - knowledge above the contents of this legal document filed.

Had I, it would never have been filed. This was an "inmate con game" I was not privy to and I am asking that the Court's ruling although it must stand, the Court will allow a second filing without being cited for writ abuse.

The writ I wish to file, was done by me... for me, and I am aware of its con- ` tents. Please contact me with regards to this matter as this situation really has me upset. Thank you very much. Respectfully Submitted, 69le <`§ Q"/W""~ neo\$wsbm RICKEY WJOHN N ' @@Um oF emma APP'EAL% ' juN 0920& enclosures (2) Ai@@m@@@s&a,©@@@vk A F F I D A V I T Before me, the undersigned authority, personally appeared RICKEY LYNN JOHNSON, TDCJ NO. 1742560, who duly sworn, deposes as follows: “ My name is RICKEY LYNN JOHNSON, TDCJ’NO.

1742560. I am over the of 18, competent to make this affidavit and personally acquainted with the facts stated herein:. I am assigned to the Pack`Unit of the Texas Department of Criminal Justice,

Criminal Institutional Division. While assigned to the Pack Unit, I came to know an offender by the name of Craig Converse, TDCJ No. 1786491 who has since been released to parole and is residing in Montgomery County} Texas.

Offender Converse portrayed himself as being a "Certified Paralegal" with legal offices located in Miami, Fl. [See Attached Business Card] Offender, Converse reviewed my legal documents which I had in my possession and advised me that he could get my conviction reversed and remanded for a new trial, however, this would cost me the sum of \$60.00. Not knowing any better and listening to this fast talking con man, I allowed Offender, Converse access to my legal documents. I let him do what he assured me was in my best interests.

At that time I was seriously ill with a grave chemical Imbalance due to liver problems which cause failure of my memory, as well as balance problems. I apparently signed the Writ of Habeas Corpus forms, although I do not recall having them read or explained to me.

The ramifications of the claims being placed before the Court also were never explained to me. For these reasons and the fact that I was medically infirm due to my serious medical problems, I was not aware of the consequences in allowing Offender, Converse to submit these documents on my behalf I am requesting permission from this Honorable Court to allow the re-filing of a Writ of Habeas Corpus under Article 11.

07, V. A. C. C. P. without being cited for abuse of writ for successive filings and abuse of writ. " UNSWORN DECLARATION My name is Rickey Lynn Johnson. My birthdate is September 09, 1957, and my Inmate Identification Number is 1742560. I am presently incarcerated at the Pack Unit, 2400 Wallace Pack, Rd. Navasota, Texas 77868. I declare under penalty of perjury that the foregoing Affidavit is true and correct.

Executed on this the 22 day of May, 2015. WV; YEMI n RICKEY @5'0§11\130.** AFFIANT rs Eoo. soaé.§ sa,`....£s@\_e\_§as 336 mo\$.woxo£c "E 2..»-~22.. iam `._£._2 _B,Bm 023 am 04 see.E 32 33 bmm=¢v< ~Eo:omv »e»>=av.< eeo