

COURT OF CRIMINAL APPEALS OF TEXAS

Ex parte McElvain

Ex parte McElvain · Decided September 18, 2015

SUMMARY

This document appears to be a per curiam decision of the Texas Court of Criminal Appeals in an application for post-conviction relief captioned Ex parte McElvain. The available text is severely corrupted, so the specific claims, disposition, and procedural history cannot be reliably determined.

CASE DETAILS

COURT	Court of Criminal Appeals of Texas
JURISDICTION	Texas
DECIDED	September 18, 2015
DISPOSITION	other
PROCEDURAL POSTURE	Post-conviction habeas corpus proceeding in the Texas Court of Criminal Appeals.
PRECEDENTIAL VALUE	Published
PARTIES	Russell Terry McElvain v. State of Texas

TOPICS

- habeas corpus
- post-conviction relief
- criminal procedure

PRACTICE AREAS

- Criminal law
- Post-conviction habeas corpus

PROCEDURAL HISTORY

The document appears to concern an application for post-conviction habeas corpus relief. The available text is materially corrupted and does not permit reliable extraction of the lower-court rulings or the court's reasoning.

DISPOSITION

other

OPINION

McElvain, Russell Terry

PER CURIAM.

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Sc_¢~v£'t~_ v`\\\_q\\_w\\_\\\_n~>`_?\\mce/s.o.c;v_z\\mk_°§'§_e, @___n_r__1, __09. mse_d_@_at_ d~#-¢
'Pté- %_c I~P¢\\w?>ap_Aduww\\¢_)_~_wbw\\z__£_,a>-L_C_Lmb¢e.d_____ '__q`_?<
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s+`_____n%_____ t _____fr~_¢§£>o.o.l__cd_uwo u~._d_ _fayw._____ odom _vm__@._@_l@,¢_+<
_3¢_4____0_P_c-i_>~§_@_____ G_ '_l°ro___o_s_dr_e_e. _~_lo_~_¢l_____ _he_o__lo§`-¢¢'__ue
'_f\ o~__°l __""S'§`\_#Ld.\\_`_>d>v_ow_~m me >oo_q___cw¢_§o<._¢z.v__m_`\_n rdi`_o__n§':€_mo__<
-
C',RO_>~RTHQ.E§£ ~ 1
____S_?>:'_B____; _w_q_s_md_ck>§:o,¢d_w.ds¢_sw__w~&¢_¢_;_ _ _ C.,Rc.>u@ FL'>)P'; ` ` _

_ _ _S_ .IT_V_\L\\$\\$-o~\$t.e_r_w\$f-S,- ,B_pp_l\s_q_-k_d\&_Mk_m's.z_om.o\$|.~r:cF_-'\ppe-
 \|-.'..:::_V_\\$S_) &Qow~es_q ~w \$:» Ql: ~W_Ass_wm @€ Appq\|q_€_m_ _\$_€m__ m
 0\1))'_§3¢.\&- p_lo`'os_w_lo_)_.)' de_o_qu_m£_\$€,p qcv\§rs_d ,Sv\~-.-wa-wr-s\ d\¥°L~'lo'\$_~\<v-
 ww-- _____\~>.l:l' _¢ §:_\w.e.r:e*_leo_ge_u\$e_q_¢> ¢.\ -_'_ls>_o!e_\`'.ér:w\l. r.le;:'\V~z_f:z\
 o\`_l' ov.l.>l,\ y_l:>f\lu->fea~-'l.'-lv--_____ ,.\~, \lm_wp\{\\$~.p.p_l\q_§_:¢\ _Q »M\pe-us?_¢
 _%_m.A_.)' +_¢V_@Lp____,\\$ \¢l. _____\ QO_ _"(\\~)_____ 3\~4\$ ¢.@¥2\$, _` bqi\“_v_l;§z._mft_§;¢
 \@_aV_»¢q_m¢g_¢V.\Nytes.° _____ l _____ o _____ , _____ m_s:r_mz_z, _____ ;r____s+_a¢_.
 _W_d.:|\\$_____»~»,_b_§_+w_}_rn_€~ _ " _____3.:_\$ _l_ =u. mdu>_l QO+_ _Q_ *_\'
 ¢_L _-S-m'_~_§ s_c\£\e.".fv.\'m\l _u_c_;~c ce_e'k _L\»o"'t_v_r.locq\l¢\ _Cce.c¥_, W_C¢
 \.ls+_ _\$ _¢_W_»\mp_)r_&r_a»_p o\»:._.'\"_z,_____ \ _____ <>z, re_»e\<§_¢n¢_*v_
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 _____MU~ _1¢>_>@_1;1__%@_%» As>\s_____ oe _¢\pp___ Co~___(<>m~__l__ _____ \
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 Qw_l'ckw\c,L-v¢»q~\$ _____V>»>§'_\$.Qg.o\r:¢~\$t:v_ol_s¢_'i§`_\lg_____ Bw_____wov_lal_
 lé>w_.).\vwir_u_ws_w`.§?cw\_le\_ou\$\_w\d \_ \_u..\|¢n.`k qu_n.a\$e_.:is_§_€_?_*_'r\ _ _lr\§ _'\l-
 _o§»\$'\~zv_o`_l\$£f' '~> _¢l:_lm,'>'§(av_Q _.'o.v\s. _\pw\':\fv_le_l>_g_¢'_l\$_____ N~e.r_lo_
 _\ '_o\§_¢_\`§§_¥'_l'_e¢\.. w\lp~_\$_d~§_lw>eg , w\lai_d~_~>_ ;mo'_ '!_w%e ¢ g,RooNl> SE\) €'N\$_
 _____ `oq_____ "r'_!\;L S'v~'k\»_____ L\d\'.€_\$ _'._E\l,p P lj: _¢€\f_.\§_c_li'ok
 A);'"_GAG.Z_§L_d\`K;Lc-X'\_G')(\ul-\$\t.\_`X'\l.{_s_.Q,u\p\g,g ii ?> poe Iw\l§lfo_€)§l\&_AS_S.'l'\$\l
 ¢NQL_¢P~_ r§ @p¢_l\$M_Co.w.s¢_\(_@:to.w_d_\&.). , £s> . C'SR¢>)Nb EIG\''T» \\l. 'T\le_
 _S°ro\$e_n¢_"_e_s," _L_\@p_\{_ gm_§'_ o__\ol_r_w`_l_m.§£_m\ olw~e_d~_o\p(zq__§.....:[
 ¢._ls_____~1_¢,'_§_____ °\v\oj'_l'_le_r c"_€§r:_v_\z§q-_u\$m_w_v\&\$_s:g¢_o_ ~¥_A_ pps'l'_lo\$e
 _C¢.~_W"squ__LC>-¢~ _o_w__d\l_)_
 _____C`,BP\>NQ §§ NE '
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 Q¢e~ 'Tv\gg?~_e;t(¢_m,&ss\`sé>»;loe_o@_B_p(>a!_¢¢la_@bw.\\$e_l. (C""°°\Mk _l'» \\S_
 :\`§'\_L M€\_m\*'es:\_/\_?(>\La\*&\_ \\@l\_m`_m\se_on_o\l|r¢_dr olp{>_¢_q\.... " m_s_lfs C=' Q¢._c
 Emema+\w_A\$S\s%n¢z_Qn_A-pp@\|o)re _Cow.se._(_€>_c= C>¢°o~>v\o\l'~\l _____C>_
 ``uo\`_:_l_»€ 9 ?\1 'T\¢\¢ _5\=>9&_“%¢5 _Ll- pp__¢_¢.v_l'_d\\\ @\mi¥_m\l'>e_w:__o_kar_wk_
 olp_g¢~\ _ _ _T_\L\`s'\_s\] 'S;or;/\_le.c~\_g\_z\_w\_li \\l\, \_\L?>\_M\_S\*\ru`lo..r\lo. _QSTE_A.Q {>
 _c_qrs§_¢>)\fck_r_\\$'_a\l'se ov._o\l>r;e-c'_l'_o\@')¢_§-\\$.v n _BLIM£Q¢_€\M_AS:>!sl§~¢\¢\
 ¢_§_cz@._/Sppg\dk____(;_€>_w__§g._@('zcc_%i ~\l, C'>koo~b_&LE_v_e_§_:_ \')D. T\le §\~v\$~e
 ¢\.,A_res) _____ " A\>p__l'_cq.r_\`\_\\_¢\§ek\_¢lo`}f:f;qfse_ev._o_k\l.
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 €;w&s§%s\$m\q_oll_&pps'_\M_CeA/_\%.__C_&¢°MA _U\l _____ G¢Loo~)l> _'_D~_
 _I,B,T:E_E_l~g ", \| ~ \')_>,. "Yke <d¢;ow~i_€s An'.l' “W_'§XuY~e.oQ _\¢„_','_*'\¥e_%
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 _>(zp_ov~v>s _____voup_r'r>z§~ _____)N§ _____\~'IFT§__ZN; _____m_\$_l'.s?_
 _____*r_» _% _§_~h\ _@§_§_____1~_.§ ___@_p _\§_§_§?

v_ \$ _ca_\$i_f.» <~_ds.d_\ \ \$. 1_\$ _____f_w_o'_'\'c.l.m_\)_qw_l:cl\;(;
¢o\ s.en_Q"_.s._v_¢_\&Q_Z'\L,v_r_\';*_\$_gsj_v~.\~.\$éb<:_o_\ o\$.§_or_m`k_____
_____\'_) "5:_\')"'\$€_\$,;:_o¢_\ Dau._s_o>ok_u_a_tł\$€_a_j_l_f_\&\$_.\"t¢:o!_e)zs`\$'_q\
¢_:).v_me.r_¢_\$ ____+N,\r \¢\$Q §ow\o,\" q,l;\A_pQ \"¢Nc_\'_ 'a_¢~eser\"&s no saweka ~\u sw>o¢r'\ '\m's C-
__S_Qv_\ c'.lc\\Ms_mQ_r,@'_Vgc__\$ '&'~¢r\¢ h TV\<\$A\s \"o \"'\~z S\"a~___j_€\$_\';€\$ {>_
onso._lr\ \"'__|>=o\¢>cmmo.r\'_,__\ '_¥_zm_o~re __o\£o c:Q_v.v\Q/_.'\"v\ o. M_QL____
i\":&w:_s_q`\'\_\\_-bg\_l°>c.):\_m\'\_\$F.cl\_¢r\_\d` \x:¢_d('o_>`{>_¢_nl_\». \"'_¥_\v_ca.'.s ____
'Q._\J\ Ae A 0 o _____\ \"El.,..`\_.e S;lg\$R~»\_r>o;e\_s 7\_“\_¥1¢>;\_\~\_§¢\$)\\_€ \_\_\_é\ v¢i\_r\_lo`____
______Q|m_or_o\msk' _____q(>(_>_o_q_\\$:¢\$¢_r_____
\\$€.Q_zlw`s.c>.'\_il'\\_'\_\:'s\_{.'\$>\_u\z\_w\_as;f\_\o` b¥__§_€:es_ec_v.z.c(__(@¢>c_cz\p.p_eq_. h °Y\"g\$,
' _____Qo; i_f\z§(:.e_€\$\"._v.z.q.ss.;s:n>).\ce_e)¥_:'.<~»rg\eo%.;Q__<g'_;x`_r\n§;p_¢:o.?_____
‘zr\y.')-m\$e.c_v_'~/_§§_€f. _____§_?>__»_.B_m`.\f.w,<-_;_{.S.&Ae,-_____
m\$~pmsacu@_c.k,§;) <‘_o>p_p.eq_\l'\$/_Q.ce.lo~q__').o.\"/'./.`§v.\\_r.\shr~. \_\_."Mf€x€. `d\$ue____ o\s_s____
als%v.\¢e-'A¢ j_qu;r:w`}.\_{a co pm}\\_i/\$\l.tr.u c`:¢_ot>g 5____~_____ \"'_€s\h;>@|~n o__\$e____
(>q.e&\~.fo v.\c\\$ -\"*ev~>|\i'.ew \zolev\ce-wq s_ex`¥¢:¢\ .1\ <Lo qs- ..\.)¢),_)L_____)>_____
qs_r_\s: _____, _____L.B'?_____
>_.\"g_o` ¥\_\_w\_w:c.\;&r\_\s.«e\_r\_lo`_\;p;r;e_s_ec_u_e_d @or.@_p_{>.e_o_f_¢_\`\$m`;¢§§_____
.m____.\'v.§.e_§:(l.u`.»:»"\_v.e\_g\$\$\_s\_\`stl?o\ v_\c_¢_ol`=\_.\"x~\'.¢\\_\c\_o u¢\§`.e\ - ~_____
i_l\$\$__.\l;le_šérq\$s_e_r\`\$rgs,_".§:QR__.D¢_.\"_s-o_li.o_l_¢_\d\$ eom93q{_/o/_ol.´.¢:ujr_().e¢_____
__"sv_\ax _____§9p~.\'eq.r.\?r_r`~\_co.§.uo.¢\\_\';\e\_§@¢.£.\:§.ve\_asS,\'-s`_lw.w\ce_c)\$_.c'>ow.\s¢_____
__.\/>.Qmwsa_____- _____a _____§_mC_LQ_e_(d:_____
_wq.s____mo`X\_s\_»,»\Q\_\(-'\\_\*Q.\'\_\_\_\_1¢>1..\\_5§¢>\_r:\_o>=..\u.e\_l`_\:¢.le,.\'\$.§\$v¢e.:_\`_____c_\/?_____
(>_e_\lo(§e_wu~/. \SQ______ Q>¢>|>\o_\td°.\"'_o.t~_\'.yr.\¢.=>_\al'r_\>)_____
bgs\$a\u\$¢""'_c.\§.,_c;e¢_¢_.l`.'/.\S.u.".l;\\_o\_\\_e;m&») \_b.e.c¢\$use\_\_\_\_\_`i?_e_ *Pv\w\ were f"\>_____
QF.¥_emw______2>:1~~_\`2,,2____§~_\¢_____
\,.\`AS_P_e.\,)_»¢c.m_šét,am_,W_\AU_M§_»__,.MM_§§\$M_,____~\+_v_\'.s_&_r_»~_os_____
____§_Q/_x{____\A_.\$ ex ._u¢\ a~\o u se _.\"lm'.s_e\ sz.v:¢.\|=_r.\`\_\`o~v.\<! [_o. c*_v.v\m_____
mer~°~r\ek.v.\ro_a¢\s~of_____ C_.Qmm;____ V__.¢3 *_\"Q.Q_lr\molwl_or~(levlse_,o\`d~,r)o`_____
occur __v>|\m\li'.~e~<>jvw~\ a-§>_\`Y_r\le. ~§¢D\,\ gr_____ '\>|g_____._____o\p,_____
(>_m_,_M¢_»;st<>no\o\z_s`_zymk&sj.r.\,\$.r_§b_v_\n~.\§.. '(ic. _____\ 33.» :_551~\¢_____
la~\w\`¢§¢>ow.w,l\_\iv\_\dk \"\$iv.€jfwe\_o\_\_\_\_\_. \_¢.¢~»\\_\w.c`.`tv.le.s.SQ.s)`~>.e_ct_no`l'_____
\d_zc~nr.(.´s_s_ijgl,e,__P_o_¢~_\`¥Ye,o,{`}`);.r\_lot\$`_\`A_r\g_\.»l_Me,v_/oƒ;¢_V_WM_____,_____
__.___§__§;_I_S*qv_\ak\>»\~.w`Od<` ou%_lo\ _j`\¢:\_\l|r.le.\_`_o_ko_»=@u~c_ ah:~`_.lt..._____
.;_w.ld __r\|\>)|> 506 \|3'1~__L\L d\§d_c`\_\'\_\_\_\10.\_&\_\_\_\_¢\>¢.\_\_\_\_\_`o_{>()_o_ow §o_me:\§v\ucs,p\r)e;_____
¢m<.__\s_\Mpflou~_____
as_la.w_mše_sšo__\"ao_\`L\ r\ r \§.l\_\`§_\lem_c~,~_\~qv_lam~-._""_\`V\_\`ls_,_Qan.fz leeL_W.\'+_____
_¥__\`te!\\_\\_v\_\\_\\_ \_\_\_\_\_5\_\`#;_;">.|>_\¢:_____
¢<:5M_\)_is.`§{~\;é¢;~\$w\_akw.šo§\\_\~qr\_§\_z\_r\le\_ic`,`\loecs.,,§¢;\g;ol,g_w.a_s {;m.')mm\;zs.¢_ele_____
- v |\²2>.+ \S'o . ""~\">|\,L_S§-_Q:`m.r.x¢`\$ es.,,:°Y__\Me_@s~oo_e.]>_e_¢ kmcg.F\;::~>i`_o__ms.¢>r._____
¢zJ/A.).>_____ , _____\3_15_~.___\`_____
¢_\;>.0ci_t\$\`>\$r>\_\_m\_\_`°f_\m.é>_wi¥_wm_og_*''\}v~t_@r;o.os&ckim\`s_u_-__@&Lo;_rlrq~g_____
\afgm_o_\\$[\\$€ene~`\$'\\_¥ho\_o(ev m/>s)\¢hmmwd\_o\§£?\_mew\$!t~a€\$ uw>e&sšo\_z;`°œ.pzq__: _ l 1 il_____
Ih<s šumpmi¥k...pmmd; _____o_u_§\oL V_\m_a_\QQ_OA _____@_\` \\$`_Q ge_o_v_\`lz`T~L_S_____

Xo_»*_e._\$ _\as_r\c_Qw_\$aLQAcL_*\=v_`D.my\_¢\_i`_ \p_w\&_ _m~_v__\o;u;j}~_<_ Scnv\e Q_A-
§\Q.g~' \>N§wom~t b€c_\ NLATIZ>N ____:_l'._`\_&.u\.'>\$e\_\.\_`_\$'_ncc_~`_w\cf_vmi\.,_\o.e._\'.
¢.w_P.¢`\_Q.s.@¢.\'§\\_H\_i-A.LQr\_Qe,c¢LJ~r\_~\_d\_iv.\d:V.\Q\_E\_\\_\`5 wm we +x_ T____,, me n us
C\~;ma~_'_zus\$.¢_@____x_s§ mr_ov_\b.: _~s,_" '_r_ wa\|€Er_
Cow\~\zlexqs_r_€_¢__@_~_m_\&o\e»o_\$we._u~z.\ake.c_?_%rw.\'\»_AP {>_Qr_\$u.c_»-‘_ “\”\rms\»
`\_\`12 2ava301\,\3_§51~»\~¢_~\¢¢§5_2~£1_:\''.¢_`\_\` \u____ "\'§\e_ \>.e>`._¢>f_m\j_- _ ____\é§\
¢>_)_le_d¢)¢_E>_ce_¢_~_§§\é_ "\'_\¢_ \>s_§_'\i_d\l_a_.:)___o&`_ge,{>"r em§om-_,_\$_m\$ ‘ M/%_ %_
R\A\$SQ__W\LE\ _| 6\ \ v\
c€RTI '\~"£Q¢\T§ c>F' 8 E‘Q\ rQE 1_§_\9_::@_ \>_~_ ca_r__€_@_\`_‘.\\$»_o&_____Q._c>{)_~_o~gj\|\
s_A_N>§\§qA`\\_S\_O\_b 32=§10»`_§\-'->____§"¢¢3§¢_\$_ _Ra\$¢¢§\§ah§_s_e_v__vy_\m‘_ \e.cl ,_Po_§¢c,e._?
¢=g(>_a\ d,_____%§;\>Lc_er._ _ {_\>Qv._ _)_‘C_c;_¢V§_,_A_____D_\$\:¢=\.`€S_&Z\§co.cue¢
,:v_e\ccqhk_@mw§§\1_,_“b\ w _\&.Q__\{> \?_\13 _~_ _._¢>_c'k\` \\_,T.)§\_`Zé=|\&é_____cw_\a_k____
__Y_\¢_\n;maS__A_w`\\_ok\_u:)\_bn\_§§c\‘\_‘k\_@ \m\§):'\\_a\_QA\SAQ.(>\_,\_ am w~».»§§, `v____, _~1 §\¢. ¢.
_,__+§_LA_,_.§_QL_%&_§@_»%»_A_»_S_M____,§§£_ ' (o`w\ linn mg SQ,.P`\`QM¥>QF) Q.D|"S. A '
R\As_ss__§\L\L§_Lv_§\§.z_____
`TBQ:\_`_\`.\>_*_\:LOQ.<>H.\
§ \ \ ' S LL¢ \ \ ' ' `
(, , q _)\Y m Q°€O Huu\`\$`»` \ “P )\_\_`T€),<C_LS____V_ZS_‘L`§ 7@>: