

TEXAS COURT OF CRIMINAL APPEALS

Chan Lau v. State

Lau · No. Cause No. 1228363-A · Decided January 5, 2015

SUMMARY

This document is a motion for rehearing filed on behalf of Chan Lau in a Texas post-conviction habeas corpus proceeding. The motion alleges that the convicting court failed to transmit a complete record to the Texas Court of Criminal Appeals, including money-order exhibits asserted to support an actual-innocence claim, and requests supplementation of the record, rehearing, habeas relief, reversal of the conviction, and release.

CASE DETAILS

|                    |                                                                                                                                                                   |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | Texas Court of Criminal Appeals                                                                                                                                   |
| JURISDICTION       | Texas                                                                                                                                                             |
| DECIDED            | January 5, 2015                                                                                                                                                   |
| DOCKET             | Cause No. 1228363-A                                                                                                                                               |
| DISPOSITION        | other                                                                                                                                                             |
| PROCEDURAL POSTURE | Applicant moved for rehearing after the Texas Court of Criminal Appeals denied his post-conviction application for writ of habeas corpus without written opinion. |
| PRECEDENTIAL VALUE | Nonprecedential motion filing; no adjudicative opinion or binding holding is included in the source.                                                              |
| PARTIES            | Chan Lau v. State of Texas                                                                                                                                        |

TOPICS

- state post-conviction relief
- actual innocence
- appellate procedure
- due process
- equal protection

PRACTICE AREAS

- post-conviction habeas corpus
- criminal procedure
- appellate procedure
- constitutional law

QUESTIONS PRESENTED

1. Whether the alleged omission of exhibits from the record transmitted by the convicting court warranted supplementation of the habeas record and rehearing.

2. Whether failure to transmit the complete habeas record violated Lau's due-process and equal-protection rights.

#### KEY QUOTATIONS

*“That is, the statute requires the clerk to forward all pertinent material in the habeas record, including transcriptions of all hearings, all exhibits, and all memoranda of law.”*

#### FACTUAL BACKGROUND

Lau claimed that the convicting court clerk failed to transmit two money-order exhibits with the habeas record. According to the motion, one omitted exhibit was an original money order that allegedly supported Lau's actual-innocence claim. Lau asserted that the Texas Court of Criminal Appeals denied his habeas application without access to the complete record.

#### PROCEDURAL HISTORY

The 351st Judicial District Court allegedly transmitted an incomplete habeas record to the Texas Court of Criminal Appeals. The Court of Criminal Appeals denied Lau's application for writ of habeas corpus on November 26, 2014, without written opinion. Lau then filed this motion for rehearing, asserting that omitted money-order exhibits supported his actual-innocence claim and requesting supplementation of the record, rehearing, reversal of his conviction, and release.

#### DISPOSITION

other

#### CASES CITED

- Ex Parte Jackson, 366 S.W.3d 201 (Tex. Crim. App. 2012)