

TEXAS COURT OF CRIMINAL APPEALS

Curtis Allen Garrison v. State of Texas

Garrison v. State · No. 13-14-00372-CR · Decided August 5, 2015

SUMMARY

This document is a pro se motion filed by Curtis Allen Garrison seeking suspension of the requirement to submit fifteen copies of a petition for discretionary review and the appellate court's opinion. The motion cites Texas Rule of Appellate Procedure 2 and describes the appellant's incarceration, limited access to legal resources, and inability to obtain copying services.

CASE DETAILS

COURT	Texas Court of Criminal Appeals
WRITING FOR THE COURT	Per curiam
JURISDICTION	Texas
DECIDED	August 5, 2015
DOCKET	13-14-00372-CR
DISPOSITION	other
PROCEDURAL POSTURE	Appellant, proceeding pro se and confined in prison, moved under Texas Rule of Appellate Procedure 2 to suspend the requirement that he provide fifteen copies of a petition for discretionary review and fifteen copies of the intermediate appellate court's opinion.
PRECEDENTIAL VALUE	Nonprecedential procedural filing; no adjudicative ruling appears in the document.
PARTIES	Curtis Allen Garrison v. State of Texas

TOPICS

[appellate procedure](#)[criminal procedure](#)

PRACTICE AREAS

[appellate procedure](#)[criminal procedure](#)

QUESTIONS PRESENTED

1. Whether the court should suspend under Texas Rule of Appellate Procedure 2 the requirement that a pro se incarcerated appellant submit fifteen copies of a petition for discretionary review and fifteen copies of the court of appeals opinion.

FACTUAL BACKGROUND

Garrison states that he is confined at the French M. Robertson Unit, a maximum-security prison operated by the Texas Department of Criminal Justice. He asserts that he has limited access to legal research materials, no available prison copying service for court documents, no appointed counsel for the further appellate litigation, and no income or ability to operate a revenue-producing business. He relies on these circumstances to request relief from the requirement to submit fifteen copies of his petition for discretionary review and the court of appeals opinion.

PROCEDURAL HISTORY

Garrison was convicted of capital murder in the 163rd Judicial District Court of Orange County and received a life sentence. The Thirteenth Court of Appeals affirmed the conviction in an opinion dated July 16, 2015. Garrison then sought suspension of the copy and filing requirements applicable to a petition for discretionary review.

DISPOSITION

other

OPINION

PER CURIAM.

PD NO. fP-oWWf IN THE TEXAS COURT OF CRIMINAL APPEALS CITY OF AUSTIN, TRAVIS COUNTY THIRTEENTH COURT OF APPEALS CITY OF CORPUS CHRISTI/ NUECES COUNTY NO. 13-14-00372-CR 163RD JUDICIAL DISTRICT COURT CITY OF VIDOR, ORANGE COUNTY TRIAL COURT NO. B-130-137-R CURTIS ALLEN GARRISON, APPELLANT PRO SE, VS. STATE OF TEXAS APPELLEE. WO520K • "^\ *cos?a, Clerk APPELLANT'S PRO SE MOTION TO SUSPEND THE RULES TRAPP.

RULE 2 TO:THE HONORABLE JUSTICES OF THE COURT OF CRIMINAL APPEALS: INTO COURT COMES, Curtis Allen Garrison, Appellant pro se, and pursuant to TRApp. Proc. Rule 2, asks the Court to suspend the rule requiring petitioner's for discretionary review to provide the Court, with fifteen copies of pro se petitions asking the Court, to exercise its discretion and review the Thirteenth Court of Appeals, opinion affirming his conviction out of Orange County, in the 163rd Judicial District Court, and his LIFE sentence for the offense of capital murder.

In support of his request to the Court, Appellant would respectfully show the Court, the following below: I. APPELLANT'S CONFINEMENT AT MAXIMUM SECURITY PRISON Upon his

conviction and sentence, Appellant was taken into custody and transferred to the Texas Department of Criminal Justice, at the Correctional Institutional Division, (TDCJ-CID) and has been assigned to the maximum security, French M. Robertson Unit, in Jones County, Abilene, Texas.

Appellant has limited access and restricted availability, to legal research tools in the prison's law library, and the TDCJ-CID 'does not' provide any copying service for court documents, to inmate litigants, and Orange County, has not provided appointed counsel to continue representing Appellant, through this additional litigation provided by the State, to exhaust state court remedies of lower court decisions for criminal appeals.

Additionally, Appellant is not paid any wage for any prison labor he may perform, and Texas does not allow Appellant to handle any cash or own and operate any revenue earning business, without prison officials's permission. Prison officials, have not granted Appellant any authorization, to own or operate a business while confined. II. PRAYER AND CONCLUSION For all the reasons stated above/ Appellant respectfully prays, and request that this honorable Court of Criminal Appeals, pursuant to Rule 2, will suspend the rule requiring Appellant to submit fifteen copies of the petition for discretionary review, GARRISON MFRS: PAGE 2 and further request that the Court/ suspend the rule that requires Appellant to provide fifteen copies of the Court of Appeals opinion issued on July 16/ 2015/ from Corpus Christi/ Texas.

Date: %~ I 2015 Respectfully submitted, Curtis Allen Garrison Appellant Pro Se #1926723, Robertson Unit 12071 F.M. 3522 Abilene, Texas 79601-8799 CERTIFICATE OF SERVICE I, Curtis Allen Garrison, do hereby certify that a true and correct copy, of the foregoing Motion For Suspension Of The Rules/ Rule 2, TRAPP.P. has been served on the State/ by U.S. Mail/ first class postage paid in advance/ addressed to the below/ on this j day of AU? > 2015: Mr. John D. Kimbrough Criminal District Attorney Orange County District Attorney's Office 801 Division Orange/ Texas 77630 Curtis Allen Garrison GARRISON MFRS: PAGE 3