

TEXAS COURT OF CRIMINAL APPEALS

Sandbloom, Stephen Jay

No. 1757517, Texas Court of Criminal Appeals (May 7, 2015)

SUMMARY

This document is a supplemental letter and declaration by Stephen Jay Sandbloom responding to the State's findings of fact, conclusions of law, recommendation, and order in a Texas criminal post-conviction matter. It disputes the State's account of plea-bargain and pretrial proceedings, requests an evidentiary hearing, and seeks production of court reporter records concerning several hearings.

CASE DETAILS

COURT	Texas Court of Criminal Appeals
JURISDICTION	Texas
DECIDED	May 7, 2015
DOCKET	1757517
PROCEDURAL POSTURE	Supplemental answers by a state post-conviction applicant responding to the State's findings of fact, conclusions of law, recommendation, and order.
PRECEDENTIAL VALUE	none apparent; supplied document is a party filing rather than a judicial opinion
PARTIES	Stephen Jay Sandbloom v. State of Texas

TOPICS

state post-conviction relief speedy trial plea bargaining appellate procedure

PRACTICE AREAS

state post-conviction relief criminal procedure appellate procedure

FACTUAL BACKGROUND

Sandbloom asserted that he accepted a twenty-year plea offer on April 7, 2011, and that documents were signed by him, his attorney Ira Perz, and prosecutor Robert Yack, although the plea was not taken by the court at that time. He disputed the State's characterization of the offer as nonbinding and challenged the State's account of hearings held on November 18, 2011, and during the first day of trial on December 5, 2011. He claimed that

reporter's records for several pretrial dates were unavailable and requested an evidentiary hearing and an order requiring the records to be located.

PROCEDURAL HISTORY

The supplied document is a supplemental letter submitted by Stephen Jay Sandbloom in a post-conviction proceeding. Sandbloom disputed the State's account of hearings concerning a plea-bargain enforcement motion and a speedy-trial motion, asserted that relevant court-reporter records were missing, and requested an evidentiary hearing and production of those records. The document does not state a ruling or disposition by the Texas Court of Criminal Appeals.

OPINION

PER CURIAM.

..... -,] CZ,(:\$ERE;' C);l May 3th,2015)Court of Criminal Appeals Stephen Jay Sandbloom Abei Agosta,clerk. - TDcJ No.'#1757517 P.O.Box 12308,Capitol Station Allen B. Polunsky Unit Auscin,rexas 78711, _ 3872 FM 350 Southf Livingston,Texas 77351 Re= Trial court case #10-DcR-053774A chwél79,922-02 Re: Applicants answer to; States finding of fact and conclusions of law, Recommendation, and order._ Dear: Mr.Acosta Please find enclosed supplemental answers to submit to court on applicants behalf. ' Sincerely, §§C§§ §§§§YD DN c©n"m* OFQHMNAL § PP§AL 3 WWO?M§ A§§@§§§@§§@' ",©§@§§ Applicant states that if there was a hearing on VMOTION TO ENFORCE PLEA`BARGAIN AND{IN ACTERNATIVE'MOTION TO DISMISS FOR VIOLATION OF CONSTUTVTIONAL RIGHT TO SPEEDY TRIAL" on November 18th,2011 as State claims that applicant does not know about it, as state claims there are no official court reporter record for that day; Applicant states that there were court dates that he did not attend' cause he was in a holding cell outside court room, it is attorney Mr.Ira Perz: would come to him to get reset forms signed.

Applicant states that there was a hearing at the beach the first day of trial, December 5th,2011. ADA ROBERT Yack told judge Vasek that "He could not recall any of the facts of the caseT The motion was denied on this testimony.

On the states own admission on page 2 of "THE STATES MOTION FOR THE COURT TO. ORDER THE OFFICIAL COURT REPOR " to prepare the reporters record_of certain pretrial hearings to assist in the resolution of designated issues. N°NE F°UND' Paragraph 3 goes further to state"that there was paperwork reflecting a plea agreement for twenty years that was found unsigned dated March 7th,2011.

As of byet there have not been any reporters records for that date found. On April 7th,2011, the plea offer of twenty years was accepted by applicant. The papers were signed by applicant, Attorney Ira Perz, and ADA Mr.Robert Yack and submitted to the court, but the plea was not taken by the court at that time. This is also reflected in Attorney Perz's affidavit.

Applicant tells this honorable court that as of May 3th,2015, he has not recieved any court reporters record for April 7th,2011 and has been seeking it from the court reporter since February 2th,2013 and has not recieved records for March 7th,2011, June 22th,2011 or November 18th,2011. ` Applicant also responds to fact #16 or page 4, that if the plea bargain was "not affirm offer",why were the papers signed and presented to the court, which both applicant and Attorney Ira Perz, a officer of the court claim. ' Applicants and Attorney Ira Perz's affidavit weigh entirely different than the states claims, and appeals to the honorable court of criminal appeals to order a evidentiary hearing in all these matters and order the court reporters records be found to align with applicants claim and Attorney Ira Perz's claims.

DECLARATION STATEMENT I I, Stephen Jay Sandbloom, declare under the penalty of perjury that the facts stated in this supplemental letter of answers to "STATES FfNDING OF FACT AND CONCLUSIONS OF LAW, RECOMENDATION, AND ORDER" are true and correct on this 3rd.day of May,2015 ` - ' Respectfully Submitted, Mr.Stephen Jay Sandbloom TDC-.J No~. #1757517 ' ` Allen B. Polunsky Unit 3872 FM 350 South Livingston,lexas 77351