

TEXAS COURT OF CRIMINAL APPEALS

Ex parte Ledet

Ex parte Ledet · No. WR-32,778-01; C-396-010272-1152016-A · Decided February 27, 2015

SUMMARY

This document is Desmond Ledet's filing in a Texas Court of Criminal Appeals habeas proceeding. He requests de novo review of the record and objects to the trial court's adopted findings and conclusions, particularly those concerning public-trial claims, alleged complainant convictions, and counsel's failure to investigate or obtain favorable evidence.

CASE DETAILS

COURT	Texas Court of Criminal Appeals
JURISDICTION	Texas
DECIDED	February 27, 2015
DOCKET	WR-32,778-01; C-396-010272-1152016-A
DISPOSITION	other
PROCEDURAL POSTURE	Applicant submitted a pro se request in a post-conviction habeas proceeding, objecting to the trial court's proposed or adopted findings of fact and conclusions of law and requesting de novo review by the Court of Criminal Appeals.
STANDARD OF REVIEW	Applicant requested de novo review of the record, exhibits, affidavits, factual findings, and legal conclusions.
PRECEDENTIAL VALUE	No precedential value established from the supplied text; the document appears to be an applicant's pro se filing rather than a dispositive opinion.
PARTIES	Desmond Ledet v. State of Texas

TOPICS

[state post-conviction relief](#) [post-conviction relief](#) [appellate procedure](#) [ineffective assistance](#) [due process](#)

PRACTICE AREAS

[state post-conviction relief](#) [criminal procedure](#) [appellate procedure](#) [constitutional law](#) [evidence](#)

QUESTIONS PRESENTED

1. Whether the Court of Criminal Appeals should independently review the habeas record and reject or revise allegedly incomplete or inaccurate trial court findings and conclusions.
2. Whether the trial court failed to address Ledet's claims that counsel was ineffective for failing to investigate or obtain favorable evidence.
3. Whether the trial court improperly found that evidence concerning the complainant's criminal history was accessible to Ledet from other sources.

KEY QUOTATIONS

"I, Desmond Ledet, Applicant in the above said cause, do hereby respectfully request that the honorable Court of Criminal Appeals will do a thorough examination of my writ, the record, all attached exhibits (police reports, affidavits, etc.)." (p. 1)

"And that this Court would severely scrutinize the trial court's adopted findings of fact and conclusions of law presented to this Court." (p. 1)

FACTUAL BACKGROUND

Ledet challenged the trial court's treatment of his post-conviction claims. He asserted that police reports and other materials could show convictions in the complainant's history and could provide character, motive, confrontation, and impeachment evidence. He also alleged that trial counsel failed to seek favorable evidence through an investigator, public-information request, or other means, and that some complainant-conviction information required a court order.

PROCEDURAL HISTORY

The document states that the matter involved a writ filed in Tarrant County and a trial court's findings and conclusions concerning numerous grounds for relief. Desmond Ledet objected that the findings were incomplete or inaccurate, particularly concerning alleged public-trial violations, impeachment evidence regarding the complainant, and counsel's failure to investigate or obtain favorable evidence. The submitted document is an applicant's request and does not state a ruling or disposition by the Court of Criminal Appeals.

DISPOSITION

other

OPINION

Ledet, Desmond

PER CURIAM.

gi ,77 X/dl sDear honorable Clerk, please file all 3 of these critical documents. They were all placed into the prison mail system("PrischMailboleule ") on Friday,'Feb; 20th, before 10:00 O:Clock AM. I'm sure they will sit in the prison mailbox over the weekend, then on momnday,

they should be logged out and mailed out. Mail does not move around here on the weekends. I will have a family member come and purchase time filed stamped copies soon. THANKYOU. -

PS: I RECEIVED YUUR CARD NUTTCE THRT YUU RECIEVED MY'WRIT ON FEB-10th, 2915

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TARRANT coNTY, TX. wRIT #C-396-010272-1152016-A

EX PARTE

IN THE COURT OF CRIMINAL APPEALS

OF TEXAS, IN AUSTIN, TX.

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DESMOND LEDET

APPLICANT'S HUMBLE REQUEST THAT THE COURT OF CRIMINAL APPEALS WILL DO A THORDUGH EXAMINATION.OF THE WRIT, THE RECORD, ALL EXHIBITS, ALL AFFIDAVITS, ETC. AND THE APPLICABLE LAW DE NOVO AND MAKE IT'S OWN CORRECT FACT FINDINGS AND LEGAL CONCLUSIONS. TO THE HONORABLE JUDGES OF THE COURT OF CRIMINAL APPEALS: I, Desmond Ledet, Applicant in the above said cause, do here- by respectfully request that the honorable Court of Criminal Ap- peals will do a thorough examination of mv writ, the record, all attached exhibits(police reports, affidavits, etc.). And that this Court would severely scrutinize the trial court's adopted findings of fact and conclusions of law presented to this Court. They are inaccurate, misleading, and incorrect on every ground. I have been denied DUE PROCESS by the trial court and a fair op~ portunity to be heard. The trial court's finding are incomplete . In regards to my public trial grounds,(#1-#4) the findings and conclusions do not even cite one case law/precedent from this honorable Court. In regards to my Ground #29,_the police reports , etc. attached to my writ do prove the complainant has convict- ions(See "State's Proposed...Findings...Conclusions" p.10, U58, & U59; and p.20, U66, & 67) and the State misled the jury regard-.' ing the alleged victims credibility. I_QBJECT TO THE ERRONEOUS

FINDINGS THAT STATE OTHERWISE AND PLEAD WITH THISCOURT TO KEVIEW

POLICE REPORTS AND GROUND #29 DE NOVO. ALSO #27, & &28. p.i of 3

The same goes for all of my Grounds. The trial court's adopted findings, regarding Ground #33 also mislead this court, that in Ground #33 I only complained that "...Hon. Fortinberry failed to "request that the State provide favorable evidence prior to trial." The State has entirely left out the true fullness Of what I did raise in mv failure to pre- pare for trial ground #33. Specifically in that Ground I asserts ed in part: d

n "...SeConle HE DID NOT MAKE ANY REOUEST TO THE STATE FOR EVI-
DENCE FAVORABLE TO THE APPLICANT OR ATTEMPT TO DISCOVER ANY SUCH
EVIDENCE ON HIS OWN." AS A RESULT HE COULD?NOT PROTECT APPLICANT-
'S RIGHT TO A FAIR TRIAL:" Application} p.14 §§<Heading). See State's
Proposed...Findings...Conclusions...p.Z, (g), & p_ 9, U44. When I said Hon Fortinberrv did not
"ATTEMPT TO DISCOV# ER ANY SUCH EVIDENCE ON HIS OWN" that meant in any
wav(through a private investigator, public information request, etc.). In fact in the Application on
the second page of Ground #33(15 BB) , at the bottom of page I again said(with it underlined):
"De- fense counsel himself failed to seek out in any manner whatso- ever that same said
evidence." The State has entirely failed to address that part of mv Ground in it's proposed
findings/con- clusions. Therefore I object. The State does not admit I rai- M Sed that issue. It's
Findings are incomplete. The State does concede: "The four police reports were fully accessible to
Ap- plicant through other sources." See State's Findings...", p.lO , U63. Which is exactly what I
am raising that the State left . Thus he was ineffective for not obtaining that evidence that p.z of 3 I
obtained POST-TRIAL, through a private investgator. Powerfull
evidence,`character/motive/confrontation/impeachment evidence as I thoroughly pointed out in
Grounds #30-32, and second page of Ground #33 in the Application. I OBJECT TO THE
STATE'S'PRO- POSED FINDINGS/CONCLUSIONS COMPLETELY. As far as the evidence still
hidden by the State concerning the complainants conviction history,(MISDEMEANOR, ETC.)
defense counsel could not get that on his own. He needed a court order. The State is not truthful in
that matter_ THANKYOU_ (PLACED IN MAILBOX ON Feb.20th,2015) Desmond Ledet
#01651095 Telford Unit 3899 State Hwy.98 New Boston, TX 75570

CERTIFICATE OF SERVICE

A true copy of the above has been mailed to the Tarrant County/ TX, criminal District Attornev's
Office, located at 401 W. Belk- nap' Fort Worth' TX' 76196. Placed in prison mailbox on Fri.»
Feb.20th, 2015- Mail does not move in prison on weekends so it will be picked up by mail Staff on
mondav the 23rd. logged out and mailed. I did not receive notice that my writ was received by the
Court of Criminal Appeals until, Feb. lOth, 2015- Desmond Ledet p.3 Of 3