

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.

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 familly 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 EX-

HIBITS, 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 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.). 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 opportunity to be heard. The trial court's findings 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 convictions (See "State's Proposed...Findings...Conclusions" p.10, U58, & U59; and p.20, U66, & 67) and the State misled the jury regarding the alleged victims' credibility. I OBJECT TO THE ERRONEOUS FINDINGS THAT STATE OTHERWISE AND PLEAD WITH THIS COURT TO REVIEW POLICE REPORTS AND GROUND #29 DE NOVO. ALSO #27, & #28. p.1 of 3

The same goes for all of my Grounds. The trial court's adopted findings, regarding Ground #33 also misled 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 my failure to prepare for trial ground #33. Specifically in that Ground I asserted in part:

"...Section 1 HE DID NOT MAKE ANY REQUEST TO THE STATE FOR EVIDENCE 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.2, (g), & p.9, U44. When I said Hon Fortinberry did not "ATTEMPT TO DISCOVER ANY SUCH EVIDENCE ON HIS OWN" that meant in any way (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): "Defense counsel himself failed to seek out in any manner whatsoever that same said evidence." The State has entirely failed to address that part of my Ground in its proposed findings/conclusions. Therefore I object. The State does not admit I raised that issue. Its Findings are incomplete. The State does concede: "The four police reports were fully accessible to Applicant through other sources." See State's Findings..., p.10, U63. Which is exactly what I am raising that the State left. Thus he was ineffective for not obtaining that evidence that p.2 of 3 I obtained POST-TRIAL, through a private investigator. Powerful 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 PROPOSED FINDINGS/CONCLUSIONS COMPLETELY. As far as the evidence still hidden by the State concerning the complainant's 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 Attorney's Office, located at 401 W. Belknap 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 Monday the 23rd. logged out and mailed. I did not receive notice that my writ was received by the Court of Criminal Appeals until, Feb. 10th, 2015- Desmond Ledet p.3 Of 3