

TEXAS COURT OF CRIMINAL APPEALS

Sims, Gary Eugene v. The State of Texas

Sims v. State · No. 05-15-00685-CR · Decided August 13, 2015

OPINION

PER CURIAM.

/I/V, /0_?£*/S f^JO '«•* RECEIVED COURTOF IN cmniHM.APPEAL -^ xv the Abe!Acosia,Cte* COURT OF CfUHnXUAL APPEALS PETTTXOM FDR DXSCRETXDJVARY fIEVXEW OF THE court of appeals fxfth d i s t r i c t o f texas Pit Dallas AID. 05-15-OOG&5-C.R &fRV eu&ene Ex:ms~. Appbllmnt V. TriE STATE £>F TEXAS •, APPELLEE DA/ APPEAL FR0m.THE.aQ3i nd VUQXCXPiL DISTRICT COURT DALLAS CDUA/TI TEXfiS TRIAL C£>6tfT CAUSE y^F-0^W5^5<9j=j,£D|N COURT OF CRIMINAL APPEALS AUG 13 23;5 Abel Acosta, Clerk TABLE OF CONTENTS* TABLE OF CONTENTS X/VDEX OF AUTHORT.TTE£> STATEmFA/T OF THE C/4SE „ / N&TUHE OF 1HB CASE. * „, \, ERRORS of court of APP&als Error(i), The. c&arF of appeals was in abuse. oP Oisc*rek\ov\ hy Df5ryifrr& appeal -For wan 4 of tfurtsciiGtioyi. w3-Y-5 Error &)/The courh ofi appv@te> waz> m ctbustL &p of sere Hon, gy rulfa e ihcu-f APf&uj \m*\$ untf/nely*, £> TKTKL COURT EKftDRS Error fix Tn'&L courF abuse 1+Discretion in not Holding £Vfdenifary Heahh-Bi. ^7 Error textsta-fc.

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C ^ S L ^ e i r i 5j£6l. _ _ J£> Art-* Ivs^oi-. /o_ _ _ _ <y RULES TEX. R. APP. P. 44.W >
(<«<&£-). _ _ J-3-5 //i TO THE MONOBRBL COURT OF CRIMINAL APPEALS OF TEXMS I
Now comes The Defendant (MRYEUGEAfE SX/VIZ. in Thte Petition For Dbcr&tftonrv Review
of Tke 'Judstrt-ent cf the. Ft-Pth court of MPPejcils Dallas coujifyi lMa£> i which on
'3unedciAO)5. Dismissed Appeal Par wa/ih of Jurisdiction.

STATEMENT OF THE CASE A Jury convicted defendant of ae^ravaied sexual assault and
assessed jPu/Ushjntent ar CvnPfnerneMt for life.(fiRll 10Z-/03) * /VATUfIE OF WE CASE The
dendoint 5o objection unde,r Texc*s Hale of appellate- FrocedirexHH.m (QXfk^i;That state's
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AHQUME//T The court of appeals will th^ñ ProcceW as /V the erroneous c*drión of P&?)ure. to
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theyj At /nw&t have k&&r7Pfleserred by objection* EmoRS OF COURT OF APPEALS (l\ The
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The Court oP ol)6/se itk discracion in so dismiss s<&/&/ a/^e©/^rws^y- (oFVurisdietbn,
Depdant appeals \as<uz.

Pursuant to, Jexp^, Pules, ol APPeA\33 J(cQa7 \ And HH*HfyYf)&< tfurisdiction \ see^Xparted]laviueva^ttiSwzd^I ("m.Cr(m Corpus, Tbe^Sth Wstrict counFvHidalso counH sumariN denied the. sate application >6S befnsp ivo has. AppI lea nt <xppea\~ed.

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