

TEXAS COURT OF CRIMINAL APPEALS

Ex parte Daryl Lee Beeson

Ex parte Beeson · No. WR-82,851-01 · Decided February 27, 2015

SUMMARY

This document is a pro se request by Daryl Lee Beeson for leave to file a proposed order in a Texas post-conviction habeas proceeding. It asks the Texas Court of Criminal Appeals to direct the lower court to resolve ineffective-assistance-of-counsel issues and obtain affidavits from trial counsel.

OPINION

PER CURIAM.

&2,fcNI COURT OF CRIMINAL APPEALS Att: Abel Acosta# Clerk February 16, 2015 P.O. Box 12308 Austin, Texas 78711 Re: APPLICANT'S PRO SE REQUEST FOR LEAVE TO FILE A PROPOSED ORDER DESIGNATING ISSUE "- • AND ORDER FOR FILLING AFFIDAVITS WRIT NO. WR-82,851-01; Trail Cause No. 11-04-04686-CR-(1) Dear Mr. Acosta, Enclosed please find APPLICANT'S PRO SE REQUEST FOR LEAVE TO FILE A PROPOSED ORDER DESIGNATING ISSUE* AND ORDER FOR FILLING AFFIDAVITS, in the above-styled and numbered cause.

Please file said motion and bring it to the attention of the Court, also conformation of receipt is requested. Thank You for your effective assistance in this mater. Sincerely, /s/ ^O^IM^J^Bj^I DARYL LEE BEESON #1788958 Michael Unit 2664 FM 2054 Tennessee Colony, TX. 75886 RECEIVED IN'. COURT OF CRIMINAL APPEALS FEB 2? 2015 el Acosta, Cleric WRIT NO. WR-82,851-01 TRIAL CAUSE NO. 11-04-04686-CR-(1) EX PARTE § IN THE COURT OF § DARYL LEE BEESON, § CRIMINAL APPEALS Applicant § § AUSTIN, TEXAS APPLICANT'S PRO SE REQUEST FOR LEAVE TO FILE A PROPOSED ORDER DESIGNATING ISSUE AND ORDER FOR FILLING AFFIDAVIT TO THE HONORABLE COURT OF CRIMINAL APPEALS: Having considered the application for writ of habeas corpus in the above-captioned cause and the State's original answer, this Court should find that the issue of whether the applicant was denied effective assistance of counsel still needs to be resolved in the present case.

Therefore, pursuant to Article 11.07,§3(d), the lower court should be ordered to resolve the above-cited issue and then reenter its findings of fact. To assist said court in resolving these factual issues, trial counsel should be ORDERED to file an affidavit summarizing his actions as counsel for the applicant in the primary case, writ No. WR-82,851-01; trail cause No. 11-04-04686-CR-(1), and specif ically responding to the following: 1.

Why counselor failed to investigate or present expert testimony regarding complainant's mental or emotional state? 2. Why ' counselor failed to request for jury instructions pursuant to Article 38.23 & 38.22, section § 7? 3. Why counselor failed to invoke applicant's right to confrontation clause?

(1) 4. Why counselor failed to impeach State's witness, at punishment? Lawrence McCotter, should be ORDERED to file said affidavit with the Post-Conviction Writs Division of the District Clerk's Office, 301 North Main Street, P.O. Box 2985, Conroe, Texas 77305, within THIRTY DAYS of the signing of this order.

The Clerk of the Court should also be ORDERED to send a copy of this order to the applicant, DARYL LEE BEESON #1788958, Michael Unit, 2664 FM 2054, Tennessee Colony, Texas 75886; and a copy to counsel for the State, Brent Chapell, Assistance District Attorney, 207 W. Phillips, Second Floor, Conroe, Texas 77301, and to serve a copy of this order, along with the State's answer to: Lawrence McCotter (Trial Counsel) Rick Brass (Trial Counsel) 207 Simonton; Conroe, Texas 77301 When the affidavits of Lawrence McCotter and Rick Brass are received,, the Clerk is ORDERED to send a copy of said affidavits to the applicant and a copy to the State, it is also ORDERED a copy to 'be sent to the Judge Presiding, 221st District Court, Montgomery, County, Texas.

By the following signature, the Court adopts the Applicant's Proposed Order Designating Issue and for Filing Affidavits in Writ No. WR-82,851-01; trial Cause No. 11-04-04686-CR-(1). Signed this day of, 2015. /s/ PRESIDING JUDGE I.L.A.

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