82,414-01

In The
Court Of Criminal Appeals

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COURT OF CRIMINAL APPEALS
DEC 31 2014
Abel Acosta, Clerk

Ex Parte §

Applicant § Writ No. WR-82,414-01

Fred Darron Nathan

Applicants Objection To The States Original Answer & The Trial Courts Recommendation

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To The Honorable Justice Of Said Court:

Now comes Fred Nathan "Applicant" in the above entitled and numbered cause and respectfully makes this his objection and in support states the following:

1. The States Attorney Amy Caldwell misrepresented the known facts. Applicants Appellate counsel Only raised sufficiency of the evidence in the revocation proceeding of which was unsupported by applicable case law thus the issue was not sufficiently raised as recognized in the court of appeals.
2. The Applicant stated that his direct appeal was squandered by Appellate Counsel for failure to raise the applicable case law and cognizable issues of which are supported by citations from the Reporters Record;
3. Specifically there was No Evidence offered by the

States Attorney as to the Applicants Original guilt thus the sentence of 16 Years is a denial of due process and is therefore void. as there was No Evidence to weigh in consideration of the Applicants Moral & Criminal Responsibility and Culpability. See: Abushaabam v. State 859 S.W.2d 592 (Tex App-Houston [14th Dist.] 1993) Texas Digest Criminal Law On 1088.10. The Court Specifically asked the State if they had evidence to present and they rested their case.

4. The Applicant Objects that in absence of any citations from the Social Security Act and or applicable beneficial case law pertaining to revocations and the admission and or preservation of alleged evidence and the policies and proredures for conducting urinalysis's, Trial and Appellate Counsel brought forth unsupported facts and arguements thus they did not aid the trier of fact in reaching a just decision thus the applicant did not recieve the effective assistance needed to provide adversarial opposition to the States Case.
5. The Applicant Argues that there is No Evidence to support the sole State Witness testimony. and thus where evidence was alleged to have existed and not presented due to said witnesses failure to preserve the alleged evidence. the trial court cannot

fairly determine the Probation Officers veracity. In all fairness to the Applicant and others on probation, the Probation Officers years of experience should lead the Court to conclude that in absence of corroborating evidence of an alleged failed U.A. the State failed to meet its burden of proof.

6. Applicant also objects to the States and Clerks failure to timely serve the States Answer and Proposed findings thus the Applicant could not timely object prior to the Trial Courts Adoption of said findings on November 3.2014. the applicant recieved a copy of the same on November 17.2014 after the Application was transmitted to this Court.

Wherefore Applicant prays this court review the Reporters Record and the Opinion of the Court Of Appeals and enter a just and fair decision based upon the facts and law and grounds presented, in the interest of justice.

Respectfully Submitted

Fred Nathan

Fred Nathan - Applicant

Inmate Declaration

I. Fred Nathan. T.D.C.J.-ID No. 1803857 being presently incarcerated in T.D.C.J.-ID Boyd Unit. declare under

penalty of perjury that the foregoing is True & Correct.

Signed on December 19, 2014 Fred Nathan
Fred Darron Nathan - Applicant

Certificate Of Service

I, Fred Nathan, "Applicant" verify and declare that a True & Correct Copy of the foregoing was served on the States Attorney via First Class U.S. Mail on this the 19th day of December 2014

Fred Darron Nathan
Fred Darron Nathan