51,903-02

Johnny Sloan, Jr.
MCCONNELL UNIT-TDCJ#01004291
3001 South Emily Drive
Beeville, Texas 78102

March 16, 2015

OFFICE OF THE CLERK
ABEL ACOSTA, Clerk
COURT OF CRIMINAL APPEALS
OF TEXAS
P.O. Box 12308 - Capitol Station
AUSTIN, TEXAS 78711

RE: WR- W00-01283-Q(A)

Dear Clerk:

Enclosed for your filing is Relator's Writ of Mandamus. Please file said Writ and bring to the attention of the Court for disposition.

Thank you for your assistance in this matter.

Sincerely,

Johnny Sloan, Jr.
RELATOR

cc: files

RECEIVED IN
COURT OF CRIMINAL APPEALS
MAR 20 2015
Abel Acosta, Clerk

WRIT NO. W00-01283-Q(A)

TO THE COURT OF CRIMINAL APPEALS

AT AUSTIN, TEXAS

****

In re

JOHNNY SLOAN, JR - Relator

versus

204TH JUDICIAL DISTRICT COURT - Respondent

****

WRIT OF MANDAMUS

****

RELATOR, PRO SE.

Johnny Sloan, Jr. #01004291
McConnell Unit
3001 South Emily Drive
Beeville, Texas 78102

In propria persona

[ORAL ARGUMENT NOT REQUESTED]

IDENTITIES OF THE PARTIES

JohnnySloan, Jr. — Relator
TDCJ# 01004291
McConnell Unit
3001 South Emily Dr.
Beeville, Texas 78102

204TH JUDICIAL DISTRICT COURT — Respondent
c/o District Clerk
Frank Crowley Courts Building
133 N. Riverfront LB 12
Dallas, Texas 75207-4313

TABLE OF CONTENTS

IDENTITIES OF PARTIES	.....	ii
TABLE OF CONTENTS	.....	iii
INDEX OF AUTHORITIES	.....	iv
STATEMENT OF THE CASE	.....	v
STATEMENT OF JURISDICTION	.....	vi
ISSUES PRESENTED	.....	vii
STATEMENT OF FACTS	.....	viii
ARGUMENT	.....	1
PRAYER	.....	2
APPENDIX	.....	

INDEX OF AUTHORITIES

CASES	PAGE
Safety-Kleen Corp. v. Garcia, 945 S.W.2d. 268 (Tex.App.-San Antonio 1997)	1
In re Marriage of Seal, 83 S.W.3d 870 (Tex.App.-Texarkana 2002)	1
Eli Lilly & Co. v. Marshall, 829 S.W.2d 157, 158 (Tex.Crim.App.1992)	1
Code of Criminal Procedures	
Article 11.07, Sec. 3(a)(b)(c)(d)	vi
Sec. 8	vi

STATEMENT OF THE CASE

Relator seeks an ORDER TO COMPEL the 204th Judicial District Court of Dallas County, Texas. To respond to Applicant's Writ of Habeas Corpus filed August 16, 2013.

STATEMENT OF JURISDICTION

The Relator contends that this Honorable Court of Criminal Appeals has jurisdiction to hear this WRIT OF MANDAMUS according to Texas Code Of Criminal Procedures, Article 11.07, Sec. 3(a)(b)(c)(d), to compel the 204th Judicial District Court, to act in according with Code of Criminal Proc., Sec. 8, Finding of Facts. See art. 11.07.

And notify said Relator thereof.

ISSUE PRESENTED

1. WHETHER THE TRIAL COURT'S DISCRETION VIOLATES RELATOR'S DUE PROCESS RIGHTS TO BE HEARD, WHEREAS, THE TRIAL COURT HAS FAILED TO RESPOND TO RELATOR'S APPLICATION FOR WRIT OF HABEAS CORPUS, IN THE DICTATE OF ARTICLE 11.07?

STATEMENT OF FACTS

On= August 16, 2013, Relator submitted to the 204th Judicial District Court of Dallas County, Texas, Applicant's Application for Writ of habeas Corpus, with exhibits.

On August 30, 2013, the State of Texas filed it's State's Response to Application for Writ of Habeas Corpus. Recommending the dismissal of Applicant's Applicantion for Writ of Habeas Corpus and/or make such findings as will see justice done in this case.

On September 30, 2013, the trial Court issued ORDER DESIGNATING ISSUES. At which time the Court appoint Attorney Michael Mowla, address 603 N. Cedar Rigde Ste.100, Duncanville, Texas 75116, to resolve the (26) unresolved issues.

On January 6, 2015, Relator submitted letter of inquiry to Attorney Mowla, and the District Clerk of Dallas County, requesting a disposition of this cause. Neither Officer of the Court responded.

On March 16, 2015, Relator submits his Writ of Mandamus to this Honorable Court of Criminal Appeals.

ISSUE PRESENTED (restated)

Whether the trial Court's discretion violates Relator's Due Process Rights to be heard, whereas, the trial Court has failed to respond to Relator's Application for Writ of Habeas Corpus, in the dictate of Article 11.07?

ARGUMENTS

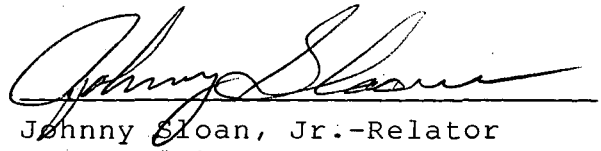
Relator brings this Writ of Mandamus to compel the Honorable 204TH JUDICIAL DISTRICT COURT, to set a permanent hearing date, and issue a ruling on his Writ of Habeas Corpus. Given the length of time between the filing of the application and the non-action taken by the trial Court, the 204th Judicial Court is in violation Relator Due Process Rights to be heard... Therefore, Mandamus is an extraordinary remedy, available only when a trial court clearly abuses its discretion and when there is no adequate remedy on appeals.

When a document is properly filed and pending before a trial court, act of giving consideration to and relying upon that document is ministerial act and Mandamus may issue to compel Trial Court to act. **Safety-Kleen Corp. v. Garcia,** 945 S.W.2d [illegible], 268 (Tex.App.-San Antonio 1997); **Eli Lilly & Co. v. Marshall,** 829 S.W.2d 157, 158 (Tex.Crim.App. 1992)(Holding trial court abused its discretion by refusing to conduct hearing and render decision on motion). Judges are required to ensure that all cases are brought to trial or disposition, and trial Court may, on the Court's own motion and with reasonable notice to the parties set contested cases for trial. **In re Marriage of Seal,** 83 S.W.3d 870 (Tex.App.-Texarkana 2002).

PRAYER

WHEREFORE, Relator pray that this Honotable Court of Criminal Appeals compel the 204th Judicial District Court of Dallas County, Texas, to act in according with 11.07, without further delay. Relator respectfully pray this Court grant Relator's Writ of Mandamus.

Respectfully submitted,

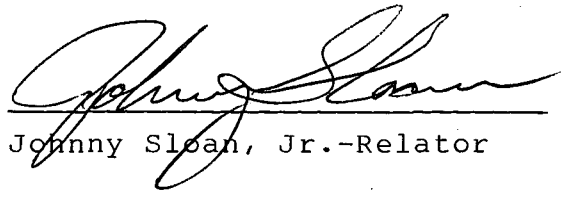


Johnny Sloan, Jr.-Relator
TDCJ-ID#01004291
MCCONNELL UNIT
3001 S. Emily Dr.
Beeville, Texas 78102

VERIFICATION

I, Johnny Sloan, Jr., Relator Pro Se, do hereby verify and swear under the penalty of perjury the following are true and correct to the best of my knowledge. Therefore, Relator is competent to testify to the matters stated.

Signed on this 16th day of March, 2015.



Johnny Sloan, Jr.-Relator