IN THE
TEXAS COURT OF CRIMINAL APPEALS

81,971-01,02

RECEIVED IN
COURT OF CRIMINAL APPEALS
DATE 12-3-15
DEC 10 2015
Abel Acosta, Clerk

GREGARY A. TURNER SR.
PETITIONER-PRO-SE

V/S.

NO: 02-13-00087-CR.
TRIAL COURT NO. 1343101-R

This document contains some pages that are of poor quality at the time of imaging.

THE STATE OF TEXAS

TO THE HONORABLE JUDGES OF COURT OF CRIMINAL APPEALS.
THIS LETTER IS IN RESPONSE TO DENIAL OF LEAVE TO FILE THE ORIGINAL APPLICATION FOR WRIT OF MANDAMUS DATED 11-18-2014 THE PETITIONER IN THIS LEGAL CAUSE FIRST MADE REQUEST OF SECOND COURT OF APPEAL FOR TRIAL TRANSCRIPT. PLEASE FIND LETTER FROM PETITIONER DATED 10-21-14 AND REPLY FROM THE HONORABLE COURT DATED 10-27-2014 ADVISING OR DIRECTING THE PETITIONER TO CONTACT THE COURT OF CRIMINAL APPEAL. PLEASE FIND COPY OF LETTER FROM COURT OF APPEALS IN THE PAST IF A LETTER OF MOTION WAS SENT TO THE WRONG COURT IT WOULD FORWARDED TO CORRECT COURT THE PETITIONER IN THIS CAUSE TRIED TO MAKE REQUEST FOR RULING FROM THE HIGHER COURT IN REGARDS TO THE PETITIONER HAVING ACCESS TO TRIAL TRANSCRIPT. BOTH COURTS ARE TELLING THE PETITIONER TO CONTACT THE OTHER. WHILE THE REAL ISSUE IN THIS IS THE PETITIONER AND HIS INABILITY TO OBTAIN A COPY OF TRIAL TRANSCRIPT AND BEING FORCED TO PRESENT P.D.R. WITHOUT ACCESS OF TRIAL TRANSCRIPT VIOLATING PETITIONER XIV AMEND (PLEASE SEE GRIFFIN ET AL. V. ILLINOIS 351 U.S. 12; 76 S. CT. 585; 100 L. Ed. 891; 1956 U.S. LEXIS 1059) (DRAPER V. WASHINGTON 372 U.S. 487; 83 S. CT. 774; 9 L. Ed. 2d 899; 1963 U.S. LEXIS 1947) PETITIONER HAS MADE REQUEST FOR COPIE OF TRIAL TRANSCRIPT IN FORMA PAUPIS IN OR TO HIS DISTRICT COURT 213TH THE SECOND COURT OF APPEALS AND THE COURT OF CRIMINAL APPEALS. THE PETITIONER HAS VERY LIMITED LEGAL SKILLS AND HAS TRIED TO COMPLY WITH THE COURT RULES AND ONLY PRAYS FOR AND HAS RESPECTFULLY REQUESTED WHAT IS FAIR AND JUST THE PETITIONER IS INDIGENT AND HAS BEEN DENIED OF TRIAL TRANSCRIPT.

Gregary A. Turner
SIGNED RESPECTFULLY

OFFICIAL NOTICE FROM COURT OF CRIMINAL APPEALS OF TEXAS
P.O. BOX 12308, CAPITOL STATION, AUSTIN, TEXAS 78711

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11/18/2015
TURNER, GREGARY A. **Tr. Ct. No. 1343101-R** **WR-81,971-02**

This is to advise that the Court has denied without written order motion for leave to file the original application for writ of mandamus. *Padilla v. McDaniel*, 122 SW 3d 805 (Tex. Crim. App. 2003).

Abel Acosta, Clerk

GREGARY A. TURNER
TARRANT COUNTY JAIL - TDC # 805233
100 N. LAMAR
FORT WORTH, TX 76102

N3B 76196

CAUSE NO
1343101-B

STATE OF TEXAS
V
GREGARY A TURNER SR.
0805233

TO THE CIERK OF THE SECOND COURT OF APPEALS MY NAME IS GREGARY A TURNER SR. I AM THE APPELLANT IN ABOVE NUMBERED AND STYLED CAUSE. AND THE REASON FOR THIS LETTER IS TO FIND OUT STATUS OF WRIT OF MANDAMUS NO. WR-81,971-01 I HAVE INCLOSED COPY OF CONFORMATION CARD THAT I RECIEVED FROM CAPITOL STATION AUSTIN TEXAS ON OR ABOUT 8-20-14. APPELLANT RESPECTFULLY REQUEST TO KNOW WHEN A RULEING WILL BE MADE ON THIS CAUSE. I WOULD LIKE TO TAKE THIS TIME TO THANK THE CIERK FOR YOUR TIME IN THIS MATTER AND PRAYERFULLY AWAITING YOUR RESPONSE.

Gregary A Turner SR.
SIGNED RESPECTFULLY
GREGARY A TURNER SR.
0805233
TARRANT COUNTY JAIL
100 N. LAMAR ST.
FORT WORTH
TX.
76102

DATE 10-21-14

OFFICIAL NOTICE FROM COURT OF CRIMINAL APPEALS OF TEXAS
P.O. BOX 12308, CAPITOL STATION, AUSTIN, TEXAS 78711

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10/19/2015
TURNER, GREGARY A. **Tr. Ct. No. 1343101-R** **WR-81,971-02**
On this day, the original application for writ of mandamus has been received and presented to the Court.

Abel Acosta, Clerk

GREGARY A TURNER
TARRANT COUNTY JAIL - TDC # 805233
100 N. LAMAR
FORT WORTH, TX 76102

NSB 76196

COURT OF APPEALS
SECOND DISTRICT OF TEXAS

CHIEF JUSTICE
TERRIE LIVINGSTON

JUSTICES
LEE ANN DAUPHINOT
ANNE GARDNER
SUE WALKER
BOB McCOY
BILL MEIER
LEE GABRIEL

TIM CURRY CRIMINAL JUSTICE CENTER
401 W. BELKNAP, SUITE 9000
FORT WORTH, TEXAS 76196

TEL: (817) 884-1900

FAX: (817) 884-1932

www.2ndcoa.courts.state.tx.us

CLERK
DEBRA SPISAK

CHIEF STAFF ATTORNEY
LISA M. WEST

GENERAL COUNSEL
CLARISSA HODGES

DATE: 10-27-14

TO: Gregary Allen Turner #0805233

RE: CASE NO_____ STYLE:_____ vs. State

We are in receipt of your correspondence in connection with the above case.

____ Our records do not indicate an appeal pending in this court. Contact the attorney or the trial court for information about the case, or provide this court with an appeal number.

____ Our records indicate you are pro se/have counsel. The attorney is/was _____.

____ Appellant's/State's _____ was/is due on _____.

The status of the above referenced case is:

____ Still pending. No opinion has issued as of this date.

____ Opinion has issued. Your case was affirmed/reversed/dismissed/abated to the trial court on _____.

____ **The case is closed.**

____ Pending on motion for rehearing.

____ Pending at the Court of Criminal Appeals on a Petition for Discretionary Review.

____ Neither the judges nor the staff of this court can give legal advice. You may wish to contact Inmate Legal Services, Texas Department of Criminal Justice, Institutional Division, P.O. Box 99, Huntsville, TX 77340.

____ This court has no jurisdiction to compel the trial court to provide you with free copies. This court does not provide copies of any documents without prepayment of costs. Our charge is 10 cents per page up to 50 pages and 50 cents per page thereafter, payable in advance by cashier's check or money order. If you desire copies of any part of your record, send a cashier's check or money order in the amount of $75.00. There is a $38.66 fee for retrieving any **closed case** from our private storage facilities. As much of your record will be copied as the remaining will cover. You will be advised as to the cost for copying the remainder of the record. Payment for the remainder of the record must be paid within thirty (30) days from the date you are notified. If your request does not add up to the $75.00, the balance will be returned to you. **Make cashier's check or money order payable to Clerk, Court of Appeals.**

____ The Court of Criminal Appeals, Austin, Texas, has jurisdiction over article 11.07 post conviction writs of habeas corpus/out of time appeals. TEX. CODE CRIM. PROC. ANN. art. 11.07 (West Supp. 2011). This writ can only be filed with the district clerk's office of the county in which you were convicted. *Id.*

____ The papers you requested are enclosed.

____ The papers you tendered are being returned to you.

Respectfully yours,

DEBRA SPISAK, CLERK

Karen Brown

By: Karen Brown, Deputy Clerk

NOTE: You should contact the Court of Criminal Appeals regarding the writ of mandamus in question. Per the attached notice, your writ was received and presented to the Court of Criminal Appeals on August 20, 2014, under WR-81,971-01.

Verification of Unsworn Declaration

I, GREGARY A. TURNER, Defendant pro se in this cause, state the following under penalty of perjury: I am a prisoner, #0805233, currently incarcerated in the Tarrant County Jail in Tarrant County, Texas. I am duly qualified and authorized in all respects to make this declaration. I have read the foregoing Declaration of Conflict and declare that I have personal knowledge of the facts contained therein and said facts are true and correct.

EXECUTED in Tarrant County, Texas, pursuant to Art. 132.001 et. seq., Texas C.P.R.C. and 28 USC §1746, on this 3RD day of DEC, 2015.

Gregary a. Turner
[Defendant's Name], Defendant Pro Se
CID #0805233 DOB 10/16/58
100 N. Lamar St. - ___
Fort Worth, TX 76102-1954

*Under both federal law (28 USC §1746) and state law (Art. 132.001, Texas C.P.R.C.), inmates incarcerated in Texas may use an unsworn declaration under penalty of perjury in place of a written declaration sworn before a notary public.

Certificate of Service

I G.A.T., hereby certify that a true and correct copy of the above motion was served on Attorney for the State Tim Curry by mailing via first-class mail to JOE SHANNON, DISTRICT ATTORNEY, 401 W. BELKNAP ST., FORT WORTH, TX 76196 on this 3RD day of DEC, 2015.

Gregary a. Turner
[Defendant's Name], Defendant Pro Se
CID #0805233 DOB 10/16/58
100 N. Lamar St. - ___
Fort Worth, TX 76102-1954