Mr Nathan Durrell Neighbors
TDCJ #1435598
Stiles unit
3060 FM 3514
Beaumont TEXAS
77705

RE: CI-010650-1020534-B

Enclosed to the Response to the Criminal District Attorney
there are 6 pages of the Response

RECEIVED IN
COURT OF CRIMINAL APPEALS

DEC 22 2015

Abel Acosta, Clerk

78,831-02

C1-010650-1020534-B

NATHan Darrell Neighbors
TDCJ 1435598
House 7H6B
Mark w stiles unit
3060 FM 3514
Beaumont TX
77705

§ court of criminal appeals
§ P.O.BOX 12308
§ Austin TEXAS 78711
§
§
§
§

TO THE HONORABLE JUDGE

NOW COMES and in response TO THE criminal District Attorney

1. THE TRUE HISTORY OF The case civil and criminal will show the state The April 30, 2007 the same day I met Abe Factor that I want to Trial with no investigating was on the case I Also had my Medical Records AT Trial All 3 Days For my To Day on the Transcripts may1, 2007 - may2, 2007 But 3Days on the DOCKET. Also Ashley Johnson and Phelesea Guy and Judge woodlock AND Judge Sharon Wilson Also knew that my case was A Actual innocence and knew 5 yeares on the civil case way Befor The criminal case knew I had A rare circumstance That I was 27miles away when The aggravated robbery was going on march 15, 2003 AT 9:30-TO 10:00. They knew about my aliby defense [Latin elsewhere (18c) 1. A Alibi defense based on The physical impossibility of a APPLICATION To be AT The Scene of The crime.

II The State on page 2 That on February 6, 213 That my writ of Hubeas corpus was denied without written order This is wy The Applicants never got to show His Alibi defense on march 16th about 9:30 Am Allstate Insurance Adjuster mr. peacock showed up At my House I had tied to The Tree and myself I Nathan Darrell Neighbors was using The 3/4" Twisted nylon rope in suddenly and without warning The 3/4" Twisted nylon rope broke causing me nathan Darrell neighbors To FALL 25 FT. Through The Tree being Trimmed hitting branches as Falling and striking my head against The large Tool shed That was right next to The Tree and ultimately violently hitting The ground injuring myself.

III. ITS NECESSITY For AN EVIDENTIARY HEARING FOR The TRUE can come out my civil case and criminal AS been going on For 15, years I Am A man put in prison for A crime I never committed on my Ropcase mr Peacock took my Rope and my paperwork And I did not get them Back my Rope was with Allstate Insurance and paperwork for years They gave me The Rope Back But No The paperwork my civil case wen on For march 15, 2003 To November 11, 2008 There were 13 Photos I will put Down These case No. - will show all Long This wen on.

CIVIL CASES AND Criminal case

Original case No. 3422099505 Ropecase

case No. 348-22-138406 Ropecase

case No. 4:05-cv-331-A Ropecase

There is need for A HEARING for the Applicant To be brought back to Trial There is also no Evidense in the criminal They not To Be a criminal investigating

1) No Eyewitness Testimony
2) DNA is inconclusive was not matched not identified at Trial
3) The bottle was not at The Trial
4) The gun was not tested for DNA fingerprints nor no Eyewitness
5) No money was taken was not identified at my Trial
6) motion filed by Abe Factor for continuance for [10 Days] Judge wood Lock denied
7) The evidence was not Tested was not identified at my Trial on April 30, 2002 - may 2, 2002
8). There was no DNA fingerprints inside or outside of The store
9) No security video from any area of The store was not presented at Trial
10) No police report was filed on The crime scene.

(1) The original application paperwork and court RECORDS were not available on the Date The Applicant filed the previous Application

(2) By The new evidence but for the Juror would have seen AT Trial could have not found the applicant no guily beyond a reasonable doubt

(b) THE Due process clause of the fourteenth Amendment has two parts First is showing liberty interest and second is to show you should Appellant contends That his constitutional Rights have been without The requested documents, The court noted in Long v washington 372 U.S. 487 and smith v Benot 365 U.S 708 (1961) That These Principles were not to be limited to Direct Appeals from criminal appeals, but extended alike to state post-conviction," A layman acting in his own behalf needs The records even been going on for 15 years.

TEXAS crim proc. 2.135 All video with audio at The scene - [KEY EVIDENCE] & DNA Fingerprints found on evidence if any (video recordings remain with state's Evidence for REview] >: § 11.07 Habeas corpus

Applicant There was no Testimony That The Appellant was The person who robbed Delaware wafayee, Neither wafayee or Lorenzo corral The only other witness could identify Appliant as the person who robbed wafayee Lorenzo corral Testified That he did not get a good look AT The robber. RR-2 page 72
Delaware wafayee testified that he could not see the robbers face at all because he had A mask on, Even afer The mask was Removed wafayee could'n see The face clearly because the face He could not get A identification

Applicant does argue That he is Actually innocent based on The fact That buying The rope a Home Depot USA, a 3/4" twisted nylon rope with a purported rating of 1,420 pounds working load, The 3/4" Twisted nylon rope was sold by The foot by Defendant Home Depot USA Inc. will show Actually innocent on march 15, 2003 Applicant Nathan D neighbors purchased a length of The 3/4" Twisted nylon rope on march 15, 2003 at approximately 9:30 to 10:00 AT The same Time The Applicant was 27 miles away when The aggravated robbery was supposedly taking place Home Depot USA Lehigh Inc Allstate Ins Judge Sharon wilson Judge Dana womac All my attorneys in All for cases I have been AT The civil court in Fortwort and The state court in Fort wort for years when The Applicant 130 L.Ed.2d 808 in This case Justice stevens help That standard of carrier which requires a procedurally defaulted habeas Applicant to show That a constitutional violation has probably resulted in The conviction of one who is actually innocent rather than The more stringent Sawyer standard governs miscarriage of Justice inquiry when The Applicant who has been sentenced to Death raises a claim of actual innocence to avoid a procedural bar to consideration of merits of constitutional claims In This instant case at hand, Applicant is showing of Actual innocence with Also showing of as to why he was unable to show it earlier due To The US.CA. 18 § 371 chain conspiracy that has been relentless Since march 15, 2003 when Applicant actually purchased this Rope from Home Depot. Schlup supra Also is A fundamental miscarriage of Justice exception which does remain rare and should be, applied only in The extraordinary case"; while at The same.

Time ensuring That relief would be extended to show Those who are truly deserving, the court has specifically applied the exception to the Applicant is innocence in carrier supra and Fulmann also expressed The standard of Proof That should govern consideration of such claims, The Applicant must show That The constitutional error resulted in a conviction of one who is actually innocent which is a rare circumstance, Applicant does show That not only is A rarety but The constitutional violations do amount to denial of Due Process clause of XIV Amendment. Brady Supra. Applicant Further asserts That he sent letters to Abe Factor Judge sharen wilson Judge woodlock and appeal attorney Bill Ray also DA Phelesea Guy, Ashley Johnson inquiring of The 10 day continuance which There was never any reply -also There were a lot of volumes That were not in my Trial Transcripts Applicant contends That valerie A. Allen and All of The Judges and all of The attorneys Knowingly and intentionally witheld These court records Just so Applicant would not be able to use Them in his legal preceding to reverse his conviction. This "conspiracy" dealing from The Rope case No. 348-22-138406 on. march 15, 2003 which is The date Applicant purchased The rope from Home Depot at The same Time That The robbery was occurring, See Appitcant exhibit. in His 1102 writ of Habeas corpus

Conclusion

Applicant did include That There were no physical evidence - aliby defense" That was on march 15, 2003 That was on the Record in court Murray v. carrier 106 S. Ct. 2639 at 2644 does Apply as constitutional violations have occurred. US.CA § IV, VI, XIV and its Due process and counsel clause are being violated, PROHIBITION OF MANDATE REQUESTING AOQUITTAL" IN this case.

USC § 1746

UNSWORN DECLARATION UNDER PENALTY OF PERJURY

I" declare (or certify, verify or state) under penalty of perjury That The foregoing is true and correct.

EXECUTED ON DECEMBER 12/15/2015

SIGNATURE: Nathon Darrell Neighbors

pro se Litigant, Nathon Darrell Neighbors.