51,885-04

Abel Acosta, Clerk
P.O. Box 12308
Capitol Station
Austin, Texas 78711

To Abel Acosta, Clerk:

Please enclosed find the following documents to be filed in this Court of Criminal Appeals of Texas, Cause No. 11,707B. These documents shall be executed upon this court's discretion to determine the next course of action. This will be at your earliest convenience and as time permitted for as the docket calls. The following documents are:

(1)-Applicant's Reply and Rebuttal to the Trial Court's denial of relief sought in the 115th Judicial District Court of Upshur County, Texas—total of seventeen (17) pages;
(1)-Applicant's Request for Judicial Notice—total of one (1) page;
(1)-Motion for Writ of Habeas Corpus Ad Testificandum—total of one (1) page;
(1)-Copy of (R.R. Vol. 5 of 8, pg. 69)—total of one (1) page;
(1)-Copy of (R.R. Vol. 5 of 8, pg. 82)—total of one (1) page.

Applicant's Reply to the Trial Court's denial presented to the court shall be executed by the clerk, applicant's Request for Judicial Notice, Motion for writ of habeas corpus ad testificandum, copies of (R.R. Vol. 5 of 8, pgs. 69-82) presented to the court shall be executed by the Clerk.
Applicant, Billy G. Colvin, thanks you for your time in this matter before the court.

Executed on this 22 day of December, 2015.

Respectfully Submitted

Billy G. Colvin

Billy G. Colvin
TDCJ-ID #760687
L.C. Powledge Unit
1400 FM 3452
Palestine, Texas 75803

RECEIVED IN
COURT OF CRIMINAL APPEALS

DEC 28 2015

Abel Acosta, Clerk

IN THE COURT OF CRIMINAL APPEALS
OF TEXAS

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|---|---|
| EX PARTE | |
| BILLY G. COLVIN | NO. WR-51,885-04 |
| APPLICANT | TR. CT. NO. 11,707B |

**APPLICANT'S REQUEST FOR JUDICIAL NOTICE**

TO THE HONORABLE JUDGES OF THIS COURT:

Comes now, Billy G. Colvin, Applicant in the above styled and numbered cause, pursuant to Texas Rules of Evidence 201 and brings this request to the Court to take judicial notice of adjudicative facts in the trial record or within the trial court's exclusive possession or control.

Applicant relies upon that, although a court has discretion to take judicial notice of the records, of any court, even if the records are attached to applicant's brief, the court is not required to do so abscence of a request; see Watts v. State, 99 S.W.3d 604 (Tex.Crim.App. 2003); Mata v. State, 46 S.W.3d 902 (Tex.Crim.App. 2001); Perkins v. State, 905 S.W.2d 452 (Tex.App.-El Paso 1995, pet. ref'd); Elwell v. State, 872 S.W.2d 797 (Tex. App.—Dallas 1994, no pet.); Jubert v. State, 753 S.W.2d 458 (Tex.App.—Texarkana 1988).

Applicant simply requests this Honorable Court to notice the trial record, applicant's declaration, and brief, trial court's lack of applying law to the facts as presented in the record; and failure of the trial court's construction of the Penal Code by context pursuant to V.T.C.A. Government Code § 311.

Executed on this 22 day of December, 2015.

Respectfully Submitted

Billy G. Colvin

Billy G. Colvin
TDCJ-ID #760687
Applicant Pro Se