56, 734-04

COURT OF CRIMINAL APPEALS

AUSTIN TEXAS

RECEIVED IN
COURT OF CRIMINAL APPEALS

INRE:DARRELL W.HOGAN TDCJ-ID#1014834
CRIMINAL CAUSE No.11,220
WR-56,734-04

DEC 28 2015

SUBPEONA DUCES TECUM

Abel Acosta, Clerk

This Court Order Adjuge and Decree that a Subpeona Duces Tecum

is Hereby;

___DENIED ___GRANTED

And further Order in Subpeona PRODUCTION of Records that the

TDCJ-ID MAILRROM SUPERVISOR AT POLUNSKY UNIT 3872 FM 350 SOUTH LIVINGSTON TEXAS 77351 PRODUCE FROM THE LEGAL MAILLOG SYSTEM AT THE PRISON SYSTEM ALL LEGAL OUTGOING MAIL DATES FOR: DARRELL W HOGAN#1014834 MADE TO WASHINGTON COUNTY TEXAS CLERK TAMMY BRAUNER 100 E MAIN St.Rm 304 Brenham Texas 77836. AND PROVIDE THE SAME TO THIS COURT ON_____DATE.

EXECUTED BY THE HONORABLE_____PRESIDING

_____
PRESIDING JUDGE

RECEIVED IN
COURT OF CRIMINAL APPEALS

DEC 28 2015

Abel Acosta, Clerk

inre;wr-56,734-04
Tr.Ct.No.11,220

pro se petitioner;
DARREL W.HOGAN#1014834
POLUNSKY UNIT 3872 FM 350 SOUTH
LIVINGSTON TEXAS 77351

MAILING ADDRESS

COURT OF CRIMINAL APPEALS
CLERK:Abel Acosta,

Clerk,

Please file this Motion enclosed for COURT OF CRIMINAL APPEALS ORDER OF SUBPEONAN DUCES TECUM C.C.P ART 24.01.(a),(1),(D),(E);Art 24.02 on the courts Docket in the above cause and provide me with a return receipt.
thank you for your assistance in this matter.

Sincerely,

Darrel Hogan

THE COURT OF CRIMINAL APPEALS

AUSTIN TEXAS

INRE:WR-56,734-04

Tr.Ct.No 11,220

PRO SE petitioner
Darrell W.Hogan
VS
THE STATE OF TEXAS
RESPONDENT

MOTION:FOR COURT OF CRIMINAL APPEALS
ORDER OF SUBPEONA DUCES TECUM
C.C.P. Art24.01. (a) (1) (D);(E)
Art 24.02.

TO THE HONORABLE COURT OF APPEALS PRESIDING:
Comes now Darrell W.Hogan the pro se petitioner and would move this court as follows;

I
PROCEDURAL HISTORY

In the above cause Number,the petitioner pro se brought a Habeas Corpus for the State Judicial District Court 21st CRIMINAL DISTRICT COURT WASHINGTON COUNTY TEXAS.

II

The 21st JUDICIAL DISTRICT COURT FOR WASHINGTON COUNTY TEXAS FAIL TO COMPLY WITH TIME ALLOTED STATUTES UNDER CRIMINAL CODE OF PROCEDURE ART 11.07§ 3 (a),(b),(c) the applicant then filed a Mandamus in the above cause which this court granted see Court DOCKET SHEET FOR COURT OF CRIMINAL APPEALS MANDAMUS FILING UNDER CRIMINAL CODE OF PROCEDURE ART 4.04..

III.

The Court of Criminal Appeals Ordered that the courts 21st JUDICIAL District of washington County Texas show cause of failur to comply with C.C.P.ART 11.07§3.On December 8th 2015 A.D. the 21st JUDICIAL DISTRICT COURT of WASHINGT COUNTY TEXAS submit this court with Supplemental Clerk's Record.

IV.

SHOW FOR CAUSE:
The petitioner Darrell.Hogan contest that the 21st Judicial District Court of Washington County Texas is OBSTRUCTING JUSTICE in tampering with all submitted legal Documents in the cause brought in Application 11.07 in the instant case where (A) the petitioner obtained EXCULPATORY EVIDENCE OF A WITNESS UNDER SWORN AFFIDAVIT:REGGIE WATSON who attest to the facts that not only did he the affiant have knowledge of the facts in cause no 11,220 but also further attested that he Reggie Watson himself committed the crime offense of cause number 11,220 in which the petitioner had been convicted of by use of coercion of both Detectives and D.A Charles sebastian failure to disclose evidence which was exculpatory on behalf of the petitioner named in the instant case.

V

Charles Sebastian was the prosecutor in the instant case who withheld evidence of Reggie watson the sworn Affiant presented as evidence in this cause.Charles Sebastian was terminated from office as prosecutor for his failure to disclose evidence in the highly publicized case of Anthony Grave who was later exonerated from Death Row capitol Punishment Conviction.

VI.

Because the 21st District Court of Washington County Texas refuse to refrain from Obstruction of Justice by damaging, losing or destroying the Records File of both 11.07 Application and the Evidence and Memorandum in this cause 11,220.The petition moves this Court to EXECUTE INVESTIGATION UNDER THE MAILBOX RULE TO ESTABLISH THE FACTS OF HIS THE PETITIONERS LEGAL MAILING OF THE APPLICATION OF HABEAS CORPUS 11.07 ART;ITS MEMORANDUM,AND THE SWORN AFFIDAVIT REGGIE WATSON WHICH WAS FILED IN THE INSTANT CASE.

VII.

THE PETITIONER IN THE INSTANT CASE WOULD SO MOVE THIS COURT TO SUBPEONA DECUS TECUM ORDER EXECUTED UPON THE WITNESS:TDCJ-ID UNIT MAILROOM SUPERVISOR AT ALLEN B POLUNSKY UNIT 3872 FM 350 SOUTH LIVINGSTON TEXAS 77351 to PROVIDE THIS COURT WITH THE LEGAL MAILROOM LOG OF ALL THE PETITIONERS LEGAL MAILING SENT TOCLERK OF WASHINGTON COUNTY TEXAS IN CAUSE Number 11,220 THAT THIS COURT MAY ASCERTAIN THE FACTS FROM THIS RECORD AND THE CLERKS SUPPLEMENTAL RECORD THERETO IN THE INSTANT CASE.

VIII.

THE MAILROOM RULE WHICH FOOLOW THE PROCEDURE TO INVESTIGATE IS PROVIDED UNDER PRISON SYSTEM FOR RECORDING LEGAL MAIL SEE NOW FERNANDEZ V Artuz,402 F.3d 111,114,116 (2d Cir.2005); ALSO SEE Causey v Cain 450 F3d 601,606-07 (5th Cir 2006)(Holding on the use and investigative measure of the Prison Mailroom system).

IX.

REQUESTED RELIEF

Wherefore Premises Considered,the petitioner Darrell Hogan

Prays that this Court grant relief and Order EXECUTION OF SUBPEONA DUCES TECUM under CRIMINAL CODE OF PROCEDURE ARTICLE 24.01.(a) (1) (D);(E);Art 24.02. and Order TDCJ-ID MAILROOM SUPERVISOR AT POLUNSKY UNIT 3872 FM 350 SOUTH LIVINGSTON TEXAS 77351 TO PROVIDE THIS COURT WITH LEGAL MAIL LOG SYSTEM AND ITS LEGAL MAILING DATES FOR THE PETITIONER WHICH ADDRESS EXCLUSIVELY THOSE LEGAL MAILING FOR AND TO WASHING COUNTY CLERK AT: DISTRICT CLERK Tammy Brauner 100 E.MAIN St.RM 304 BRENHAM TEXAS 77834 and in this courts ASCERTAINING THE FACT if it finds that the 21st JUDICIAL DISTRICT COURT WASHINGT COUNTY TEXAS in the instant has loss ,damaged,destroyed the Record of 11.07 Applicati filing in the instant case and its evidence provided the petition request further relief Vacating the JUDGEMENT IN THIS CAUSE UNDER TRAP 34.6 F.
DULY EXECUTED IN THE SAME ON THIS THE 22 DAY OF DECEMBER 2015.

S/ Darrell Hogan

PRO SE PETITIONER

UNSWORN DECLARATION
CIVIL PRACTICE AND REMEDIES CODE SECTION 132.001-§132.003

I Darrell Hogan#1014834 whom is the pro se petitioner confined at the polunsky Unit 3872 FM 350 South Livingston Texas 77351 do swear under the Penalty of perjury that the following and foregoing legal document to-wit Motion:FOR COURT OF CRIMINAL APPEALS ORDER OF SUBPEONA DUCES TECUM C.C.P. Art 24.01.(a) (1) (D);(E) Art 24.02 and its contents therein are true and correct. DULY EXECUTED IN THE SAME ON THIS THE 22 DAY OF DECEMBER 2015.

S/ Darrell Hogan
PRO SE PETITIONER