85,081-01

Pro Se

Aaron Cummings

V.

District Court

Cause No's C-396-010751-1362445-A

In The District 396th

Court, Tarrant County Tx.

RECEIVED IN
COURT OF CRIMINAL APPEALS

MAY 31 2016

Abel Acosta, Clerk

Re: Rebut to State's response to my Writ of Habeas Corpus

Sent to The Court of Criminal Appeals

Court of Appeals Case Number Tr. CT. No. C-396-01010751-1362445-A,

WR-85,081-01

Dear Sir/Madam; I'm mailing this response to your Court, because I don't believe the District Court, received my response in time for even the District Judge to see it. The State's Response was filed on April 26, 2016, and a copy was delivered by TDCJ officials to me on 5/2/2016. I imeadiately sent my rebut to the district Court out on May 5th 2016. On the same day i received the Judge's answer letting me know they ruled on my Writ and were sending the Writ to the Court of Crimnal Appeals. I sending this on part of what i sent to the District Court and I exibit as evidence on the recordings they were prepared to use against me, that they say in thier response

Thier is NO evidence we were going to use the tape recordings. Look at (Findings of Facts) NO. 26. They said, Thier is NO indication in the record that or NO evidence, that had Applicat not Pled Guilty, The State would have introduced Applicant's statements during the December 13, 2013 interview as evidence at trial. (Look at Exhibit 1 evidence) Again Look at (Conclusions of Law) NO. 7 and 17, in both 7 and 17 The State still proclaims they would not of used the recordings on 12-13-13 or 3-6-14, again look at exhibit 1 evidence. They threatened to use the recordings and i have proff of that which they say it didn't exist. I would not of pled Guilty. My Miranda Rights were never read to me except by the Judge. My Writ and Record of the Court will prove that. And my Lawyer was ineffective by not filing a Motion to dismiss or suppress the so called evidence.

I thank you for your time, and hope this can be taken care of without me having to file an 2254 Writ.

Sincerely Aaron Cummings

date 5-25-16

I received the White Card on 5/11/2016

Exhibit No. 1
evidence

Cause No. 1362455

| | | |
|---|---|---|
| THE STATE OF TEXAS | § | IN THE 396th JUDICIAL |
| | § | |
| VS. | § | DISTRICT COURT OF |
| | § | |
| [redacted] | § | TARRANT COUNTY, TEXAS |

**STATE'S NOTICE OF INTENT TO USE DEFENDANT'S STATEMENTS**

COMES NOW the State of Texas, by and through the undersigned Assistant Criminal District Attorney, and files this STATE'S NOTICE OF INTENT TO USE DEFENDANT'S STATEMENTS under 38.22 of the Texas Code of Criminal Procedure. This notice is in addition to discovery made available to Defendant by the State's open-file policy regarding this case.

1. The State intends to use at trial the recording of the Defendant's statements given to the Fort Worth Police Department on or about 12-13-13 and 3-6-14.
2. A copy of the recording was given to MAMIE BUSH JOHNSON, counsel for Defense, on 6-19-2014.

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS
JAN 22 2015
TIME 4:47 PM
BY _____ DEPUTY

exibit 1 evidence