18,155-05

CAUSE NO.1452387-A

EX PARTE § IN THE 337th DISTRICT

§ COURT OF

JAMES WILLIS BEN, § HARRIS, COUNTY, TEXAS

Applicant

RECEIVED IN
COURT OF CRIMINAL APPEALS
JUN 13 2016
Abel Acosta, Clerk

APPLICANT'S MOTION OFFICIALLY DESIGNATING THE RECORD THAT HE SEEKS TO BE INCLUDED WHEN THIS 11.07 IS FORWARD TO THE COURT OF CRIMINAL APPEALS:

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, JAMES WILLIS BEN, Applicant herein proceeding Pro Se and in support of this motion will show this Honorable Court the following:

I.

On April 11, 2016 this Honorable Court adopted an **"EXACT"** cerox copy of the Findings of Facts, Conclusions of Law, and Order prepared by the State. Which also included a designation ofthe records that the court sought to include when this case was forwarded to the Court of Criminal Appeals. This concluded the review of Applicant's 11,07 by the trial court. Due to the fact that the Trial Court failed to include vital pleadings that were filed in this cause and other vital documents. Applicant now files his official designation of the records he seeks to be included when this case file is forwarded to the Court of Criminal Appeals.

II.

Applicant wishes the following pleadings and records be included and forwarded to the Court of Criminal Appeals. Applicant seeks the following entitled motions, pleadings and documents to be included:

1. Applicant's Motion For Discovery And Disclosure Of Brady Material Also Thirty Days From The Day Of Disclosure To Supplement His 11.07. Filed along with the original application.

2. Applicant's Motion For A Live Evidentiary Hearing To Develop The Factual Basis Of His Claims Of Ineffective Assistance Of Counsel At Trial And On Appeal Allowing Them And The Prosecutor To Explain Their Actions And Inactions As Further Explained In Applicant's 11.07 And Memorandum Of Law. Filed along with original application.

3. Applicant's Motion To Hold District Attorney Devon Anderson, Prosecution Attorney Catina Haynes That Actually Prosecuted Applicant And Assistant District Attorney Farmaz Fraiz In Contempt Of Court For the Willful Failure And Refusal To Obey This Honorable Court's Order. Filed on 2-24-16

4. Applicant's Motion To Enforce The Honorable Court's Order And To Hold Attorney Craig Bundick In Contempt Of Court For His Refusal And Failure To Provide His Notarized Affidavit By March 15, 2016. Filed on 3-21-16

5. Applicant's Objections To The State's Original Answer. Filed on March 21, 2016.

6. Applicant's Motion For A Ten Day Extension Of Time To File His Objections To The State's Proposed Findings of Facts and Conclusion Of Law And Order. Filed on 4-13-16.

7. Applicant's letter of intent to file a Writ Of Mandamus if the Honorable Renee Magee does not issue a ruling on Applicant's motion for live evidentiary hearing, Motion for Discovery and motion to hold the D.A.'s in contempt. Filed on 4-13-16.

8. Applicant's Response To The State's Proposed Findings of Fact, Conclusion Of Law, And Order Also The State's Designation Of The Records That are To Be Included With Applicant's Habeas Application When It Is Forwarded To The Court Of Criminal Appeals. Filed on 4-17-2016

9. Any and all documents and records signed by Officer R.R. Lara for the issuance of city or county money that was given to the CI that was used by

the CI to make the alleged controlled by on or about 2-4-14 at 4421 Knoxville Street, Houston, Harris County.

10. All paperwork or documents dealing with the CI being used in the past that was used to vouch for the CI's credibility. Each time the CI was used to successfully led Police to the recovery of drugs.

11. All Paperwork or documentation dealing with this CI regarding the deal that was made with the CI weather it included being paid in cash, the dropping of an unrelated criminal case or a reduced sentence or simply a favorable recommendation by the DA to a reduced charge or sentence.

12. The documentation dealing with the CI that includes the CI's full name, sex and Social Security # or at least first three digits, and other documents that are available for incamera inspection which will conclusively verify beyond any reasonable doubt who is the CI that was used by Officer R.R. Lara on or about 2-4-16 to make the alleged control buy at 4421 Knoxville Street, Houston, Harris County, Texas.

III.

Documents 1-8 are all actual motions or pleadings that have been filed in this case. Documents 9-12 are documents that must be included and examined by the Court of Criminal Appeals before an adequate determination as to whether the State withheld exculpatory evidence. Also weather counsel was ineffective for not discovering the gender identification of the CI, subsequently not filing a motion to suppress.

WHEREFORE, PREMISES CONSIDERED, Applicant prays that this motion in all things be granted thereby including all the aforementioned documents all with the ones designated by the State when Applicants 11.07 is forwarded to the Court of Criminal Appeals. Additionally Appellant seeks this Honorable Court of Criminal Appeals to appoint an expert to examine all documentation related to

the CI to insure they have not been altered or tampered with in any way shape or form or fashion. As recently as April 2016 on national TV Houston Prosecutors was under fire for utilizing underhanded tactics in efforts to obtain convictions, and grant Applicant any other or additional relief he is justly entitled to, it is so prayed.

Respectfully requested,

James Willis Ben

James Willis Ben #543889
Wayne Scott Unit
6999 Retrieve Rd
Angleton, Texas 77515

CERTIFICATE OF SERVICE

I hereby certify that a copy of this motion has been sent to the following people addressed to: Assistant District Attorney, Famez Faiaz, Harris County, Texas, 1201 Franklin, Suite 600, Houston, Texas 77002; Chris Daniel, Harris County District Clerk, P.O. Box 4651, Houston, Texas 77210-4651. The District Clerk of the Court of Criminal Appeals, Abel Acosta, Supreme Court Bldg, 201 W. 14th St. Rm 106, Austin, Texas 78701-1445, by placing a true and correct copy in the U.S. Mail postage prepaid on the 1st day of May, 2016.

Respectfully submitted,

James Willis Ben

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