June 16, 2016

FILED IN
COURT OF CRIMINAL APPEALS
JUN 20 2016
Abel Acosta, Clerk

Mr Abel Acosta
Clerk, Court of Criminal Appeals
P O Box 12308
Capitol Station
Austin, TX 78711

RE: Schlittler v State
CCA No. PD-1505-14
Trial Court Case No. 30390

Dear Mr Acosta;

Please find enclosed, my Motion for Appointment of Counsel. Would you please file these in the matter and promptly bring them to the Honorable Courts attention for consideration of same.

Thank you, in advance, for your help!

Respectfully,

David Schlittler # 1498090
Lynaugh Unit
1098 S Hwy 2037
Ft Stockton, TX 79735

cc: Ms Lisa C McMinn
State Prosecuting Attorney
P O Box 13406
Austin, TX 78711

Ms Melinda Fletcher
Special Prosecution Unit
P O Box 1744
Amarillo, TX 79105

COURT OF CRIMINAL APPEALS NO. PD1505-14

APPEAL CAUSE NO. 12-13-00269-CR

DAVID C SCHLITTLER Appellant	§	IN THE COURT OF
V.	§	CRIMINAL APPEALS OF TEXAS
THE STATE OF TEXAS Appellee	§	AT AUSTIN, TEXAS

MOTION FOR APPOINTMENT OF COUNSEL

TO THE HONORABLE JUSTICES OF THE COURT OF CRIMINAL APPEALS:

COMES NOW, David C Schlittler, Appellant Prose in the above Cause Numbers, with this Motion for An Appointment of Counsel pursuant to Rule 2 & 10.1, Texas Rules of Appellant Procedure & respectfully shows unto the Court:

I.

Appellant filed a Prose Motion for an Out of Time Motion for Rehearing requesting the Honorable Court consider the fundamental rights violated in the prosecution of the matter, but which were not presented for review.

The Court granted the motion & withdrew its May 23, 2016 Mandate on June 6, 2016, allowing Appellant until July 12, 2016 to file the brief.

II.

This Court has previously held that a Motion for Rehearing may be considered to decide an issue not presented in an original brief. See Hughes v State, 878 SW2d 142, 151 (TCA1992).

The review of these fundamental rights is proper and as such, it gives the Appellate Courts an opportunity to examine the issues overlooked, thus promoting efficiency in the legal system & would be in the interest of justice.

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III.

Appellant, having just received the granting of his motion, instantly brings this motion due to the great respect for the Courts precious time & understands that brief writing is a 'learned' science. Therefore, as a layman, unskilled & uneducated in law, offers that the assistance of a competent attorney skilled in constitutional law, would be best at briefing the merit's concisely & as briefly as possible, so as to allow the Court proper argument and case citings saving the Court time in determining the constitutional claims.

IV.

Recognizing that a rehearing can be used to bring issues which were not brought in an original appellant brief, is a reference to the appeal. Therefore, appointed assistance would be made an indigent unless the waiver of same was given. Appellant was appointed counsel for the appeal and does not silently waive the close assistance of counsel for briefing this matter.

Appellant recognizes "the right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel." Powell v Alabama, 287 US 45 (1932).

V.

WHEREFORE CONSIDERED, Appellant prays the Court grant this motion appointing an attorney for this proceeding for good cause & to expidite a decision on the constitutional deprivations as applied to Appellant which were not presented or considered in the original brief & that has importance in not only Appellant's case, but others, who may be similarly situated.

Respectfully submitted,



David Schlittler
TDCJ # 1498090
Lynaugh Unit
1098 S Hwy 2037
Ft Stockton, TX 79735

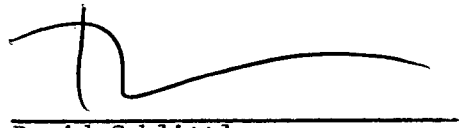
Appellant, Prose

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the Motion for An Appointment of Counsel has been served upon the parties below, by placing same in a postage prepaid envelope, and depositing same in the Lynaugh Unit's mail system on this, the 16th day of June, 2016.

Ms Lisa C McMinn
State Prosecuting Attorney
P O Box 13046
Austin, TX 78711

Ms Melinda Fletcher
Special Prosecution Unit
P O Box 1744
Amarillo, TX 79105



David Schlittler