

**IN THE SUPREME COURT OF TEXAS**

Misc. Docket No. 96- 9033

CORRECTED ORDER *nunc pro tunc*

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**REQUEST TO TRANSFER CASE  
FROM THE ELEVENTH COURT OF APPEALS  
TO THE FOURTEENTH COURT OF APPEALS**

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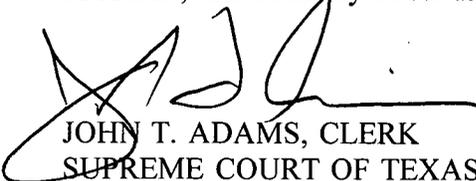
**ORDERED:**

The request to return to the Fourteenth Court of Appeals, the following case previously ordered transferred to the Eleventh Court of Appeals from the Fourteenth Court of Appeals is denied.

<b>NUMBER</b>	<b>STYLE OF CASE</b>
11-95-00270-CR	Melvin Ray Williams v. The State of Texas

As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City  
of Austin, this 29th day of January, 1996.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

**IN THE SUPREME COURT OF TEXAS**

Misc. Docket No. 93- 9033

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**REQUEST TO TRANSFER CASE  
FROM THE ELEVENTH COURT OF APPEALS  
TO THE FOURTEENTH COURT OF APPEALS**

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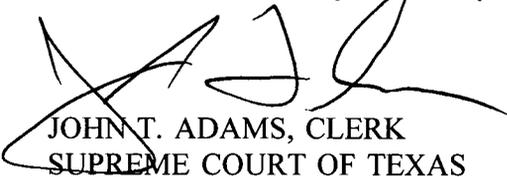
**ORDERED:**

The request to return to the Fourteenth Court of Appeals, the following case previously ordered transferred to the Eleventh Court of Appeals from the Fourteenth Court of Appeals Court of Appeals is denied.

<b>NUMBER</b>	<b>STYLE OF CASE</b>
11-95-00270-CR	Melvin Ray Williams v. The State of Texas

As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City  
of Austin, this 29th day of January, 1996.



JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

CLERK  
JOHN T. ADAMS

JUSTICES  
RAUL A. GONZALEZ  
NATHAN L. HECHT  
JOHN CORNYN  
CRAIG ENOCH  
ROSE SPECTOR  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

February 15, 1996

Ms. Sherry Williamson, Clerk  
Eleventh Court of Appeals  
Post Office Box 271  
Eastland, Texas 76448

RE: Request to Transfer Case (your ltr Jan. 17, 1996), Styled  
Melvin Ray Williams v. The State of Texas (11-95-00270-CR).

Dear Ms. Williamson,

The order of the Supreme Court of January 29, 1996 regarding the  
above request to transfer, is enclosed for your action as  
necessary.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Frances M. Northcutt  
Charles Freeman  
John B. Holmes  
Hon. Caprice Cospers  
Charles Bacarisse



RECEIVED  
IN SUPREME COURT  
OF TEXAS

JAN 22 1996

Misc. Docket No. 96- 9033

WILLIAM G. (BUD) ARNOT, III  
CHIEF JUSTICE  
BOB DICKENSON  
JUSTICE  
JIM R. WRIGHT  
JUSTICE

**Court of Appeals**

**Eleventh District of Texas**

100 WEST MAIN STREET  
P.O. BOX 271  
EASTLAND, TEXAS 76448

JOHN T. ADAMS, Clerk  
By \_\_\_\_\_ Deputy  
SHERRY WILLIAMSON  
CLERK

AREA CODE 817  
629-2638

January 17, 1996

John Adams, Clerk  
Supreme Court of Texas  
P. O. Box 12248  
Capitol Station  
Austin, TX 78711

RE: Court of Appeals Number: 11-95-00270-CR  
Trial Court Case Number: 94-02140  
Style: Williams, Melvin Ray v. The State of Texas

Dear Mr. Adams:

Enclosed please find Appellant's notice of lawyer and motion to transfer, filed in our Court on January 16, 1996, in the above cause. We are also enclosing a copy of our Court's order.

Pursuant to Miles v. Ford Motor Company, 39 Tex. Sup. C. J. 173, 174 fn.2 (December 22, 1995), we are forwarding this motion to your Court with our comment that this Court has no objection to this case being transferred back to the Fourteenth Court of Appeals in Houston, Texas.

Respectfully yours,

Sherry Williamson, Clerk

By: Diana Reynolds, Deputy

cc: Frances M. Northcutt  
Charles Freeman  
John B. Holmes  
Judge Caprice Cosper  
Charles Bacarisse, Harris County District Clerk

11th Court of Appeals

Eastland, Texas

Order

Melvin Ray Williams

Appellant

Vs. No. 11-95-270-CR -- Appeal from Harris County

State of Texas

Appellee

Appellant was convicted by the 339th District Court in Harris County. He timely perfected an appeal to the Fourteenth Court of Appeals in Cause No. 14-95-516-CR. That appeal was transferred to this court as one of 50 cases the Texas Supreme Court transferred from the Fourteenth Court in its April 14, 1995, order. TEX. GOV'T CODE ANN. § 73.001 (Vernon 1988).

Appellant's attorney has filed in this court a motion to transfer our Cause No. 11-95-270-CR back to the Fourteenth Court of Appeals. The Supreme Court recently noted in *Miles v. Ford Motor Company*, 39 Tex. Sup. Ct. J. 173, 174 fn.2 (December 22, 1995), that:

The proper procedure for presenting a motion to transfer to this Court is as follows: The party requesting a transfer should file a copy of the motion to transfer in each of the two courts of appeals, asking that, when the motion is forwarded to the Supreme Court, each court of appeals advise the Supreme Court in writing whether it has any objection to the proposed transfer. Any briefs in favor of the proposed transfer should also be filed in each court of appeals and forwarded with the transfer motion. We will then have the motion, the

briefs, and the comments of the two courts of appeals in determining whether to grant the motion to transfer.

Therefore, the motion to transfer filed in this court on January 16, 1996, is forwarded this day to the Texas Supreme Court. Appellant did not file a brief in support of his motion. This court has no objection to the appeal being transferred back to the Fourteenth Court of Appeals. The appeal is abated pending the action of the Texas Supreme Court on the motion to transfer.

PER CURIAM

January 17, 1996

Do not publish. See TEX.R.APP.P. 90.



September 1994; such election was denied by the trial court on 14 September 1994; and, Appellant filed written notice of appeal in that cause on 14 September 1994.

## II.

Appellant, *who was found by the trial court to be indigent for appellate purposes*, was convicted *over his jurisdictional objection*, by jury in *The State of Texas v. Melvin Ray Williams*, Cause No. 9402140 (Nos. 14-95-00516-CR and 11-95-00270-CR), Caprice Cosper, Judge Presiding, in the 339th Judicial District Court of Harris County, Texas, of the felony offense of forgery on 08 May 1995; was sentenced by that jury to thirty-three (33) years confinement in the Texas Department of Criminal Justice, Institutional Division (TDCJID), on 08 May 1995; and, filed written notices of appeal on 08 May 1995 as well as 01 June 1995.

## III.

This motion is *not* made for purposes of delay, but rather, is made in the interest of judicial economy as well as to allow the undersigned lawyer to render effective assistance of counsel to Appellant and to eliminate confusion.

WHEREFORE, PREMISES CONSIDERED, Appellant prays that this Honorable Court will grant this motion, judicially notice that the undersigned lawyer represents Appellant on appeal of each cause and order the Clerk of each Honorable Court to immediately facilitate transfer of No. 11-95-00270-CR *from* the Court of Appeals for the Eleventh Supreme Judicial District of Texas at Eastland *back to* the Court of Appeals for the Fourteenth Supreme Judicial District at Houston.

Respectfully submitted,



CHARLES FREEMAN  
Lawyer for Appellant  
Texas Bar No. 07422600  
P. O. Box 52818  
Houston, Texas 77052-2818  
713/747-7496





WILLIAM G. (BUD) ARNOT, III  
CHIEF JUSTICE  
BOB DICKENSON  
JUSTICE  
JIM R. WRIGHT  
JUSTICE

## Court of Appeals

Eleventh District of Texas

100 WEST MAIN STREET  
P.O. BOX 271  
EASTLAND, TEXAS 76448

SHERRY WILLIAMSON  
CLERK

AREA CODE 817  
629-2638

January 17, 1996

Frances M. Northcutt  
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P. O. Box 52818  
Houston, TX 77052-0818

John B. Holmes  
District Attorney  
Attn: Appellate Section  
201 Fannin Street, Suite 200  
Houston, TX 77002

RE: Court of Appeals Number: 11-95-00270-CR  
Trial Court Case Number: 94-02140  
Style: Williams, Melvin Ray v. The State of Texas

Dear Counsel:

Please be advised that our Court has this day ABATED the appeal in the above cause. We enclose a copy of our Court's order.

Appellant's notice of lawyer and motion to transfer has this day been forwarded to the Texas Supreme Court in the above cause.

Respectfully yours,

Sherry Williamson, Clerk

By: Diana Reynolds, Deputy

cc: John Adams, Clerk  
Judge Caprice Cospers  
Charles Bacarisse, Harris County District Clerk