

ARTICLE 11.07 FILED AND SET ISSUES

**NO ARTICLE 11.07 APPLICATIONS WERE FILED AND SET FOR
SUBMISSION ON THE WEEK OF JUNE 21, 2017**

ALPHABETICAL LISTING WITHOUT ISSUES

<u>WRIT NO.</u>	<u>NAME</u>	<u>DATE FILED AND SET</u>
WR-82,014-01	AGUILAR, CRISTIAN	04/06/2016
WR-84,091-01	CHANEY, STEVEN MARK	03/01/2017
WR-83,873-02	EVANS, MALCOLM JAMON	02/08/2017
WR-82,850-01, -02	JOHNSON, ANTHONY E.	10/07/2015
WR-85,192-01	JOHNSON, MORRIS LANDON	10/12/2016
WR-59,823-07	JONES, JAMES DOUGLAS	02/08/2017
WR-28,586-09	KUSSMAUL, RICHARD BRYAN	11/09/2016
WR-83,458-01	LEWIS, DARREN D.	06/29/2016
WR-83,458-02	LEWIS, DARREN D.	01/11/2017
WR-28,772-02	LONG, JAMES EDWARD	11/09/2016
WR-83,943-01	MCCLELLAN, KENNETH J.	12/09/2015
WR-82,264-03, -04	NAVARRO, MIGUEL ANGEL	01/25/2017
WR-84,073-01	PENA, MARTIN	11/18/2015
WR-35,508-03	PITTS, JAMES WAYNE, JR.	11/09/2016
WR-85,447-01	PUE, JEREMY WADE	10/12/2016
WR-86,381-01	RUBIO, ARMANDO	05/17/2017
WR-84,238-01	SANCHEZ, SARINA	01/13/2016
WR-83,185-07 TO -12	SCOTT, ORIAN LEE	09/14/2016
WR-84,754-01	SHELTON, MICHAEL D.	11/09/2016
WR-81,947-02	SPECKMAN, STEVE H.	09/14/2016
WR-49,980-12 TO -16	ST. AUBIN, KEITH MICHAEL	06/15/2016
WR-86,364-01, -02	THOMAS, EDWARD LOUIS	04/26/2017
WR-64,017-05	WIMBERLY, CHRISTOPHER E.	05/25/2016

NUMERICAL LISTING WITH FILED AND SET ISSUES

WR-28,586-09

KUSSMAUL, RICHARD BRYAN

11/09/2016

Whether Applicant's claims are barred by Article 11.07, § 4 of the Code of Criminal Procedure.

Whether Applicant is actually innocent.

Whether Applicant is entitled to relief under Article 11.073 of the Code of Criminal Procedure.

WR-28,772-02

LONG, JAMES EDWARD

11/09/2016

Whether Applicant's claims are barred by Article 11.07, § 4 of the Code of Criminal Procedure.

Whether Applicant is actually innocent.

Whether Applicant is entitled to relief under Article 11.073 of the Code of Criminal Procedure.

WR-35,508-03

PITTS, JAMES WAYNE, JR.

11/09/2016

Whether Applicant's claims are barred by Article 11.07, § 4 of the Code of Criminal Procedure.

Whether Applicant is actually innocent.

Whether Applicant is entitled to relief under Article 11.073 of the Code of Criminal Procedure.

WR-49,980-12 TO -16

ST. AUBIN, KEITH MICHAEL

06/15/2016

Whether Applicant's claim that he was sentenced to multiple punishments in violation of the Double Jeopardy Clause is procedurally barred under Article 11.07, § 4 of the Code of Criminal Procedure.

WR-59,823-07

JONES, JAMES DOUGLAS

02/08/2017

Whether Article 11.07, § 4(a)(2) of the Code of Criminal Procedure requires an applicant to make a prima facie showing of factual, as distinguished from legal, innocence.

Whether Applicant has made a prima facie showing of factual innocence, legal innocence,

or both for purposes of § 4(a)(2).

WR-64,017-05 **WIMBERLY, CHRISTOPHER E.** **05/25/2016**

Whether Applicant has established that he is actually innocent of aggravated robbery.

WR-81,947-02 **SPECKMAN, STEVE H.** **09/14/2016**

Should this Court adopt a rebuttable presumption that a motion to dismiss an Article 11.07 application is unreasonable if the motion is filed in this Court or a trial court after a trial court has factually developed the record and made findings of fact and conclusions of law?

If this Court should adopt such a presumption, what factors should this Court consider when determining if an applicant has rebutted this presumption?

What alternatives, other than a dismissal, are available to applicants who wish to dismiss their applications?

WR-82,014-01 **AGUILAR, CRISTIAN** **04/06/2016**

Whether the holding in *Padilla v. Kentucky*, 559 U.S. 356 (2010), applies to the facts in Applicant's case.

Whether Applicant was prejudiced or harmed, given that deportation proceedings have not been initiated in his case.

Notwithstanding *Padilla*, whether a defendant's guilty or no contest plea will be rendered involuntary if counsel affirmatively misadvises a defendant about the immigration consequences of his plea.

WR-82,264-03, -04 **NAVARRO, MIGUEL ANGEL** **01/25/2017**

Whether Applicant may rely on *Moon v. State*, 451 S.W.3d 28 (Tex. Crim. App. 2014), which was decided after Applicant's conviction became final, and if so, whether Applicant is entitled to relief under *Moon*.

WR-83,185-07 TO -12 **SCOTT, ORIAN LEE** **09/14/2016**

Whether trial counsel rendered ineffective assistance at the punishment stage of trial.

WR-83,458-01 **LEWIS, DARREN D.** **06/29/2016**

Whether Applicant's guilty plea was involuntary.

WR-83,458-02 **LEWIS, DARREN D.** **01/11/2017**

Whether Applicant's guilty plea was involuntary.

WR-83,873-02 **EVANS, MALCOLM JAMON** **02/08/2017**

Whether trial counsel's erroneous advice on parole eligibility rendered Applicant's plea involuntary.

WR-83,943-01 **MCCLELLAN, KENNETH J.** **12/09/2015**

Whether an applicant may facially challenge the constitutionality of a statute, which has not been previously held unconstitutional, for the first time in a post-conviction habeas application.

Assuming that an applicant may do so, whether § 33.021(c) and (d) of the Penal Code are overbroad and vague in violation of the First Amendment.

WR-84,073-01 **PENA, MARTIN** **11/18/2015**

Whether the police misconduct in Applicant's case should be imputed to the prosecution for purposes of Applicant's claim that the prosecution violated *Brady v. Maryland*, 373 U.S. 83 (1963).

Whether this misconduct is exculpatory.

Whether Applicant's plea was involuntary because of "impermissible conduct by state agents." *Brady v. United States*, 397 U.S. 742, 757 (1970).

WR-84,091-01 **CHANEY, STEVEN MARK** **03/01/2017**

Whether Applicant has established that he is actually innocent, material false evidence was presented at his trial, the State failed to disclose evidence in violation of *Brady v. Maryland*, 373 U.S. 83 (1963), and he is entitled to relief under Article 11.073 of the Code of Criminal Procedure.

WR-84,238-01 **SANCHEZ, SARINA** **01/13/2016**

Whether trial counsel rendered Applicant's guilty plea involuntary.

WR-84,754-01 **SHELTON, MICHAEL DEWAYNE** **11/09/2016**

Whether Applicant is actually innocent.

Whether Applicant is entitled to relief under Article 11.073 of the Code of Criminal Procedure.

WR-85,192-01 JOHNSON, MORRIS LANDON II 10/12/2016

Whether the Texas Board of Pardons and Paroles' practice of holding a parole vote for only an offender's "holding" case is proper when the sentence in question affects when a second stacked sentence begins to run.

WR-85,447-01 PUE, JEREMY WADE 10/12/2016

Whether a 2007 probated conviction from California was available as a punishment enhancement in California and therefore available as a punishment enhancement in Texas.

Whether Applicant's thirty-year sentence was rendered illegal because his 2007 probated conviction from California was reduced to a misdemeanor "for all purposes" in 2015, after he was sentenced in the present case.

WR-86,364-01, -02 THOMAS, EDWARD LOUIS 04/26/2017

Whether trial counsel was deficient and his deficient conduct prejudiced Applicant.

WR-86,381-01 RUBIO, ARMANDO 05/17/2017

Whether Applicant has established that he is actually innocent.