

**IN THE 242<sup>ND</sup> DISTRICT COURT OF SWISHER COUNTY, TEXAS**  
**and**  
**IN THE COURT OF CRIMINAL APPEALS, AUSTIN, TEXAS**

JASON JEROME WILLIAMS,	)	
	)	
Applicant,	)	Nos. 51,824 – 01, -02, -03, -04
	)	
v.	)	(Trial Court Cause Nos.
	)	B-3340-9907-CR, B-3341-9907-CR,
	)	B-3342-9907-CR, B-3356-9908-CR)
	)	
STATE OF TEXAS,	)	
	)	
Respondent.	)	
	)	

**MOTION FOR COURT TO GIVE NOTICE AS TO HOW IT WILL COMPLY WITH  
COURT OF CRIMINAL APPEALS’S ORDER DATED 9/25/02**

JASON JEROME WILLIAMS, an indigent prisoner now incarcerated in the Roach Unit of the Texas Department of Corrections in Childress, Texas, by and through counsel, respectfully moves this Court to set this matter for a conference, or set forth in an Order, how it intends to comply with the Court of Criminal Appeals’s Order dated September 25, 2002. *See* Court Order (Sept. 25, 2002)

1. Mr. Williams filed an Application for Writ of Habeas Corpus with the Swisher County Court on January 7, 2002. He then filed a Motion for Discovery on January 29, 2002, and a Motion for Evidentiary Hearing on February 1, 2002. His Application was transferred to the Court of Criminal Appeals on February 22, 2002. The District Attorney made no response to any of the claims presented in Mr. Williams’s Application. He also made no opposition to any of the motions filed in conjunction with his Application. Furthermore, the District Court took no action on Mr. Williams’ discovery or evidentiary hearing motions.

2. On October 6, 2002, Mr. Williams's counsel received notice that this Court remanded, on September 25, 2002, three of Mr. Williams's cases, Writ No. 51,824-01 (Trial Court Cause No. B-3341-99-07-CR), Writ No. 51,824-03 (Trial Court Cause No. B-3356-99-08-CR), Writ No. 51,824-04 (Trial Court Cause No. B-3342-99-07-CR) for an evidentiary hearing in the convicting court because this Court "believe[s] that Applicant has alleged facts which, if true, might entitle him to relief" and that "additional facts need to be developed." *See* Court Order (Sept. 25, 2002) at 1. The Court of Criminal Appeals of Texas expressly directed this Court to "develop . . . additional facts" and enter findings of fact and conclusions of law within 90 days.

3. On October 10, 2002, the Amarillo Globe-News reported that Judge Self of this Court stated, in part, that "[t]he trial court can resolve the facts by ordering affidavits, sending written questions or conducting a hearing. I'm going with the affidavits first to see if we can get these questions answered." Greg Cunningham, *Tulia Cases Returned to Trial Courts*, Amarillo Globe-News, Oct. 10, 2002, at 5C.

4. In light of this Order – as well as Article 11.07 of the Texas Criminal Code of Procedure, Article 1, §§ 10 and 19 of the Texas Constitution, and Amendments V, VI and XIV of the United States Constitution – applicant Jason Jerome Williams respectfully requested, on October 17, 2002, that the Court allow him to conduct discovery on an expedited basis and to hold an evidentiary hearing following the completion of discovery.

5. As of this date, Mr. Williams has not heard back from Judge Self about how the Court intends to resolve the matters about which the Court of Criminal Appeals has expressly directed that further fact-finding take place. Nor has Mr. Williams's received any response to the motions he filed with the Court on October 17, 2002: two Motions of Non-resident Attorney Seeking Permission to Participate in Texas Proceedings, and Motion for Expedited Discovery

and Evidentiary Hearing. Given the short time frame remaining for the Swisher County Court to comply with the Court of Criminal Appeals 's order, Mr. Williams moves this Court to provide notice as to how it intends to comply with the Court of Criminal Appeals's Order dated September 25, 2002.

WHEREFORE Mr. Williams respectfully requests that this Court set this matter for a conference, or set forth in an Order, how it intends to comply with the Court of Criminal Appeals's Order dated September 25, 2002.

Respectfully submitted,

ELAINE R. JONES  
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