

In the Criminal Court of Appeals, Austin, TEXAS

Cause no: F149622007; F149632007; F149642007

ws no - 68,962-07

Tracy Gibson #49834  
(Applicant)

- v -

State of Texas

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§

"Request for"  
Court Order

"Null and void indictment"

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TO the HONORABLE Judge(s):

It came on Thursday, March 25<sup>th</sup>, 2016, in the above styled cause a Pretrial date has been set for April 29<sup>th</sup>, 2016, at 9:00 am; jury selection set for May 24<sup>th</sup>, 2016 at 8:00 am and trial date for same date.

Abel Acosta, Clerk

Applicant, was given 2 seperate court orders from this honorable court not fully addressing his claims from the original filings of his §11.07 writ of habeas corpus application. Neither order from this court officially stated if applicants' original indictment is nullified and voidable because of the jurisdictional defect that omitted an affirmative deadly weapon finding.

Applicant, addressed and stated this claim to his trial court (145<sup>th</sup> Dist of Nacogdoches County) in an art. §11.07 writ of habeas corpus application originally filed in

August, 2007. This gave the trial court adequate notice of the jurisdictional defect of the indictment used in applicants' conviction 9 years ago in May, 2007.

Instead of the trial court amending the indictment in a timely manner, the trial court on it's own conducted a criminal court proceedings; Wane Procedure, that is voidable for attempting to correct a judicial error; that can only correct clerical errors.

Applicant, demands the relief and Prayer from this court by a court order; issues to the trial court (145<sup>th</sup> Dist.); that the original indictment; by applicants' statement of claim, is entitled to relief by ordering the indictment null and void.

Applicants', trial court, as of 2-25-16 has filed motion to amend the original indictment; 9 years after the notification of the jurisdictional defect. This is an irreversible error that prejudices the applicants' defense because of the trial courts due diligence to timely file a motion to amend.

Applicant, objected to the States motion to amend the original indictment with the jurisdictional

defect. Furthermore, Applicant, demands an order from this court answering applicants' writ of mandamus filed in May, 2015, requesting the trial court to enforce it's illegal filing of a voidable nunc pro tunc order filed in October 15<sup>th</sup>, 2007.

For the demands stated herein is entitled to relief before, Applicant, can proceed in his new trial granted by this honorable court as per bench-warrant in Jan 13<sup>th</sup>, 2016. Applicant, requests a court order, before his pretrial date set for 4/29/16 at 9:00 A.M.

Respectfully submitted and executed by  
me on this 26<sup>th</sup> day of February, 2016.

Tracy Ray Nelson 2-26-16  
Tracy Ray Gibson 2-26-16