IN The
TENTH COURT OF APPEALS

NO. 10-22-00052-CR

IN RE LAWRENCE RAY DOUGLAS

RECEIVED
APR 11 2022
COURT OF APPEALS
WACO, TEXAS

Original Proceeding

MOTION TO REBUT TRIAL COURT'S FINDINGS AND CONCLUSION

Comes Now, Lawrence Ray Douglas T.D.C. NO. 648044, appearing Pro Se, Presents his Motion to Rebut Trial Court's Findings and Conclusion Pursuant to the Tex. Code. of Crim. Proc. article 11.07(3)c, for reasons as Follows:

I. Facts of the Case

1.01 On February 22, 2022 Relator Filed his Original writ of Mandamus in the Tenth Court of Appeals Pursuant to T.C.C.P. article 11.07(3)c to have this Court "Compel the Trial Court, as a matter of law, make its Findings and Conclusion of law and, if necessary, conduct an evidentiary hearing without Further delay."

1.02 The Court of Appeals requests a response to the mandamus. Any response from the Respondent or, the real Party in interest, must be filed by march 30 2022. see Order/Court of Appeals NO. 10-22-00052 Cr. Trial Court NO. 6442 In Re Lawrence Ray Douglas.

1.03 If the Relator's requested relief has been made before the due date for the response, documentation of such may be Provided to this Court in lieu of a response and this Proceeding would be moot. Court of Appeals/Order NO. 10-22-00052 Cr.

1.04 On March 25, 2022, the Trial Court issued its Findings and Conclusions. Trial Court's Findings and Conclusions No. 10-22-00052 Trial Court's No. 6442 82nd Judicial District Court.

II. Relator's Rebuttal/Arguments

1.05 Trial Court erred in its Findings and Conclusions that Relator filed his article 11.07 writ of habeas corpus application form on "October 21 2022." The month and day of October is correct. However, the "year" is incorrect. See Trial Court's Findings Paragraph F. Page 1 of 2 and Page 2 of 2 Trial Court's Conclusions.

1.06 An article 11.07 writ of habeas corpus application form was executed on October 15, 2021 and was presented to the Texas Department of Criminal Justic - Institutional Division on "October 21, 2021" by certified mail. See Relator's Original Application for Writ of Mandamus/B. Factual Allegations Page 1 of 7 Tenth Court of Appeals 10-22-00052 CR (February 22 2022).

1.07 Trial Court erred in its Findings and Conclusions without a showing of a "Notice of Filing," presented to Relator, of his article 11.07(3)c writ of habeas corpus from the 82nd Judicial District Clerk of Falls County, Texas.

1.08 The 82nd Judicial District clerk, as Respondent, has a "ministerial duty" to receive and file all papers in a criminal proceeding, and perform all other duties imposed on the clerk by law pursuant to T.C.C.P art. 2.21.

1.08 Due to the failure of the 82nd Judicial District Clerk to give "Notice of Filing" and "Notice of Receipt" of Relator's article 11.07 writ of habeas corpus, are reasons why Relator filed his original writ of mandamus to the Tenth Court of Appeals.

1.09 Such failure by the 82nd Judicial District clerk, to receive

and file all papers in a criminal proceeding and perform all other duties imposed on the clerk by law pursuant to T.C.C.P art. 2.21, is a "dereliction of duty."

1.10 Trial court erred in its findings and conclusions that relator's confinement is "germane and material" of his conviction.

1.11 Relator agrees with the trial court's conclusions that: "does not find where there are any controverted unresolved facts material to the legality of Lawrence Ray Douglas trial, conviction or sentence ..." because, Relator is not challenging his trial, conviction or sentence. see Relator's Article 11.07 Writ Application Form page 1 and 4. Also see, Relator's Memorandum of Law supporting writ of habeas corpus pages 1-28, which are in possession of the 82nd Judicial District Court. Relator's legal documents will clearly show that its claims and arguments are "parole related only."

1.12 Ex Parte Evans, 964 S.W.2d at 647. (A claim regarding parole revocation does not address the validity of the underlying conviction... because it does not call into question the validity of the prosecution or the judgment of guilt.).

1.13 Trial court erred in it's conclusions that Relator's confinement has any controverted unresolved facts material pertaining his parole violation (parole revocation).

1.14 Relator alleges in his article 11.07 writ application form claims that are his confinement are in violation of the United States constitutions and Texas constitutions. Also, Relator submitted sufficient records supporting his factual allegations. see Relator's Original Writ of Mandamus page 1 of 7 Relator's Article 11.07 Writ Application form pages 6-15.1 and Relator's memorandum of law supporting writ of habeas corpus / Burden of Proof pages 17 of 28

and 18 of 28. By submitting sufficient records to support Relator's factual allegations, establishes his "Burden of Proof."

1.15 "It is a habeas corpus applicant's obligation to provide sufficient records that support his factual allegations with proof by a preponderance of the evidence..." Ex Parte Chandler, 182 S.W. 3d. 350, 353 (Tex. Cr. Crim. App 2005). Therefore, Relator believes he has satisfied this test in Ex Parte Chandler, supra. In addition, there exist controverted unresolved facts material to Relator's confinement pertaining parole violations (parole revocation).

III. Relator's Conclusions

1.16 The Trial Court's Findings and Conclusions lacks authentication because, it's findings and conclusions has no legal grounds nor, legal effect without a showing of "Notice of filing" and "Notice of receipt" of Relator's article 11.07(3) c writ application form, along with an assigned writ number pertaining Relator's parole revocation.

1.17 Furthermore, Relator's claims are cognizable because, he has alleged in his article 11.07 writ application form and memorandum of law supporting writ of habeas corpus that, his confinement violates the United States Constitutions and Texas Constitutions.

1.18 Therefore, Relator respectfully request this Honorable Tenth Court of Appeals reissue and order compelling the Trial Court respond to relator's original writ of mandamus that was filed in this court on February 22, 2022 and reconsider this proceeding as moot.

IV. Unsworn Declaration

1.19 My name is Lawrence Ray Douglas. My date of Birth is November 24,1967 and my Inmate identification number is 648044. I am Presently incarcerated in Gib Lewis Unit, Tyler County Texas 75990. I, declare under Pentalty of Perjury that the Contents of this Motion To Rebut Trial Court's Findings and Conclusions and the facts stated herein above are true and Correct.

Executed on the 5th day of April 2022

Signature: Lawrence Ray Douglas

Print: Lawrence Ray Douglas

April 5, 2022

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To: Kim Wernet/Deputy Clerk

Enclosed Please find one (1) original copy of Relator's "Motion To Rebut Trial Court's Findings and Conclusions" that I received on April 1 2022.

Please have the stated above motion filed. Thank you!

Your assistance concerning this matter is appreciated.

Respectfully Submitted

Lawrence Ray Douglas

Lawrence R. Douglas #00648044
Gib Lewis Unit
777 Fm 3497
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