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BY APPOINTMENT ONLY

Thursday, February 14, 2019

Deana Williamson – Clerk of the Court
Texas Court of Criminal Appeals
201 W. 14th Street, Room 106
Austin, TX 78701

Re: Appellant's list of supplemental authority for Oral Argument to the Court on February 20, 2019 in *Watkins v. State*, PD 1015-18

Dear Ms. Williamson,

Pursuant to the Court's standing order regarding oral argument, I have included a list of supplemental authorities in addition to those relied upon in Appellant's brief.

1) *Mahaffey v. State*, 364 S.W.3d 908 (Tex. Crim. App. 2012)
When interpreting a statute, the Court looks not only at the single, discrete provision at issue but at other provisions within the whole statutory scheme.

2) *Hollie v. State*, __ S.W.3d ___ (Jan. 30, 2019)(J. Hervey concurring in refusal of PDR)
Exclusion of untimely provided evidence is appropriate remedy

3) *Dillehey v. State*, 815 S.W.2d 623, 625 (Tex. Crim. App. 1991)
Legislative intent may be derived from the language of the statute, its legislative history and the "context of the entire law in which it is written."

4) *State v. Terrell*, 588 S.W.2d 784, 786 (Tex. 1979)
After the intent of the Legislature is ascertained, courts must enforce that intent even though the intent is not altogether consistent with the strict letter of the statute.

5) *State v. Dyer*, 145 Tex. 586, 200 S.W.2d 813 (1947)
(same as *Terrell*)

6) *Ex parte Henderson*, 565 S.W.2d 50, 54 (Tex. Crim. App. 1978)
Where a statute that has been construed, either by a court of last resort or by executive officers, is reenacted without any substantial change of verbiage, it will continue to

receive the same construction. This settled rule applies whether the old act is merely amended or is incorporated in a revision; and it applies with particular force in the construction of a statute that has been repeatedly reenacted without change. On the other hand, the rule does not apply where substantial changes are made in the new law; and it may be doubted whether it applies where the existence and meaning of the reenacted statute are dependent on another written law.

Respectfully submitted,

/s/ J. Edward Niehaus
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Served via e-filing on this Thursday February 14, 2019 via electronic filing to Robert Koehl (rkoehl@navarrocounty.org), as well as to the State Prosecuting Attorney's Office (information@spa.texas.gov) and to Amicus Counsel Mr. Lane Haygood on behalf of TCDLA (haygoodlawfirm@gmail.com)

/s/ J. Edward Niehaus
J. Edward Niehaus