

The offense was a Third Degree Felony and at least 3 years has elapsed from the date of the arrest.

The judgment of conviction in F1302363 was entered against Louis Charles Skinner by the 420th Judicial District Court of Nacogdoches County, Texas.

Applicant received a sentence of more than 90 days in Nacogdoches County jail for the offense.

The judge assessed punishment pursuant to a plea bargain agreement.

Applicant pleaded guilty to the offense.

No jury trial was held.

Applicant did not testify at the guilt-innocence phase as there was no jury trial. Applicant did sign a stipulation of evidence and offer an acknowledgment under oath.

Applicant did not testify at the punishment phase as there was no jury trial. Applicant did sign a stipulation of evidence and offer an acknowledgment under oath.

Applicant signed a Waiver of Appeal and did not appeal the judgment of conviction.

No previous application for writ of habeas corpus has been filed in this matter.

No petition or appeal attacking the judgment of conviction is pending in any court, state or federal.

II. ARGUMENTS

The Plea of Guilty, Waiver, Stipulation, and Judicial Confession in F1319959 is Void.

Petitioner is entitled to an Order to Vacate Conviction and Sealing of All Records of Cause Number F1320363 because the Felony Defendant's Plea of Guilty, Waiver, Stipulation, and Judicial Confession is void.

See attached Exhibit "A" - Cause Number F1320363 Felony Defendant's Plea of Guilty, Waiver, Stipulation, and Judicial Confession, 11/26/2013.

On November 26th, 2013 Andrew Jones was not a licensed attorney and was ineligible to practice law in the State of Texas. Andrew Jones signed Petitioner's Plea of Guilty, Waiver, Stipulation, and Judicial Confession as "Attorney for the State" when in fact, he was not a licensed attorney.

Andrew Jones signed the Petitioner's Agreed Punishment Recommendation as "Attorney for the State" when he was not a licensed attorney.

Petitioner has attached a sworn affidavit attesting to the fact Petitioner was never advised nor waived his Texas Constitutional right to be prosecuted by a licensed Texas attorney. *See below*— Louis Charles Skinner's Sworn Affidavit, 2/11/2020.

III. BASIS FOR HABEAS CORPUS

Louis Charles Skinner's constitutionally guaranteed due process freedoms and civil liberties have been unlawfully deprived for the following reasons:

1. The convictions were obtained by a plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
2. Louis Charles Skinner was convicted based on the presentation of perjured testimony.
3. Louis Charles Skinner was denied effective assistance of counsel.
4. Louis Charles Skinner received an illegal sentence.

Louis Charles Skinner prays that the Court grant and issue a Writ of Habeas Corpus to the Sheriff of Nacogdoches County, Texas, directing and commanding production of Andrew Jones before this court instanter, or at such time and place to be designated by this Court, then and there to show cause, if any there be, why Louis Charles Skinner should not be discharged from such unlawful and illegal conviction.

Louis Charles Skinner further requests this Court, after receiving evidence, to grant Applicant any relief to which he may be entitled.

Respectfully submitted,

PAUL ANDERSON, PLLC



PAUL V. ANDERSON
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601 North Street
Nacogdoches, Texas 75961
Phone: (936) 305-5600
Fax: (936) 236-6242
Email: paul@paulanderson.law
ATTORNEY for Louis Charles Skinner

CERTIFICATE OF SERVICE

This is to certify that on February 11th, 2021 a true and correct copy of the above Application for Writ of Habeas Corpus Seeking Relief From Final Felony Conviction Under Tex. Code Crim. P. Article 11.07 was served on the District Attorney's Office, Nacogdoches County, Texas. No waiver whatsoever of Andrew Jones' conflict of interest in this Writ of Habeas Corpus action is made by this filing.

A handwritten signature in black ink, appearing to be 'AJ', written over a horizontal line.

Andrew E. Jones, IV
District Attorney, Nacogdoches County
101 W Main St., Ste. 250
Nacogdoches, Texas 75961
ajones@co.nacogdoches.tx.us

Amanda Morrison
DPS Criminal Records Attorney
PO Box 4143
Austin, TX 78765
amorrison@ dps.texas.gov

CAUSE NO. F1320363

STATE OF TEXAS

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§
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§
§

IN THE DISTRICT COURT

Vs.

420th JUDICIAL DISTRICT

LOUIS CHARLES SKINNER

NACOGDOCHES COUNTY, TEXAS

~~~~~

**ORDER OF SETTING**

On \_\_\_\_\_, 2021, came to be heard the Application of Louis Charles Skinner for a Writ of Habeas Corpus, and it appearing to the Court that Louis Charles Skinner is entitled to a hearing on said Application, it is **THEREFORE ORDERED** that the Clerk of this Court issue a Writ of Habeas Corpus directed to the Sheriff of Nacogdoches County or the District Attorney of Nacogdoches County Texas, and commanding the District Attorney of Nacogdoches County Texas to have and produce Andrew Jones before me in the courtroom of the 420<sup>th</sup> Judicial District Court, on \_\_\_\_\_, 2021, at \_\_\_\_\_ o'clock, then and there to show cause why Louis Charles Skinner's judgment of conviction in F1320363 should not be vacated.

Signed on \_\_\_\_\_, 2021

\_\_\_\_\_  
JUDGE PRESIDING

**CAUSE NO. F1320363**

**STATE OF TEXAS**

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§

**IN THE DISTRICT COURT**

**Vs.**

**420<sup>th</sup> JUDICIAL DISTRICT**

**LOUIS CHARLES SKINNER**

**NACOGDOCHES COUNTY, TEXAS**

~~~~~

WRIT OF HABEAS CORPUS

TO THE SHERIFF OF NACOGDOCHES COUNTY, TEXAS:

GREETINGS:

You are commanded to bring before this Court and produce Andrew Jones before me on _____, 2021, at _____ o'clock, then and there to show cause why Louis Charles Skinner' judgment of conviction in F1330363 should not be vacated.

HEREIN FAIL NOT, and return make hereof.

Signed on _____.

JUDGE PRESIDING

Affidavit of Steven Louis Charles Skinner

STATE OF TEXAS §

NACOGDOCHES COUNTY §

“My name is Louis Charles Skinner. I am over the age of 18, I am fully competent in all respects to swear this affidavit. I have personal knowledge of the facts of this affidavit.

On or about the 26th of November, 2013, I was in 420th Judicial District Court, Nacogdoches County Texas. I was prosecuted as the Defendant in Cause Number F1320363 by Andrew Jones.

Andrew Jones signed an Felony-Defendant’s Plea of Guilty, Waiver, Stipulation and Judicial Confession against me “ATTORNEY FOR STATE.”

I was never told that Andrew Jones was not a licensed Texas attorney on this date.

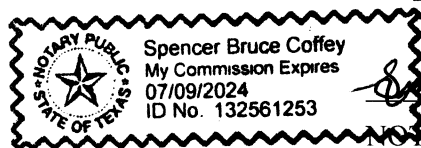
Had I known Andrew Jones was not a licensed Texas attorney on this date I would not have agreed to proceed.

Had I known Andrew Jones was not a licensed Texas attorney on this date I would have not have agreed to waive my right to be prosecuted by a licensed Texas attorney.

FURTHER AFFIANT SAYETH NOT.”

Louis Charles Skinner
Louis Charles Skinner

SUBSCRIBED AND SWORN TO BEFORE ME on this the 10th day of February, 2021.



Spencer Bruce Coffey
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

STATE'S EXHIBIT #1

Cause Number F1320363

THE STATE OF TEXAS § 145TH/420TH JUDICIAL
VS § DISTRICT COURT
LOUIS CHARLES SKINNER § NACOGDOCHES COUNTY, TEXAS

FELONY-DEFENDANT'S PLEA OF GUILTY
WAIVER, STIPULATION AND JUDICIAL CONFESSION

Now comes the Defendant in open court in the above entitled and numbered cause and represented by his attorney with whom he has previously consulted and makes the following voluntary statement prior to entering a plea in this cause:

1. That I am sane and mentally competent and that I understand the nature of the charges contained in the indictment in this cause.
2. That I understand the consequences of a plea of guilty, including the minimum and maximum punishment provided by law; and that any recommendation of the Prosecuting Attorney as to punishment is not binding on the Court. I further state that I have personally agreed to the State's recommendation in this cause.
3. That I understand I have the right to a trial by jury whether I plead "guilty", "not guilty" or "nolo contendere".
4. That I have the right to remain silent but if I choose not to remain silent, anything I may say can be used against me.
5. That I have the right to be confronted with the witnesses against me whether I have a trial before the Court or the jury.
6. I further understand that any plea bargain must be placed of record during these proceedings.
7. I further understand that prior to any final adjudication, the Court will announce in open court whether it will accept the recommendation of the State's Attorney and in the event the Court does not accept it I may withdraw my plea and be heard in a subsequent hearing.
8. I further understand that it is the policy of the District Court not to reduce any term of community supervision granted except under the most compelling circumstances.

However, I desire to waive and do waive the following rights:

1. I waive the reading of the indictment or information, and the right to service of a copy of the indictment or information, the time allowed by law to file motions and pleadings, and to prepare for trial, the discovery of exculpatory evidence, if any exists, and the right against double jeopardy.
2. I waive the right of trial by jury and the right to a speedy trial, and request the consent and approval of the Court and of the Attorney for the State to such waiver of trial by jury.
3. I waive my right to remain silent, the privilege against self-incrimination (as to guilt and punishment), and state that if called I will take the witness stand knowing anything I may say can be used against me and I make a judicial confession of my guilt.
4. I waive the right to be confronted with the witnesses against me and request the approval of the Court to the stipulation of the evidence by my waiving the appearance, confrontation and cross-examination of witnesses, and by my further consenting to the introduction of testimony and evidence by oral or written stipulation or by affidavit, or by written statements of witnesses and any other documentary evidence.
5. I waive the 10-day waiting period for trial after the appointment of counsel (if counsel was appointed and ten days have not elapsed since that appointment).
6. I waive the right to arraignment and agree that I may be tried under the name as it appears in the indictment.

I do further admit and judicially confess that I knowingly, intentionally, and unlawfully committed the acts alleged in the indictment in this cause at the time and place and in the manner alleged, and that I am in fact GUILTY of the offense of Theft Property <\$1,500 2/More Previous Convictions and that I enter my plea of GUILTY to said offense, and that my plea of GUILTY is voluntary and is not influenced by any consideration of fear or any persuasion or any delusive hope of pardon.

_____ I do not contest that if the state's witness' were called that they would testify that I committed the acts alleged in the indictment in this case, at the time and place alleged and in the manner alleged.

I further waive my right to have the State utilize due diligence in apprehending me and hearing the allegations contained in any motion to revoke community supervision or adjudicate guilt should such a motion be filed and a capias be issued before my term of community supervision has expired; and I waive my right to assert any defense or claim of due diligence in any future revocation or adjudication proceeding.

I further understand that in the event I am convicted I have the legal right of appeal to the Twelfth Court of Appeals of Texas, and also the right to be represented on appeal by an attorney or the record on appeal, the Court will, without expense to me and upon my timely and proper request provide an attorney and a proper record for such appeal; HOWEVER, I WAIVE ANY RIGHT TO A MOTION FOR NEW TRIAL OR APPEAL AND WISH TO ACCEPT SENTENCE.

On the issue of punishment I agree that any pre-sentence investigation report of the Probation Department of this Court may be considered by the Court.

I further waive a pre-sentence report or pre-sentence investigation and request the Court to allow the State of Texas to introduce any evidence to give the Court sufficient information to permit the meaningful exercise of sentencing discretion.

If community supervision (probation) in any form is recommended, I understand that the court has the discretion to impose any reasonable condition of supervision (including confinement in various facilities, treatment, and restitution centers) without violating the plea agreement, if any, unless the plea agreement expressly limits or prohibits such a condition.

Larry Skinner
DEFENDANT

Sworn to and subscribed before me by the said Defendant on this the 26th
day of November, 2013.

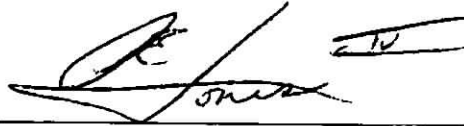
Loretta Cammack
Loretta Cammack
District Clerk
Nacogdoches County

By: [Signature]
Deputy District Clerk
Nacogdoches County

I have consulted with the Defendant; advised him of his rights; believe him to be sane and mentally competent, and approve his signing of this plea of guilty, waiver of a jury, agreement to stipulate testimony, and judicial confession. I further waive the 10-day period for preparation before trial if I was appointed and ten days have not elapsed since my appointment.

[Signature]
Attorney for Defendant

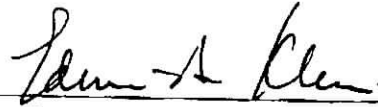
Before the entry of the Defendant's plea of guilty herein, the above requests, waivers and stipulations are hereby consented to and approved by me, the attorney representing the State.



Attorney for the State

It clearly appears to the Court that the Defendant is sane and mentally competent and is represented by competent counsel and that said Defendant understands the nature of the charge against him and that he has been by the Court warned of the consequences of a plea of guilty including the minimum and maximum punishment provided by law, that the attorney for the defendant and the State consent and approve the waiver of a trial by jury and agree to stipulate the testimony in this case, the Court, therefore, finds such plea of guilty, waiver and consent to be voluntarily made and approves the waiver of a jury herein and the consent to stipulate testimony.

Prior to accepting the Defendant's plea of guilty the Court admonished the Defendant of the range of punishment attached to the offense and the fact that the recommendation of the Prosecuting Attorney as to punishment was not binding on the Court.



Judge Presiding

CAUSE NUMBER F1320363

THE STATE OF TEXAS	§	145TH420TH JUDICIAL
	§	
VS	§	DISTRICT COURT
	§	
LOUIS CHARLES SKINNER	§	NACOGDOCHES COUNTY, TEXAS

ADMONITIONS TO DEFENDANT

The Court advises you, the Defendant, that you are charged with committing the criminal offense of: Theft Property <\$1,500 2/More Previous Convictions:

- A FELONY First Degree Second Degree Third Degree State Jail
- but you are pleading to the lesser included offense of _____
- but you are pleading to the _____ count (s) only.
- but the offense with which you are charged is to be punished/tried as a Class A misdemeanor by virtue of Article 12.44-(a)(b) Texas Penal Code.
- and the State elects to abandon the ~~FELONY ENHANCEMENT~~ count(s) of the indictment.

You, the Defendant, are entering a Plea of Guilty Nolo Contendere and the range of punishment for the offense to which you are entering a plea is:

~~Confinement in the Texas Department of Corrections for _____ Life, or a term of not less than 2 years nor more than 10 years and in _____ addition thereto, you may be assessed a fine of not more than \$10,000.00.~~

Confinement in a Texas State Jail for any term of not more than two years or less than 180 days and in addition thereto, you may be assessed a fine of not more than \$10,000.00.

Confinement in the County Jail of Nacogdoches County, Texas, for a term of not more than ~~1~~ one year and/or a fine of not more than \$4,000.00.

The punishment agreed to between the State and you, the Defendant in the plea bargain agreement is:

~~Confinement in the Texas Department of Corrections for _____ Life, a term of 5 years, and a fine of \$ 1,500.~~

~~The confinement provision of the plea bargain agreement is probated for a period of 5 years, _____ months _____ days.~~

~~Restitution in the amount of \$ 4.80.~~

____ Confinement in a Texas State Jail for a term of _____ years _____ months _____ days, and a fine of \$ _____.

____ The confinement provision is probated for a period _____ years _____ months _____ days.

____ Restitution in the amount of \$ _____.

____ Confinement in the Nacogdoches County Jail for a period of _____ days up front as a term and condition of probation.

Confinement in the Nacogdoches County Jail for one year _____ months 10 days and a fine of \$ _____.

____ The confinement provision of the plea bargain agreement is probated for a period of _____ years _____ months _____ days.

____ Restitution in the amount of \$ _____.

____ A fine only in the sum of \$ _____.

____ Deferred Adjudication of Guilty pursuant to Article 42.12 C.C.P. for a probation term of _____ years, a fine of \$ _____, restitution of \$ _____.

WAIVER OF ANY APPEAL

The Court further admonishes you as follows:

The recommendation of the Prosecuting Attorney, if any, as to punishment is not binding on the court. Provided that the court shall inquire as to the existence of any plea bargaining agreements between the state and the defendant and, in the event that such an agreement exists, the court shall inform you, the Defendant, whether it will follow or reject such agreement in open court and before any finding on the plea. Should the court reject any such agreement, you, the Defendant shall be permitted to withdraw your plea of guilty or nolo contendere, but if there is no plea agreement, you, the Defendant have no right to withdraw your plea following sentencing; and if the punishment assessed does not exceed the punishment recommended by the prosecutor and agreed to by you, the Defendant, and your attorney, and if you have not waived your right to appeal, the trial court must give its

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permission to you, the Defendant, before you may prosecute an appeal on any matter in the case except for those matters raised by written motions filed prior to trial: and if you have a right of appeal and you qualify as an indigent person, one too poor to employ an attorney, the court will furnish you an attorney and an appellate record for the appeal of your case: and If you, the Defendant, are not a citizen of the United States of America, a plea of guilty or nolo contendere for the offense charged may result in deportation, the exclusion from admission to this country, or the denial of naturalization under federal law. No plea of guilty or plea of nolo contendere shall be accepted by the court unless it appears that you, the Defendant, are mentally competent and the plea is free and voluntary. If the Court defers adjudicating your guilt and places you on probation, on violation of any imposed condition, you may be arrested and detained as provided by the law. You will then be entitled to a hearing limited to the determination by the Court of whether to proceed with an adjudication of guilt on the original charge. After adjudication of guilt, all proceedings, including assessment of punishment, pronouncement of sentence, granting of community supervision and your right to appeal continue as if adjudication of guilt had not been deferred.

You, the Defendant, must understand the foregoing admonitions and be aware of the consequences of your plea. The Court must receive the statement below signed by you, the Defendant and the Defense Attorney stating that you, the Defendant understand the admonitions set forth above and are aware of the consequences of the plea described above. If you, the Defendant do not understand the admonitions, or the consequences of the plea, the Court will orally admonish you, the Defendant, in open court.



JUDGE PRESIDING

The defendant understands the admonitions set forth above and is aware of the consequences of his plea. He is mentally competent today to stand trial and we ask that all motions, pleadings, and objections made before the entry of the plea in this case on behalf of the Defendant be withdrawn, waived, and abandoned.

Signed, this the 26th day of November, 2013.



DEFENSE ATTORNEY



DEFENDANT

OTHER RECOMMENDATIONS:

90 days NCT

WAF
LCS

All parties understand that in the event that the Court rejects this agreement, the Defendant will be permitted to withdraw his plea and no statement or other evidence received during the plea may be admitted against the Defendant on the issue of guilt or punishment in any subsequent criminal proceeding, except for a charge of Perjury or Aggravated Perjury regarding any oral or written statements made during or in connection with this proceeding. Furthermore, if the Court sets punishment at or below this recommendation, the Defendant understands that if the defendant has waived appeal, no appeal is possible and, if no waiver, no appeal is possible without the permission of the Court unless based on motions previously filed.

LCS
(Def. ini.) Defendant agrees that he will waive any right to appeal in this matter and agrees that there is neither legal or factual error and further waives any right to seek a new trial.

Signed this the 26th day of November, 2013.

Louis Skinner
DEFENDANT

[Signature]
ATTORNEY FOR DEFENDANT

[Signature]
ATTORNEY FOR STATE

DATE 09/23/2020

* OFFICIAL RECEIPT *

RECEIPT # 538000

TIME 09:53

* LORETTA CAMMACK DIST. CLERK*

* NACOGDOCHES COUNTY *

FILE # M32369

RECEIVED OF: LOUIS CHARLES SKINNE

FOR: LOUIS CHARLES SKINNER

DESCRIPTION: COPIES
PAID/BXR

AMOUNT DUE \$9.00

AMOUNT PAID \$9.00

BALANCE \$0.00

PAYMENT TYPE C
CHECK NO
COLLECTED BY BXR

