

My attorney has not offered me competent and diligent reprt (ABA Rule 1.02 Scope and objective of representation)

A) Subject of paragraphs (b, c, d) and (e, f) and (g). A lawyer shall abide by a clients decision concerning the subjective and general methods of representation. (Key) I've said to him that he has to test the constitutionality of an invalid search warrant. He tested that issue on a motion that there wasnt a probable cause for the judge to issue it; Therefore the evidence has to be suppressed. There's no statute requiring that an affidavit for a search warrant show probable cause. This has always been the case. 168 Tex Crim-463 328 S.W.2d 873. This is a critical stage violation. There has to be a working and trusting relationship. As the accused it is making it hard for me to communicate with my counsel. Making it impossible to work close together to prepare an effective defense of which impares all strategical and tactical decisions.

ABA rule 1.03 Communication

A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

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My case is very complex - There should be a choice to the quality of the legal representation actually provided. The primary disadvantages are inexperience of Counsel, lack of standards; For certification of expertise - My Counsel's performance has been deficient and unreasonable under the circumstances; unreasonable under profession norms (Key) at every hearing I've been ambushed. I have constantly been lied to over the past 5 years. It is clear at this point that there's a conflict with the lawyer's own interest.

Loyalty to a client is impaired in a situation when a lawyer might not be able to consider, recommend or carry out an appropriate course of action for his client because of the lawyer's own interest or responsibilities (Key) Every time there is an issue in my case they go into the judge's office or the D.A. office. It's important that the issue goes on the record - I'm the only one that doesn't know what's going on in this case. Because of rule 1.03 ABA violation I believe that my lawyer's job isn't to establish innocence by attacking the legal sufficiency of the proof.

2) He is concealing or knowingly failing to disclose that which he is by LAW required to reveal.

3) Knowingly makes a false statement of law or fact.

4) Participate in the creation and/or preservation of evidence when he knew or it was obvious that the evidence is false. (ABA Rule 1.02 violation)

After years of the D.A. not turning over evidence in my case; I ask my attorney to file motion ~~duces tecum~~ I see in reports that my first team copied off reports; and now that I have this lawyer - the same info has been redacted.

What concerns me more is the fact that my attorney has yet to let me see the full reports of witnesses against me. So far all I've seen is supplemental information. Half of the reports have lines taken out. I have to be able to meet the case they have against me; one of the hallmarks of due process is having all of the evidence to be able to put forward said case before a fact finder so that they can hear both sides of the story. That is the only way they will be able to judge the case on its merit as conflicts are developed on cross-examination. Adversary systems at work in the confines of Criminal Law must closely adhere to Constitutional Requirements essential to due Process!

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and a Fair trial. In theory a jury can examine the evidence and see the whole picture and make intelligent decision in reaching a verdict consistent with the truth. Of course this process is necessarily constrained by the rule of evidence and procedures that apply to these proceedings. In addition the process is influenced by the fact that the criminal is not necessarily a search for the truth but rather an examination of whether there is an absence of necessary evidence. It is also important to note that I only have one chance to make my case at trial. I in no way wish to wait until a possible conviction takes place. I've asked my attorney to address arguable issues, but he constantly refuses to put forth anything on my behalf. He has intentionally put motions in to waive appealable issues. Also I would like to note that in the last hearing the court went on the record asking for all motions to come forward on my behalf. My lawyer declined saying "no". He was not answering for me.

The Sixth amendment directly grants the accused and not counsel the right to make a defense to be informed of accusations and be confronted by witnesses.

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Here's what I've asked my counsel to do over a 5 year time span.

1. > make a motion to challenge the constitutionality of the search warrant

2. > Challenge the affidavit by the Four corner rule. There's just no proof when you apply the law with the facts. Two separate issues should be delivered in 2 separate motions.

3. > I've requested Counsel to challenge Art 38.23 on the grounds of the manner of entry and the collection of evidence and he has refused to litigate this issue as well as get a ruling of Law and Fact

4. > My lawyer refused to challenge my Miranda rights on the statement & Consent Form that I signed which turned out to not be a Consent Form. This is Trickery which can't be used in getting a person to consent.

5. > You can't (as my counsel has done) put all of my issues in one motion and not litigate on every issue and get a ruling on law or fact because this is a death penalty case

5.) There's DNA & Finger prints on evidence that may have been tampered with. My Counsel after many request, refused to have my accusers tested and questioned as to how the DNA and Finger prints were placed in a position to be tampered with. To be effective a lawyer must have a Firm Command of the Facts pertaining to said Case before they can render reasonably effective assistance. In this case you can't make critical Stage violations. One Problem of many is that Court appointed Counsel works in a For profit System. I'm starting to File my own motions. I will because I am innocent. In a case like this I Face danger of Conviction because my Counsel doesn't know how to put on a pre-trial defense. I just had a visit with my counsel on 3-1-20 of which I asked them again to Fix the problems with the motions that they presented to the Court. I had no way of knowing or going over the motions before hand. ABA Rule 1.03 violation, also, ABA rule 1.02 Violation. over the past year it has only been issues about my health brought up in court. I've asked my counsel continuously to deal with the case, but they refuse to. I can't start trial until my motions have been heard. My motions up to this point have been Filed incorrectly.

Here is my case in point:

↳ This motion issue wasn't been correctly filed nor has it been litigated on the record. I can't appeal this if I am convicted. This motion has a ↳ on it as an exhibit. The Counsel in this case is in violation of the ABA guide lines for appointed Counsel in Death penalty cases 11.4.1(c) This is why I'm having so many issues. They (said Court) never did rule on the motions presented even though my Counsel said otherwise. I informed my Counsel that if the motion wasn't litigated there could be a ruling in front of the judge for a year. From Nov 15, 2018 - Nov 2019 when asking the DA if this was the reason - Exhibit ① why I was re-indicted, and the DA said no. So now my question still stands as to why I've been re-indicted and or why my case # has changed Exhibit ② are motions other Team. No one appeared and counsel didn't make a record of it - about this, see Exhibits inside of this note. 1, 2, 3, 4, 5, 6 / all of the things stated above are important for the defense in my case

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The pre-trial motions and (a) the witnesses aren't made aware by counsel - I personally can't do it, and upon request my counsel refuses. Pre-trial motion #4 is a Faulty motion because there is no probable cause where a judge has to issue a warrant on P.C. and (a) lack of. He can only make the case on constitutional muster using the 4 corner rule and the T.C.F. ch 1801(c) ext.

I look forward to correcting motion #4 as well as motion #15 which should be made part of the record, but not to suppress physical evidence. This motion should be a suppress statement on Miranda rule. When I signed the consent I was not Mirandized. These issues have to be made part of the record for appeal.

It looks as if my attorney is looking for the DA to help put my defense together, and (a) the court to help with the defense as well as investigators at K-PD who was emailed to make timelines. My counsel has stood in court and said that he will not be calling any witnesses after the DA said something about calling the chief @ the time.

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He (said Counsel) has even went as Far as asking the DA to make a list of witnesses. There has been as the ABA Rule 1.02 (or) rule 1.03 state between me and Counsel. My counsel claims that all of my issues are trial issues, but I can't wait to get in a trial and not have all of the reports. I am in no position to trust my counsel to do the right thing. We did the hearing does occur afterwards at which my counsel did a next day rebuttal of witnesses to give trial info and we were not in trial. How can counsel not be aware that does occur hearings are not for rebuttal witnesses? It is clear that my counsel lacks both the skill and knowledge to adequately prepare a defense. The primary disadvantages in said case are inexperience and lack of standards for certification of expertise of which always leads to a failed strategy.

In this case I've done my own legal homework but counsel refuses to assist me in any way. I have done my best to study the law, but I have been left in the dark when it comes to counsel.