

COPY
STAMP & RETURN
ES

JOHNDAVID BATTAGLIA
999412
3872 FM 350 South
Livingston, Texas 77351

November 7, 2005

Page 1 of 2

Texas Court of Criminal Appeals
Clerk of the Court
P.O. Box 12308, Capital Station
Austin, Texas 78711

RECEIVED IN
COURT OF CRIMINAL APPEALS

NOV 08 2005

RE: Ex Parte John David Battaglia
Cause No. AP-74,384

Louise Pearson, Clerk

Dear Mr. Troy Benett:

On November 5, 2005 I mailed you two copies of my PRO SE ANSWER TO STATE'S ORIGINAL ANSWER TO APPLICATION FOR WRIT OF HABEAS CORPUS IN DEATH PENALTY CASE, dated August 29, 2005, and requested you return one copy "STAMPED RECEIVED - C.C.A." to me, but I forgot to enclose the Stamped Self Addressed Envelope. Therefore, I am enclosing the S.A.S.E. for you to return my copy in.

During the year 2004 I had requested the C.C.A. to return copies of writings I had made to the Texas State Bar and Court in which I was attempting to NOTIFY the C.C.A. and State Bar of "Conflicts of Interest" and "Affected Inadequacy of Representations" by my court appointed trial and appeal attorneys. At the time of my writings I was not informed of the procedures for making a filing with the courts and receiving an acknowledgement in return. On August 23, 2005 I wrote the Texas State Law Library and requested these writings I mailed to the C.C.A. for review and documentation in my Cause File. To date I have not received a response from the State Law Library and the Texas State Bar on July 7, 2005 informed me in writing that they "destroyed all of my writings." Since the Nomination of Texas Attorney Ms. Miers to the Supreme Court last month I now am aware of the possible cause of a great deal of improper acts by the attorneys and Judges involved with my case and legal situations leading up to this case in Dallas in 2001.

Therefore, I would like you to inform me how I may obtain those writings I made on:

- 1) June 18, 2004
- 2) July 6, 2004
- 3) July 20, 2004
- 4) September 9, 2004
- 5) November 1, 2004

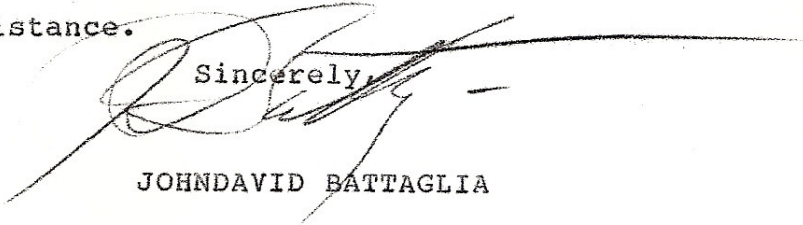
or copies of these writings with proof that they were received by the C.C.A. and placed in my Cause File.

I am now aware that my Constitutional Due Process Rights have been violated not only by my court appointed trial attorneys but also by the court appointed appeal attorneys for both my Direct Appeal and my Habeas Corpus Appeal, as well as by the clear abuse of judicial discretion by the trial judge. The appointed attorneys all appear to have a "Conflict of Interest" with other attorneys, judges, and officials with the Dallas and Texas State Bar which has kept them from properly representing my interests at trial and during the appeal process. In addition I beleave that my trial attorney, Mr. Paul Johnson, committed criminal acts of witness tampering and destruction of physical evidence related to my trial.

I want to make the above documents available to the U.S. Attorney General and the FBI office in Dallas as well as to prepare a complaint with the Texas Senate Committes on Criminal Justice and Jurisprudence. In addition I want to forward these documents to U.S. Senator Sam Brownback of the Senate Judiciary Committe whom I wrote to on October 20, 2005 about this particular issue and request his offices assistance in determining how Dallas Police and the Dallas District Attorneys Office was able to suppress federal law enforcement files relating to myself and my former wife, Ms. Pearle, and how also, my appointed trial attorney was also able to suppress these documents after they were already in his possession and before my trial.

Thank you for your assistance.

Sincerely,


JOHNDAVID BATTAGLIA

cc: file
copy