LEGAL MAIL

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RECEIVED
AUG 23 2005
OFFICE OF THE CLERK
SUPREME COURT, U.S.

August 12, 2005

Supreme Court Of The United States
Office of the Clerk
Washington, D.C. 20543

RE: John David Battaglia v. The State of Texas (Death Penalty Case)
Cause No. AP-74,348 (Texas Court of Criminal Appeals)

Dear Mr. Suter, Clerk of the Court:

This Monday, August 8,2005, I received written notice from my court appointed Direct Appeal attorney, Mr. Douglas H. Parks, that he would not file a Writ of Certiorari in the above referenced Texas Death Penalty Case after it was affirmed by the Court of Criminal Appeals on May 18,2005. On May 21, 2005 and on June 18, 2005 Mr. Parks wrote me he would determine if any issues existed "over the next several days" and "the next few days," but had waited till the last moment to inform me he would not file the Writ. This is a situation I have experienced repeatedly with my Direct and Habeas Appeal attorneys appointed by the Dallas County Courts.

After reviewing Title 28, Rules of the Supreme Court of the United States, Rule 13, I realize that I am "out of time" to file a Writ on my own behalf or to ask for an extention of time to file such a Writ, but I do want to document for the Court my intention to have filed a Writ of Certiorari which would have raised issue with my arrest, trial, appointed trial attorneys and appointed appeal attorneys.

I have recently learned of my duty to inform the courts of an "INADEQUACY IN THE ASSISTANCE OF COUNSEL,"(Chapman v. U.S.,469 F.2d (1972)) therefore, this writing. I have enclosed my recent notice to the trial court, Judge Warder, dated July 24, 2005, but after two weeks and two separate submissions to the trial court judge and the Texas Court of Criminal Appeals, I have failed to receive a response or even my requested "Stamped File Received" copies I submitted to the two Texas courts to acknowledge receipt.

In addition I am enclosing a copy of my July 7, 2005 writing to United States Attorney General, Mr. Gonzales, requesting assistance from the Department of Justice regarding actions by the trial judge and court appointed attorneys in Dallas, Texas.

Thank you for your assistance.

Sincerely,

JOHNDAVID BATTAGLIA

cc: trial court
cc: Direct/Heabeas
cc: file