

JOHN DAVID BATTAGLIA  
999412  
3872 FM 350 South  
Livingston, TX 77351

**COPY**  
*Rec'd 7/15/04 "LEGAL MAIL"  
for C.C.A. Court Clerk*

July 6, 2004

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

RE: Ex parte John David Battaglia


Dear Mr. Bennett:

Enclosed please find a copy of a three page letter I have written to the Office of the Chief Disciplinary Counsel; A. Jaffe, of the State Bar of Texas inwhich I am requesting the State Bar's Texas Disciplinary Rules of Professional Conduct (the rules) and State Bar of Texas Grievance Forms so that I may file timely complaints against named attorneys who either broke certian laws or assisted in concealing material documents and testimonies at my trial and assisted the prosecution in suborning perjury from the state's two primary witnesses against me at trial. The letter also notes that my trial attorney, Mr. Paul Johnson, provide ineffective assistance to my defense and had a significant conflict of interest which precluded him from fairly representing my interests at trial.

I would like the enclosed copy of this letter placed in my file. If there is a way for me to obtain a stamped copy of this letter for my records, would you please write me at the above address with your instructions and any costs which may be required in obtaining such stamped copies.

Thank you for your assistance in this matter.

Sincerely,

  
John D. Battaglia

cc:file  
cc:State Bar

July 6, 2004

Office of the Chief Disciplinary Counsel, A. Jaffe  
State Bar of Texas  
P.O. Box 12487, Capitol Station  
Austin, Texas 78711

COPY

Dear A. Jaffe:

I received your letter dated June 29, 2004 and would like to note that you failed to provide me with either the State Bar's Texas Disciplinary Rules of Professional Conduct (the rules) or the requested State Bar of Texas Grievance Forms as I had requested on June 19, 2004 for the attorneys listed in that letter along with the information that all were from Dallas, Texas with the exception of Ms. LaBorde (a.k.a. Ward, or Clayton, or Ghatti).

Again, the attorneys ~~14~~ need to file a Grievance Form against are:

- Edwin W. Davis, No. 05485300, of Dallas, Texas.
- Frank Moore, No. 14333500, of Dallas, Texas.
- James B. Martin, No. 13076000, of Dallas, Texas.
- David P. Yturri, No. 22230550, of Dallas, Texas.
- Robert M. Clark, No. 04298200, of Dallas, Texas.
- F.H. Entz Jr., No. 00633000, of Dallas, Texas.
- Bradley K. Lollar, No. 12508700, of Dallas, Texas.
- Georgina Garcia, No. 90001084, of Dallas, Texas.
- Cynthia D. Dyer, No. 00787409, of Dallas, Texas.

In addition I want to file Grievance Forms against a Judge Theo Bedard (not sure of spelling) a family court judge in Dallas, Texas. The attorney Hanse you were unable to locate may be a Larry Hanse and during the year 2000 he was a name partner with the above named Mr. Edwin W. Davis in a Dallas Law Firm called McShane Davis and Hanse. Mr. Hanse and Mr. Davis told me outside of Judge Bedard's courtroom in March of 2000 that I wouldn't be able to see my two daughters until they were 18 years of age if I went into the court room and told the Judge that they were blackmailing from not talking to the Internal Revenue Service regarding my wife, Mary Jean Pearle Battaglia's, tax fraud and other criminal activities. Just a few months prior to this encounter two IRS-CID Agents had met with me in my CPA office and had informed me that my wife had been involved in criminal prostitution businesses and possible money laundering activities. I had at that meeting informed the IRS-CID Agents that I had become aware that my wife and her family were also involved in smuggling, drug selling, and the buying and selling of stolen antiques and jewelry. In addition I informed the Agents that my wife and her attorneys, Mr. Hanse and Mr. Davis, were attempting to force me to file fraudulent federal income tax returns for 1996, 1997, 1998, and 1999 which would not reflect over \$1,000,000 in cash my wife had received during that period which I was aware of and had documentation to substantiate its receipt by my wife. I also told the Agents I thought my wife or her attorneys had listening devices in my CPA and on my phone because after I had spoken with the IRS-CID Agents from my office on February 14, 2000 Mr. Davis served me with a subpoena and specifically requested all communications and documents I had given to the IRS.

JD

This activity by the two attorneys, Mr. Davis and Mr. Hanse, continued for approximately 18 months until they involved the Dallas District Attorney, Ms. Dyer, and her supervisor, whom I only knew as Bryan (and am not sure if that is his first or last name, but I did in early 2001 observe this, Bryan, on a surveillance video taken by off-duty University Park Police Officers hired by a Mr. Steven Lowder to observe and document his then wife, Mallisa Lowder, having a lesbian affair with my former wife, Ms. Pearle, and their drug useage, which I witnessed this Dallas Assistant District Attorney who had helped the above named Davis and Hanse force me to accept their terms for my divorce settlement and a plea agreement to a false misdemeanor assault charge for which the agreed terms were immediately changed after I had signed the forms in a Judge Finn's courtroom in August of 2000).

I will point out that the larger issue is the fact that all of the above and more, plus documentation was given to my court appointed attorney, Mr. Paul Johnson, who in turn informed the Dallas D.A.s who prosecuted my capital murder trial and who assisted Mr. Johnson in concealing all of the above as well as the fact that the murder weapons found in my apartment were in fact the property of Ms. Peale and that at my trial the weapons expert was specifically asked not to determine the ownership of these weapons. Another very relevant item was a murder report by the Dallas Police Department concerning the August 1982 shooting death of an 18 year old boy named, Mark Shawn Hutchins. I had obtained this report after being told by my then wife, Ms. Pearle, that she would have me killed like this boy in the report if I spoke to any one about where she was obtaining her large amounts of money from and after she had learned that I had spoken to the IRS-CID Agents she called me one evening and told me she would have a bullet put in the back of my head like she did to that boy back in 1982 for my talking to the IRS. I immediately called the Dallas Police and they came to my home and told me they could do nothing regarding the threat, but gave me a call sheet, which the Dallas D.A. or Police took from my home along with all of my records relating to the above and my first wife, Ms. LaBorde.

Again, Mr. Johnson, my trial attorney, was informed of all of the above and insisted that he was appointed to see that I was executed and not to defend me. Mr. Johnson pointed out on a number of occasions that he and the trial Judge, Janice Warder, had worked together in the Dallas District Attorneys office and that they together with the three D.A.s at the opposite table should tell me how things were going to turn out for me; in a death sentence.

I realize that some of Mr. Johnson's attitude had to do with my knowledge of the Assistant D.A.s drug use and what I later learned from a client attorney who had dealings with this D.A. and a quid pro quo drugs for assigned cases and kick-backs from posted cash bonds. Mr. Johnson also didn't like the fact that I knew of his friend and former Dallas D.A., Mr. Lollar's homosexual activities and sexual activities with minor boys back in the mid-1980's of which I was a witness and the fact that previously when I had showed Mr. Lollar the 18 page Dallas Murder report of the boy in 1982 which my wife, Ms. Pearle, had stated to me she had killed, Mr. Lollar stated to me that the boy had been executed and led me to believe that some how that the Non-bill for the murder had been arranged by someone in the Dallas D.A.s office back in 1982, much as my former brother-in-law, Mr. Robert M. Clark, had insinuated to me on prior occasions.

DDK

I wanted to make these facts known during my trial, but when I tried to fire Mr. Johnson or asked to speak to the Judge, I was ordered to take a number of psychiatric drugs and was later told by Mr. Johnson that if I tried to talk while in the courtroom I would not be fed (which was very important to me once under the influence of psychiatric drugs) and that an electronic shock belt would be placed on my chest. It took well over six months for the affects of these drugs to ware off once they were stopped being given to me which happened to be the day I arrived here on Texas Death Row. The TDCJ psychiatric staff informed me that there was no record of my being ordered to take the drugs for the previous six months and that there was nothing wrong with me. As one could imagine it took me almost a full year to fully realize what had taken place, although I am still very unclear on a great deal of the events which led to the deaths of my daughters Faith & Liberty.

Not to bore you too much with my problems with these lawyers, I still need to get you to determine the status of Ms. Michelle Ghetti or whatever name she is registered under in your files. As I stated in my previous letter she is currently a law professor at Southern University Law School in Baton Rouge, LA. When I met her in 1984 she was introduced as Michelle LaBorde and was employed as a tax attorney at the Dallas office of Akin, Gump, Struas, Haur and Feld. She intentionally became pregnant in February of 1985 and told me that I had to marry her or she would abort the baby and it would be my fault (I'm Catholic), when I finally agree~~d~~ (because during the period of two months I came to realize this woman was crazy) she told me we would have to wait because she needed to get a divorce from her husband ~~and~~ Mr. James Norman Clayton, III, whom she had failed to mention to me she was even married to (this fella was at the time an attorney with the Dallas law firm of Jackson Walker). After the birth of my daughter, Christie, Ms. LaBorde was transferred from the tax section to the bankruptcy section (I had it on good authority the move was made by the head of the tax section and firm managing partner, Mr. Ed Copley, because of Ms. LaBorde's implied ~~at~~ treat of blackmail of Mr. Copley for some prior indiscretion) where she began another affair with one of the three former federal bankruptcy judges whom made up the partners of that section. Now my old roommate and friend, Mr. Mark A. Wiesbart, did want me to know that Mr. Gandy (whom he clerked for while he was on the bench) was not involved (which I knew) and that the other partner, Jay Geck, whom had just been outted when his Akin, Gump, et. al. AMEX credit card was reported as one of those found by the FBI in Congressman Barney Franks gay prostitute roommates receipts, as reported in the Washington Post, so that left this rather sleazy short fella by the name of Don (B- something, like Baker or Barker, I still have a mental block).

Well the real interesting part of this sordid affair was that just prior to my filing for divorce from Ms. Whomever, I was asked to take part in a phone conversation one night at our home with another firm attorney, Mr. Ford Lacy, regarding an issue in which a client of the firm had transferred about a million dollars to Akin, Gump, *etal.* just prior to the client's filing for bankruptcy and that the named partners wife, Ms. Feld, was on the board of the client, Diamond Lumber, (I think) and that the money would have to be returned or turned over to the creditors or ~~at~~ trustees. Well the long and the short of it was it was agreed to falsify the corporate records and use back-dates and Ms. LaBorde swore to the records truthfulness in Judge Felsenthal's Court. When I told her I would raise the issue in our divorce I was arrested and charged with, nothing, and held in jail until I promised to be quite.

CC: FHE  
CC: CCAV

*J.D. Battaglia*