PD-0589-19

IN THE COURT OF CRIMINAL APPEALS
AT AUSTIN, TEXAS

PEDRO HERNANDEZ, JR.,
Petitioner/Appellant,

v.

THE STATE OF TEXAS,
Respondent/Appellee.

§§§§§§§§§§

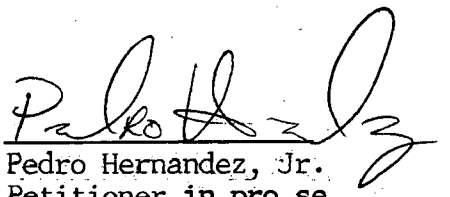
PDR NO. _____

Appeal Cause NO. 11-17-00129-CR

Trial Court NO. 6888

PETITION FOR DISCRETIONARY REVIEW

Appealed from the 39th Judicial District Court, Haskell County, Texas
Hon. Shane Hadaway, presiding



Pedro Hernandez, Jr.
Petitioner in pro se
TDCJ#02135763, Connally Unit
899 FM 632
Kenedy, Texas 78119

PETITIONER HEREBY REQUEST ORAL ARGUMENT

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IN THE COURT OF CRIMINAL APPEALS
AT AUSTIN, TEXAS

PEDRO HERNANDEZ, JR., Petitioner/Appellant,	§	PDR NO._____
V.	§	Appeal Cause No. 11-17-00129-CR
THE STATE OF TEXAS, Respondent/Appellee.	§	Trial Court NO. 6888

PETITION FOR DISCRETIONARY REVIEW

TO THE HONORABLE COURT OF CRIMINAL APPEALS:

1. NAME OF TRIAL JUDGE AND PARTIES TO JUDGMENT APPEALED FROM

COMES NOW, Pedro Hernadez, Jr., Petitioner, in pro se, who would show the Court that trial judge name and interested parties herein are as follows:

HON. Shane Hadaway, presiding judge at trial.

Pedro Hernandez, Jr., Petitioner, TDCJ No. 02135763, Connally Unit, 899 FM 632, Kenedy, Texas 78119.

Byron Hatchett, trial attorney for Petitioner, P.O. BOX 3374, Abilene, Texas 79604

Tim Copeland, appellate attorney for Petitioner, P.O. BOX 399, Cedar Park, Texas 76813.

Mike Fouts, Haskell County District Attorney, P.O. BOX 193, Haskell, Texas 79521, trial and appellate attorney for appellee, the State of Texas.

2. STATEMENT OF THE CASE

On February 23, 2017, Pedro Hernandez, Jr., was convicted by a Haskell County jury of burglary of a habitation. (C.R. 1, pp. 3-5). After preparation of a pre-sentence investigation report and his plea of "true" to two enhancement paragraphs, the trial court assessed a 50-year prison sentence. (R.R. 5, P. 49). From that judgment and sentence, Hernandez gave due notice of Appeal. (C.R. 1, P. 153).

3. STATEMENT OF PROCEDURAL HISTORY

On May 16, 2019, the 11th Court of Appeals affirmed the judgment of the trial court. Petitioner's appellate counsel did not file a motion for Re-hearing.

4. STATEMENT REGARDING ORAL ARGUMENT

Petitioner is proceeding in pro se, Petitioner believes that oral argument would aid the Court in reaching its decision and, therefore, Petitioner requests that the Court appoint him a counsel to assist him in presenting this PDR if oral argument granted.[1]

[1] Petitioner is incarcerated in the Texas Department of Criminal Justice, Correctional Institutions Division. and is proceeding pro se in this cause, therefore, it is not possible for him to appear at oral agument.

5. GROUNDS FOR REVIEW

GROUND ONE: THE ELEVENTH COURT OF APPEALS DECIDED AN ISSUE THAT IS CONTRARY TO A DECISION OF THE COURT OF CRIMINAL APPEALS IN THAT THE APPEALS COURT DECIDED THE LEGAL SUFFICIENCY IN THIS CASE IN A WAY THAT IS CONTRARY TO THE RECORD AND IT FAILED TO APPLY THE LEGAL AUTHORITIES TO THE FACT OF PETITIONER'S CASE?

GROUND TWO: THE ELEVENTH COURT OF APPEALS DECIDED AN ISSUE THAT IS CONTRARY TO A DECISION OF THE U.S. SUPREME COURT IN THAT THE APPEALS COURT DID NOT APPLY THE SUFFICIENCY LEGAL STANDARD SET BY THE U.S. SUPREME COURT IN JACKSON V. VERGINIA, 443 U.S. 307 TO THE FACTS IN THE PETITIONER'S CASE?

GROUND THREE: THE TRIAL COURT ERRED WHEN IT DENIED PETITIONER'S MOTION FOR DIRECTED VERDICT BECAUSE THE PETITIONER WAS NOT GUILTY UNDER THE STANDARD IDENTIFIED BY THE THE U.S. SUPREME COURT AND THE TEXAS COURT OF CRIMINAL APPEALS IN JACKSON AND BROOKS, RESPECTFULLY?

6. ARGUMENT

In his three grounds, Hernandez asserts that (1) the Court of Appeals decision was contrary to a decision of the Court of Criminal Appeals and U.S. Supreme Court in Jackson and Brooks, respectfully, and (that the trial erred when it denied his motion for directed verdict because the evidence was insufficient to prove that he intended to, or that he did, commit theft of Brian's cell phone.

The record reveals that when Deputy Barnett took Hernandez into custody at the McGhee's home, Hernandez had unlawfully entered three homes that morning—the Sandoval's, the Amos's and, finally the McGhee's. he had left all three homes in shambles, but there was no evidence that he took anything from any of the homes to indicate his attempt to burglarize them. (Only the McGhees were away from home when Hernandez entered the houses.). (R.R. 3, 92-96); (R.R. 3, 40-47); (R.R. 3 75-77).

At trial the State claimed that a cell phone was allegdly stolen during the incident that played out in Brian Amos's home on July 25, 2016. It was that alleged theft that formed the gravamen of the burglary complaint eventually filed against Hernandez. Testimony concerning that cell phone came primarily from Brian Amos and his daughter, Tyreonna Amos.

After Hernandez entered Amos' home uninvited, Amos testified that he met him in his living room and wrestled him to the floor. Then Amos said, he sat on Hernandez and restraind him while waiting for police. (R.R. 3, 45). Amos described Hernandez as "incoherent, crazy acting, scared and paranoid." (R.R. 3, 50-51). Apparently though, Hernandez was also compliant and fairly docile because Amos did not describe any kind of struggle with Hernandez as they waited for law enforcement to arrive. As he lay under Amos, Hernandez repeatedly asked for use of a cell phone to call 9-1-1. (R.R. 3, 60). Amos

testified that he told his daughter to let him use hers, and he said that he freed Hernandez's hands to allow him to make the call. Amos was not sure the call went through. (R.R. 3, 45-46, 60). Amos then allowed Hernandez to stand and to walk out the front door. (R.R. 3, 44-45). Hernandez still held the cell phone in his hands as he moved outside, and then he bolted for the next door neighbor's house — apparently seeking more protection from the people he imagined were after him. (R.R. 3, 45). Although Amos testified that Hernandez did not have permission to take the phone with him when he ran, to that point Amos had not, apparently, requested the return of his daughter's phone.

Tyreonna Amos' testimony mirrored that of her father's. She testified that per her father's instructions, her sister "gave [Hernandez] her cell phone" to call 9-1-1. (R.R. 3, 60). She also testified that once Hernandez was allowed by her father to stand and then step outside the fron door, he pointed back to the living room, said people in there were going to get him, and he took off for the McGee's house next door. (R.R. 3, 61). Ms. Amos said she heard glass shattering as Hernandez jumped through the McGhee's plate glass window, and "minutes later" the police arrived. (R.R. 3, 63).

On appeal, Hernadez did not argue that he did not unlawfully enter Amos' home. Neither did he argue that his abvious intoxication from some substance precludes finding the requisite intent necessary to commit burglary as the law is well settled to the contrary in that regard. See, e.g., Ramos v. State, 547 S.W.2d 33 (Tex. Crim. App. 1977) and TEX. PENAL CODE § 8.04(a)(West 2015).

Rather, the evidence here adduced simply does not show that he unlawfully apprpriated property without the effective consent of the owner with the intent to deprive the owner of that property. Instead, the evidence only shows that Hernandez entered the Amos's home without permission. Once inside, he was met by the owner who dragged him to the floor and held there —— apparently without much of a struggle. The record also shows that at some point as they

lay on the floor, and in response to his repeated requests, Amos instructed his daughter to allow Hernandez to use her cell phone. Then, Amos also allowed Hernandez to stand and to walk outside the home to continue the phone's use.

That Hernandez ran to a neighbor's home where, "minutes later" according to Ms. Amos, he surrendered to and embraced police custody before he could return the phone, does not indicate his intent to appropriate the phone and to deprive its rightful owner of the cell phone in question.

As noted, it is settled law that intoxication does not preclude finding the requisite intent necessary to commit burglary, but it also settled law that proof of intent is still requisite element of the offense of theft for burglary.

Hernandez "method" of entry into the so-called "burgled" homes was, to say the least, unorthodox for a burglar. He crashed into and through doors as well as a plate glass window without regard to injury or to whether the homes were even occupied at the time. he did not have any "tools" of the burglar's trade on him when arrested. Moreover, were his intent to burgle a home, the record shows he was guilty then of extremely poor planning as he had no means of escape from any of the homes he entered. he was without a car or anywhere to go with stolen property, and, when he was taken onto custody, he had no means with which to carry of any loot that he did steal.

Here, the State's proof of intent to commit theft is centered on the unlawful entry of homes and what appears to be the inadvertent taking of a cell phone without more. At best, such proof offers only a mere "modicum" of evidence probative of the requisite element necessary for commission of the charged offense.

On appeal, whether the inferences a jury makes are reasonable in deciding that a defendant is guilty is determined based on the "combined and cumulative

force of all the evidence when viewed in the light most favorable to the verdict." See, Clayton v. State, 235 S.W.3d 772 , 778 (Tex. Crim. App. 2007) (quoting Hooper v. State, 214 S.W.3d 9, 13 (Tex. Crim. App. 2007)).

Here, the combined and cumulative force of all the evidence simply does not support the jury's determination. For whatever reason Hernandez smashed into people's homes on the date in question, he did not do so intending to steal anything. Certainly, the record does not support an inference that he intended to steal the Amos' cell phone. The evidence shows instead only that the cell phone was not immediately returned to its rightful owner, not an intention to break into a home to steal it or anything else. That Hernandez xhoose to run from imagined enemies to the arms of arriving law enforcement before he returned the "borrowed" cell phone does not support a finding of intent to steal that cell phone. That he ran to embrace protection from his imagined enemies before he returned the cell phone does not prove a theft, but, rather, a desire only to place himself in protective custody.

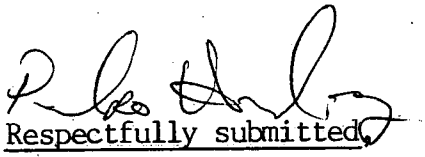
Here, there was insufficient evidence of an intent to commit theft or to prove that one occurred, a necessary element of the offense charged, and for that reason, the Court of Appeals was mandated to reverse Hernandez conviction but, instead, the Court of Appeals affirmed his conviction and, in doing so, the Appeals Court erred when it failed to apply the law to the fact in this case and its decision was contrary to the decision set forth by the Court of Criminal Appeals and the Supreme Court which states that the legal sufficiency is the Constitutional minimum required by the Due Process Clouse of the Fourtheenth Amendment to sustain a criminal conviction. Jackson v. Virginia, 443 U.S. 307, 315-16 (1979); Brooks v. State, 323 S.W.3d 893, 912 (Tex. Crim. App. 2010). Hernadez also complain the trial court should have granted his

motion for instructed verdict for the same reasons above.

Thus, with respect to the issues presented in this Petition for Discretionary Review and in his appellate brief, the reviewing court should review the evidence admitted at trial to determine whether the evidence allowed the the jury to conclude that Hernandez was guilty under ther standards identified by the United States Supreme Court and the Texas Court of Criminal Appeals in Jackson and Brooks, respectively.

7. PRAYER

WHEREFORE, in light of the foregoing, Pedro Hernandez, Jr. prays that this Honorable Court reverse the judgement in whole or in part and render the judgment the lower court should have done and/or vacate the judgment and dismiss the case and for such other and further relief to which he may show himself justly entitled.



Respectfully submitted,

Pedro Hernadez Jr.
TDCJ#02135763
Connally Unit
899 FM 632
Kenedy, Texas 78119

Pro se Petitioner.

8. CERTIFICATE OF COMPLIANCE WITH RULE 9

I do hereby certify that the foregoing pleading in compliance with Rule 9 of the Texas R. App. P. 9.4(i)(2) and that this pleading contains 8 pages in total (prepared by a typewriter), exempt table of contents and index of Authorities, and Certificate of Service.

Respectfully submitted,
Pedro Hernandez Jr.

9. CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the above and foregoing pleading has been served by placing same in the United States Mail, postage prepaid, on the 14th day of August, 2019, addressed to:

Haskell County District Attorney
P.O. BOX 193
Haskell, Texas 79521

Respectfully submitted,
Pedro Hernandez Jr.

10. REQUEST TO SUSPEND THE RULE OF FILING ORIGINAL AND 11 COPIES.

Petitioner Respectfully requests this Honorable Court to suspend the rule that requires him to file Original and 11 copies of this petition with the Court of Criminal Appeals due to his inability to make copies because he is proceeding in pro se and also due to his incarceration in TDCJ, in which TDCJ does not provide a copy service for inmates free or prepaid.

Respectfully submitted,
Pedro Hernandez Jr.

Appendix

Opinion filed May 16, 2019

In The

Eleventh Court of Appeals

No. 11-17-00129-CR

PEDRO HERNANDEZ JR., Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 39th District Court
Haskell County, Texas
Trial Court Cause No. 6888

MEMORANDUM OPINION

Appellant, Pedro Hernandez Jr., appeals his conviction for the second-degree felony offense of burglary of a habitation. In two issues on appeal, Appellant argues that the evidence was insufficient to convict him of burglary of a habitation. We affirm.

Background Facts

On the morning of the alleged offense, Chief Chris Mendoza of the Munday Police Department received information that Appellant was in front of a local

business. Chief Mendoza, along with another Munday police officer, went to the local business and questioned Appellant about his purpose for being there. Appellant told Chief Mendoza, among other things, that he needed a ride to the Rochester/Rule area because "he and his girlfriend got in a fight" and he thought that "someone was going to come beat him up." Chief Mendoza agreed to give Appellant a ride, but he clarified that he could only drive Appellant to Knox City. At trial, Chief Mendoza testified that Appellant seemed confused during their conversation.

Chief Mendoza dropped Appellant off in Knox City with an officer from the Knox County Sheriff's Department, Chief Deputy Jose Rojo. Chief Deputy Rojo drove Appellant to Rochester. Chief Deputy Rojo testified that, during the drive, Appellant was "incoherent" and was concerned that "people . . . were going to kill him." Chief Deputy Rojo dropped Appellant off at a residence where Appellant used to live. Appellant immediately ran from Chief Deputy Rojo's vehicle up to the home.

When Appellant entered the home, Appellant brandished a knife and knocked over various pieces of furniture and personal property. The residents of the home instructed Appellant to leave. Appellant jumped through a window and fled to another home nearby, which was occupied by Brian Keith Amos and his two daughters, Brittany and Tyreonna Amos.

Tyreonna was outside the home at the time Appellant approached. Appellant ran up to Tyreonna and told her that "someone was shooting at him" and asked if he could come inside. Tyreonna told Appellant that she needed to ask her father first. When she tried to enter her home through the back door, it was locked, so Appellant broke down the door and both he and Tyreonna entered. Brian testified that he did not give Appellant permission to enter his home.

Brian, upon Appellant's entrance to the home, wrestled Appellant to the floor and restrained him. Brittany called 9-1-1 on Brian's cell phone. Brian held Appellant for twenty-five to thirty minutes as they waited for the police. According to Brian, Appellant asked to be let go "because they're after [him]." Brian testified that Appellant told him: "If you can just let me make a call, I can get somebody to come and I can leave."

Brian permitted Appellant to make a phone call. Brian testified that Brittany handed Appellant the cell phone. Appellant called 9-1-1. At some point after the call, Appellant "bolted out the door," ran into the fence, jumped over the fence, and ran to another home nearby. Although Brian had told a police dispatcher that Appellant had "busted" through his door, Brian testified at trial that he had instead opened the door to allow Appellant to leave. In any event, Appellant ran off with Brian's cell phone; neither Brian nor anyone in his family gave Appellant consent to take his cell phone.

Appellant broke into another home. When Chief Deputy Kenny Barnett of the Haskell County Sheriff's Department arrived on scene, Appellant exited that home, approached Chief Deputy Barnett, and told him that "people were after him." Chief Deputy Barnett described Appellant as hysterical and believed that Appellant was under the influence of a controlled substance. Deputy Christopher Keith of the Haskell County Sheriff's Department also arrived on scene. He searched the most recent home that Appellant had broken into. Deputy Keith found Brian's cell phone outside a window that he believed Appellant had broken through.

None of the witnesses observed anyone following Appellant. Chief Deputy Barnett testified that, in his opinion, Appellant "actually believed somebody was after him."

After the jury heard the evidence, it found Appellant guilty of burglary of a habitation. The trial court assessed punishment and sentenced Appellant to

confinement for fifty years in the Institutional Division of the Texas Department of Criminal Justice. This appeal followed.

Analysis

In two issues, Appellant challenges the sufficiency of the evidence supporting his conviction for burglary of a habitation. In his first issue, Appellant argues that the evidence is insufficient to support his conviction because there was no evidence that he intended to, or that he did, commit theft of Brian's cell phone. In his second issue, he claims that the trial court erred when it denied his motion for directed verdict because the evidence was insufficient to prove that he intended to, or that he did, commit theft of Brian's cell phone.

We review a challenge to the trial court's denial of a motion for a directed verdict as a challenge to the sufficiency of the evidence. *See Williams v. State*, 937 S.W.2d 479, 482 (Tex. Crim. App. 1996). The standard of review for sufficiency of the evidence is whether any rational trier of fact could have found Appellant guilty beyond a reasonable doubt of the charged offense. *Jackson v. Virginia*, 443 U.S. 307, 319 (1979); *Brooks v. State*, 323 S.W.3d 893, 912 (Tex. Crim. App. 2010); *see also Fernandez v. State*, 479 S.W.3d 835, 837–38 (Tex. Crim. App. 2016). We review the evidence in the light most favorable to the verdict and determine whether any rational trier of fact could have found the essential elements of the offense beyond a reasonable doubt. *Jackson*, 443 U.S. at 319; *Isassi v. State*, 330 S.W.3d 633, 638 (Tex. Crim. App. 2010). The trier of fact may believe all, some, or none of a witness's testimony because the trier of fact is the sole judge of the weight and credibility of the witnesses. *Sharp v. State*, 707 S.W.2d 611, 614 (Tex. Crim. App. 1986); *Isham v. State*, 258 S.W.3d 244, 248 (Tex. App.—Eastland 2008, pet. ref'd). We defer to the trier of fact's resolution of any conflicting inferences raised by the evidence and presume that the trier of fact resolved such conflicts in favor of the verdict. *Jackson*, 443 U.S. at 326; *Zuniga v. State*, 551 S.W.3d 729, 733–34 (Tex.

Crim. App. 2018); *Brooks*, 323 S.W.3d at 899; *Clayton v. State*, 235 S.W.3d 772, 778 (Tex. Crim. App. 2007).

Appellant was charged by indictment with burglary of a habitation. TEX. PENAL CODE ANN. § 30.02(a)(3) (West 2019). The indictment stated that Appellant "did then and there, intentionally or knowingly enter a habitation without the effective consent of Brian Amos, the owner thereof, and attempted to commit or committed theft of property, to-wit: a cell phone, owned by Brian Amos."

As relevant in this case, the elements of burglary of a habitation are as follows: (1) a person, (2) intentionally or knowingly, (3) enters a habitation, (4) without the effective consent of the owner, and (5) commits or attempts to commit a felony, theft, or assault. *Id.*; *Davila v. State*, 547 S.W.2d 606, 608 (Tex. Crim. App. 1977); *see Rivera v. State*, 808 S.W.2d 80, 92 (Tex. Crim. App. 1991) (State is not required to prove that Appellant intended to commit theft when he entered the habitation). Appellant only contests the sufficiency of the evidence with respect to the fifth element.

A theft is committed when a person "unlawfully appropriates property with intent to deprive the owner of property." PENAL § 31.03(a). Appropriation of property is unlawful if committed without the owner's effective consent. *Id.* § 31.03(b)(1); *see id.* § 31.01(4)(B) ("appropriate" means "to acquire or otherwise exercise control over property other than real property"). Appropriation of property is "without the owner's effective consent" if it is without his "assent in fact." *Id.* § 31.03(b)(1), § 1.07(a)(11) (West Supp 2018); *Thomas v. State*, 753 S.W.2d 688, 691–92 (Tex. Crim. App. 1988). "[A]ssent in fact" can be express or apparent. PENAL § 1.07(a)(11); *Baird v. State*, 398 S.W.3d 220, 229 (Tex. Crim. App. 2013).

Appellant argues that there is no evidence showing that he unlawfully appropriated Brian's cell phone with the intent to deprive him of it. Although Appellant admits that he took the phone, he contends that the taking was inadvertent.

He claims that proof he did not intend to deprive Brian of the cell phone is found in the following facts: he mistakenly thought people were chasing him; Brian allowed him to stand up and opened the door for him to leave; he surrendered to the police shortly after he ran from Brian's home (before he was able to return the cell phone); and he did not steal any other property. We disagree.

Appellant forcefully entered Brian's home. Brian testified that he did not give Appellant consent to enter, so he restrained Appellant. Then, after Appellant asked to "make a call," Brittany gave Appellant Brian's cell phone, and Brian allowed Appellant to make the call. However, Appellant did not just make a phone call: he fled with Brian's cell phone. Brian testified that neither he nor anyone in his family authorized Appellant to take his cell phone.

From this evidence, the jury could have concluded that Appellant took Brian's cell phone without Brian's effective consent. *See Mueshler v. State*, 178 S.W.3d 151, 156 (Tex. App.—Houston [1st Dist.] 2005, pet. ref'd); *see also Northup v. State*, No. 13-07-00581-CR, 2009 WL 1623426, at *6 (Tex. App.—Corpus Christi June 11, 2009, pet. ref'd) (mem. op., not designated for publication). Lack of effective consent may be shown by circumstantial evidence. *Wells v. State*, 608 S.W.2d 200 (Tex. Crim. App. [Panel Op.] 1980). Although Brittany and/or Brian gave Appellant consent to use the cell phone for a phone call, they did not give Appellant consent to take the cell phone off the property. And while no one expressly told Appellant any specific restrictions on his use of the cell phone, the circumstances are such that a jury could have inferred that Appellant knew he was only allowed to use the cell phone for a limited purpose. His behavior, most notably his flight from the residence, is consistent with someone who knew they were not authorized to take the property. *See Mueshler*, 178 S.W.3d at 156. Therefore, a jury could have inferred that Appellant unlawfully appropriated Brian's cell phone.

The jury also could have inferred that Appellant intended to deprive Brian of his cell phone. *See Northup*, 2009 WL 1623426, at *6. Appellant's intent to deprive may be inferred from his words, acts, and conduct. *Hart v. State*, 89 S.W.3d 61, 64 (Tex. Crim. App. 2002) (citing *Manrique v. State*, 994 S.W.2d 640, 649 (Tex. Crim. App. 1999)). The fact that Appellant did not return the cell phone after he took it is evidence from which a jury could have inferred Appellant's intent to deprive. *See Rowland v. State*, 744 S.W.2d 610, 613 (Tex. Crim. App. 1988). Moreover, even though Appellant did not maintain possession of the cell phone, this does not mean that he did not intend to deprive Brian of the cell phone. *See Griffin v. State*, 614 S.W.2d 155, 159 (Tex. Crim. App. 1981); *Banks v. State*, 471 S.W.2d 811, 812 (Tex. Crim. App. 1971). The jury could have inferred that, when Appellant fled with Brian's cell phone, he intended to keep the cell phone permanently but accidentally dropped it as he was breaking into the third home. *See* PENAL § 31.01(2) (defining "deprive"). Indeed, the jury could have inferred that Appellant intended to pick the cell phone back up but was interrupted by the arrival of the police. While the jury could have also believed that Appellant inadvertently took the cell phone, the jury did not believe that version of events, and we must defer to the jury's resolution of conflicting inferences. *See* TEX. CODE CRIM. PROC. ANN. art. 38.04 (West 1979); *Zuniga*, 551 S.W.3d at 733–34.

Viewing the evidence in the light most favorable to the verdict, a rational jury could have found beyond a reasonable doubt that Appellant committed theft. Therefore, we hold that there was sufficient evidence to support Appellant's conviction for burglary of a habitation. We overrule Appellant's first and second issues.

This Court's Ruling

We affirm the judgment of the trial court.

KEITH STRETCHER
JUSTICE

May 16, 2019

Do not publish. *See* TEX. R. APP. P. 47.2(b).

Panel consists of: Bailey, C.J.,
Stretcher, J., and Wright, S.C.J.[1]

Willson, J., not participating.

[1]Jim R. Wright, Senior Chief Justice (Retired), Court of Appeals, 11th District of Texas at Eastland, sitting by assignment.

PEDRO HERNANDEZ, JR.
TDCJ# 02135763
CONNALLY UNIT
899 FM 632
KENEDY, TEXAS 78119

August 14, 2019

RE: Petition for Discretionary Review

Dear Clerk,

Enclosed please find my pro se Petition for Discretionary Review. Please file this PDR and bring it to the attention of the Court.

please date-stamp this letter and return it to my address above.

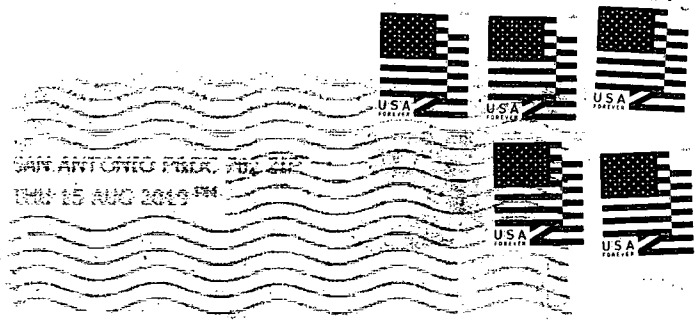
I also request that you notify me of the Court's Ruling on my petition.

Thank you for your assistance in this matter.

Sincerely,

Pedro Hernandez, Jr., Petitioner
in pro se

Encl.



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"Legal mail"

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Texas Court of Criminal Appeals
at Austin.

~~Gault, Ferguson & Associates~~
~~Attorneys and Counselors at Law~~
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5