UT LAW CLE THE UNIVERSITY OF TEXAS SCHOOL OF LAW

PRESENTED AT

2017 Robert O. Dawson
Conference on Criminal Appeals

May 10-12, 2017
Austin, Texas

Application for Pretrial Writ of Habeas Corpus

Presented By
David M. Gonzalez

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NO. D1DC14-100139

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JAMES RICHARD "RICK" PERRY	§	390TH JUDICIAL

APPLICATION FOR PRETRIAL WRIT OF HABEAS COR

THE BUZBEE LAW FIR
Anthony G. Buzbee
State Bar No. 24001820
JPMorgan Chase Tower
600 Travis Street, Suite 73
Houston, Texas 77002
(713)223-5393 (phone)
(713)223-5909 (fax)
tbuzbee@txattomeys.com

BAKER BOTTS L.L.P.
Thomas R. Phillips
State Bar No. 00000102
98 San Jacinto Blvd., Suit
Austin, Texas 78701-4078
(512) 322-2565 (phone)
(512) 322-8363 (fax)
tom.phillips@bakerbotts.c

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Exhibit 3: June 14, 2013 Proclamation (Veto & Veto Statement).....

Exhibit 4: June 10, 2013 Austin American Statesman Article .....

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TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, APPLICANT, JAMES RICHARD "RICK" PERR

counsel

of record, David L. Botsford,[1] and pursuant to Texas Code of Criminal Pro

seq., presents this Application For Pretrial Writ of Habeas Corpus, and as

respectfully show this Honorable Court the following:

I.

NATURE OF RELIEF SOUGHT

This is a pretrial application for writ of habeas corpus seeking to

Applicant, Governor James Richard "Rick" Perry, on multiple constitutiona

Some of these grounds relate to defects apparent on the face of the

parte Weise, 55 S.W.3d 617, 620 (Tex. Crim. App. 2001) (defendant is en
habeas relief when he alleges "that the statute under which he or she is prose
on its face; consequently, there is no valid statute and the charging instrume

In addition, ***both*** Section 36.03(a)(1) and Section 39.02(a) are v
applied

to this case, and that is true regardless of whether they might pass constitutio
circumstances. The statements and actions alleged in the indictment, i
Governor Perry's official capacity. Forcing Texas' head of state to stand tria
provisions that are clearly unconstitutional as applied to any Governor
deleterious impact on the efficient operation of state government, now and
him to stand trial on charges based on statutes that are unconstitutional in
reasons of constitutional magnitude, including the separation of powers doc
democratic system of government, Governor Perry should have the sam
through habeas corpus in this case if the provisions are merely void as app
they were facially unconstitutional.

Even if the statutes under which the Governor is indicted were not
face or as applied, the facts alleged by the State still fail on their face to s

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2017 Robert O. Dawson Conference on Criminal Appeals session
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