

FILED

AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_

JUN 12 1997

JIMME F. ROBINSON, CLERK, DISTRICT COURT  
ANGELINA COUNTY, TEXAS  
DEPUTY

In The  
Court of Appeals  
Ninth District of Texas at Beaumont

NO. 09-97-021 CR

DESIREE SHAW, Appellant

v.

THE STATE OF TEXAS, Appellee

On Appeal from the 159th District Court  
Angelina County, Texas  
Trial Cause No. 19058

FINDINGS OF FACTS

Applicant was convicted in the 159th Judicial District Court on December the 5th, 1996 for the offense of Murder. She was sentenced to thirty-two years in the Texas Department of Criminal Justice Institutional Division after the Jury pronounced her guilty of that offense.

On January the 2nd of 1997, at a hearing the Applicant asked the Court to allow her to proceed with her appeal In Forma Pauperis and testimony was heard. It was revealed at that time that she had some automobiles available that she had an interest in, and she was ordered to sell the same to pay for the cost of the Statement of Facts. Mr. Heath, her trial attorney, advised

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the Court that he would proceed with the appeal of the case if he could be provided a transcript. At that time the Court made inquiries of an attorney handling the probate for Ms. Shaw and was advised that in deed there was some property that could be sold and the proceeds would be turned over to the Court for purpose of paying for the Statement of Facts. The automobiles were never sold. However, the court reporter did in fact type up the Statement of Facts.

I received an Order entered May the 8th from the Honorable Court of Appeals, the State of Texas, Ninth District ordering this Court to hold a hearing to determine: (1) whether or not that the Appellant desires to prosecute her appeal, (2) whether the Appellant is indigent, (3) whether appointment of counsel is necessary, (4) whether appellant has exercised diligence in obtaining a Statement of Facts, and (5) whether Appellant has been deprived of a Statement of Facts because of ineffective assistance of counsel or for any other reason. I did not conduct a hearing as ordered by the Court because I was able to make Findings of Facts from conversations with Mr. John Heath, her trial attorney.

Mr. Heath has informed this Court that he would represent her on appeal. The Court has further issued an order that Mr. Tom Snead, the official court reporter on that date, file with the Clerk of Angelina County the Statement of Facts. As of this date the Statement of Facts has been filed with the District Clerk of Angelina County and Mr. John Heath has been made aware of this.

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CONCLUSIONS OF LAW

From the review of the record and from discussions with the attorney representing the Appellant in this case, the Court feels that the Appellant in this case does in fact desire to appeal her case, that she has counsel who is willing to go forward with the appeal of the case, and I would recommend to the Honorable Court that she be given an extension of time in which to file the necessary documents to proceed with her appeal.

The Court at this time will further order that the Clerk of this Court shall forward the Findings of Facts to the Court of Appeals, State of Texas, Ninth District and send a copy of the same to Mr. John Heath, attorney for Appellant.

SIGNED ON THIS THE 12TH DAY OF JUNE, 1997.



Gerald A. Goodwin  
Judge Presiding