

**IN THE TEXAS COURT OF CRIMINAL APPEALS**

**CAUSE NO. 864928**

**AND**

**IN THE 180<sup>th</sup> JUDICIAL DISTRICT COURT OF HARRIS COUNTY,  
TEXAS**

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*EX PARTE*

**WILLIAM DARIN IRVAN,**

**Applicant**

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**Case No.**

**THIS IS A DEATH PENALTY CASE**

**APPLICATION FOR POST-CONVICTION WRIT OF HABEAS CORPUS  
ART. 11.071 V. A.C.C.P.**

**FILED IN THE 180<sup>th</sup> JUDICIAL DISTRICT COURT OF HARRIS,  
COUNTY**

**ON BEHALF OF APPLICANT BY:**

**James Leitner  
Attorney at Law  
1314 Texas Avenue, Suite 1419  
Houston, Texas 77002  
TBN. 12187900**

**Writ Counsel for William Darin Irvan**

**APPLICATION FOR POST-CONVICTION WRIT OF HABEAS CORPUS**

**TO THE JUDGES OF THE COURT OF CRIMINAL APPEALS:**

**COMES NOW WILLIAM DARIN IRVAN**, Applicant herein, by and through his attorney, **JAMES LEITNER**, and pursuant to **TEX. CODE CRIM. PROC. ANN. art. 11.071** (Vernon's Supp. 2000), files this application for writ of habeas corpus and in support thereof, would show the Court as follows:

Applicant believes that an evidentiary hearing is necessary to adequately prove his allegations herein, and respectfully requests the Court to order the same.

**I. STATEMENT OF JURISDICTION**

Applicant is illegally restrained in his liberty by the Director of the Institutional Division of the Texas Department of Criminal Justice, pursuant to a sentence of death entered by the 180<sup>th</sup> Judicial District Court of Harris County in Cause no. 864,928. A copy of the judgment & sentence is attached hereto as Exhibit "A". (CR, 191,192)

**II. CLAIMS FOR RELIEF**

<u>ISSUE</u>	<u>PAGE</u>
<b>CLAIM FOR RELIEF NUMBER ONE . . . . .</b>	<b>29</b>
<b>THE REMOVAL OF ATTORNEY WAYNE HILL, WITHOUT NOTICE OR A HEARING, AS HIS ATTORNEY AFTER TWO YEARS OF AN EXISTING ATTORNEY CLIENT RELATIONSHIP VIOLATED HIS U.S. CONST. AMEND. VI</b>	

**RIGHT TO COUNSEL AND HIS U.S. AMEND. V & XIV RIGHT TO DUE PROCESS.**

**CLAIM FOR RELIEF NUMBER TWO ..... 33**

**APPLICANT WAS DENIED THE RIGHT TO COUNSEL AS GUARANTEED BY U.S. CONST. AMEND. VI BY THE TRIAL COURT'S REFUSAL TO APPOINT TWO ATTORNEY'S TO REPRESENT HIM AS REQUIRED BY ART. 26.052(e) V.A. C.C.P.**

**CLAIM FOR RELIEF NUMBER THREE ..... 33**

**APPLICANT WAS DENIED DUE PROCESS OF LAW AS GUARANTEED BY U.S. CONST. AMEND. V AND XIV BY THE TRIAL COURT'S REFUSAL TO FOLLOW STATE LAW AND APPOINT TWO ATTORNEY'S TO REPRESENT HIM IN ACCORDANCE WITH ART. 26.052 (e) V.A.C.C.P.**

**CLAIM FOR RELIEF NUMBER FOUR ..... 39**

**APPLICANT'S RIGHT TO DUE PROCESS AS GUARANTEED BY U.S. CONST. AMEND. V & XIV WAS VIOLATED BY THE PROSECUTORIAL VINDICTIVENESS IN THIS CASE BY PROCEEDING WITH A TRIAL FOR DEATH BECAUSE APPLICANT REFUSED TO PLEA BARGAIN TO A MURDER CHARGE.**

**CLAIM FOR RELIEF NUMBER FIVE ..... 40**