

be considered that there could have been no sufficient trial strategy to justify trial counsel's actions or inactions as set forth in the preceding issues, which, in reality, is the only honest position that could be taken. If counsel had a good strategy reason for such actions, then they would not have hesitated to answer the questions within exhibits " H & I ".

In the case of *Ex parte Axel*, 757 S.W.2d 369 (Tex. Crim. App. 1988) the court stated:

"We hold that trial counsel, retained or appointed, has the duty, obligation and responsibility to consult with and fully advise his client concerning meaning and effect of the judgment rendered by the court, his right to appeal from that judgment, the necessity of giving notice of appeal and taking other steps to pursue an appeal, as well as expressing his professional judgment as to the possible grounds for appeal and their merit, and delineating advantages and disadvantages of appeal."

That holding should be construed to include that the attorney also has the duty and obligation to answer the question of "why?" certain trial actions were taken when requested by the client on appeal or writ.

CLAIM FOR RELIEF NUMBER NINETEEN

APPLICANT WAS DEPRIVED OF HIS CONST. AMEND. VI RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL ON DIRECT APPEAL BY COUNSEL FAILING TO OBJECT TO THOSE MATTERS SET FORTH IN THIS WRIT AS AN

INSTANCE OF TRIAL COUNSEL BEING INEFFECTIVE.

CLAIM FOR RELIEF NUMBER TWENTY

APPLICANT WAS DEPRIVED OF HIS CONST. AMEND. VI RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL AT TRIAL BY THE CUMULATIVE EFFECT OF THE INSTANCES OF INEFFECTIVE ASSISTANCE SET FORTH HEREIN AS INDIVIDUAL CLAIMS FOR RELIEF.

Applicant would ask the Court to consider all of the issues within this writ complainant of trial counsel's ineffectiveness. To then consider the cumulative effect of all of those individual instances of ineffectiveness claimed herein on the entire trial. As each of the claimed action would meet the first prong of *Strickland, supra.*, so would the cumulative effect of all considered together. It would greatly enhance proof of the prejudice prong by considering the entire cumulative effect of the instances of ineffective assistance claimed herein. On this basis Applicant would ask this Court to grant this writ, and ultimately order his release from the unlawful sentence of death that he is now serving. To ultimately reverse the conviction herein, and remand the case to the trial court for a new trial.

Likewise, Applicant would claim that since direct appeal counsel failed to raise these issues of ineffective assistance¹⁴, that fact in and of itself is ineffective assistance. This issue is being presented, as a cautionary move not to waive these claims. The same procedure for

¹⁴ Counsel acknowledges that most of the IAC cases that emanate from this Court discourage IAC as a claim on direct appeal. Even so, this issue is placed herein so that there will be no doubt but that all of the State remedies have been exhausted as they pertain to these claims of ineffective assistance.