

WILLIAM D. IRVAN
VS.
THE STATE OF TEXAS

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X
X
X

IN THE 180TH DISTRICT COURT
HARRIS COUNTY, TEXAS

CAUSE # 864928

APPLANT'S PRO-SE MOTION PER.C.C.P.ART.64.00 - 64.05 TO HAVE DNA TESTED

TO THE HONORABLE JUDGE OF SAID COURT:

The Appllant comes before the Court and makes His motion for DNA Testing to prove that **HE DID NOT COMMIT THIS CRIME** and **BE PROVEN INNOCENT**, FROM THESE **DNA TEST** AND **FINGERPRINTS TEST**.

1)There were (2) BLACK/DARK BROWN PUBIC HAIRS found in Mechelle Shadbolts Bed. ORCHID CELLMARK LAB #FOR2224-23, B1-B3. These Hairs were tested with an old test and Appllant believes that when these Hairs are tested with a NEWER TEST , HE WILL BE CLEARED .
SEE AFFADAVIT IN SUPPORT OF MOTION.

2)There were (4) Hairs found under Mechelle Shadbolts finger nails. (1) of these Hairs "A PUBIC HAIR " has been tested and it did not match the Appllant , the Victim or Tim Durdan. The Husband was never Tested. There are (3) more Hairs from Her Finger Nails that need to be Tested. (2) Pubic Hairs and (1) 1" Head Hair. The Appllant Believes that when these Hairs are Tested , HE WILL BE CLEARED.
SEE AFFADAVIT IN SUPPORT OF MOTION.

3)In the November 18, 2002 ORCHID CELLMARK LAB Report , on the last page you will see where they say william Irvan is included as atleast (1) MALE Contributor. Appllant believes that there is another DNA present . Appllant thinks that if the DNA SWABS and SMEARS were RETESTED they would find another DNA .
APPLANT BELIEVES THAT IF THE DNA WAS TESTED BY D.P.S OR SOME ONE OTHER THAN ORCHED CELLMARK, THEY WOULD FIND ANOTHER DNA, WHICH HAS BEEN FOUND BY ORCHED, DR. BENJAMIN AND KARIN SCALIS.
SEE AFFADAVIT IN SUPPORT OF MOTION.

4)Threer: were (2) Hairs found on the Blade of the Knife, PER SUBMISSION #L2H-56863. Appllant believes that if these Hairs were Tested HE WILL BE CLEARED.
SEE AFFADAVIT IN SUPPORT OF MOTION.

5)The Appllant Believes that if Jack Shadbolt were EVER TESTED to the FINGER PRINTS found at the scene HE WOULD BE INCLUDED. and the APPLANT HAS ALLREADY BEEN EXCLUDED.
SEE AFFADAVIT IN SUPPORT OF MOTION.

6)The Apellant ask the court to have the Sheet off MECHELLE SHADBOLTS BED Tested With PRESUMPTIVE TEST.This test isfor the presents of semen .D.P.S says that they tested the sheet for P-30,but theyalso say that they tested the Vagina Swab and found NO P-30. This sheet Needs to be retested,because someone is wrong,This would clear said Applant.THE APPLLANT ASK THE COURT TO HAVE THIS SHEET TESTED WITH A PRESUMPTIVE TEST AND FIND OUT IF THERE IS SEMEN.

7)THIS APPLLANT WOULD ASK THAT THE COURT APPOINT JAMES M.LEITNER TO HELP SAID APPLLANT WITH THIS MATTER.MR.LEITNER HAS KNOWLEDGE OF WHAT IS GOING ON IN SAID CASE.

THANK YOU YOUR HONOR FOR TAKEING THE TIME TO READ THIS MOTION . I HOPE THAT YOU WILL SEE FROM THE TESTIMONEY THAT THIS WAS TWO DIFFERENT ACTS,AND THE HAIRS NEED TO BE TESTED ALONG WITH THE OTHER THINGS MENTIONED.

William Irvan
WILLIAM IRVAN

THE APPLANT ASK THE COURT TO PLEASE ORDER THE DNA IN THIS CASE TO BE TESTED .SO,THE APPLANT CAN CLEAR HIMSELF OF THIS CRIME.

WHEREFORE,PREMISSES CONSIDERED APPLANT PRAYS THAT THE COURT WILL ORDER THAT THE DNA BE TESTED OR RETESTD AND THE FINGERPRINTS COMPAIRED TO JACK SHADBOLT AND EXAMENED BY A FINGER PRINT EXPERT.

CERTIFICATE OF SERVICE

I HEARBY CERTIFY THAT ATRUE AND CORRECT COPY OF THE ABOVE AND FORGOING INSTRUMENT HAS BEEN FURNISHED TO THE 180TH DISTRICT COURT AND THE DISTRICT ATTORNEY ON 5th DAY OF Dec., 2005.

William Irvan
WILLIAM IRVAN.

ORDER

ON THIS THE _____ DAY OF _____ 2005,CAME TO BE HEARD THE FORGOING MOTION OF THE APPLANT WILLIAM IRVAN .AFTER DUE CONSIDERATION THE COURT FINDS AS FOLLOWS:

the request herin are GRANTED in total _____

the request herein are DENIED in total _____

the Court rules as follows: _____

IT IS SO ORDERED.

JUDGE PRESIDING