

WILLIAM D. IRVAN
VS.
THE STATE OF TEXAS

X
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.

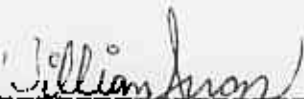
William Irvan
WILLIAM IRVAN

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.

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

WILLIAM D. IRVAN'S SWORN AFFADAVIT IN SUPPORT OF HIS MOTION TO HAVE THE DNA TESTED AND TO HAVE THE FINGERPRINTS LOOKED AT BY AN EXPERT.

FROM THE BEGINNING THE STATE OF TEXAS KNEW THAT MECHELLE SHADBOLT WAS NOT RAPED(SEE EXHIBIT "A")ITCLEARLY SHOWS THAT SHE WAS NOT RAPED. SHE HAD NO TRAUMA TO, HER VAGINA, RECTAL, ANORECTAL OR VULVA. THIS MADE THE HAIRS FROM UNDER HER FINGER NAILS SO IMPORTANT. WHEN THEY STARTED TESTING THE HAIRS AND THEY DID NOT MATCH ME , SOMEONE SAID "STOP BEFORE YOU CLEAR WILLIAM D. IRVAN....."

1)On February 14,1987 the Homicide Detective found (2)Dark Brown/Black Pubic Hairs in Mechelle Shadbolts BED.They found NO other Hairs in Her Bed.William Watson Tested these hairs with POWER PLEX 1 (See Orchid Cellmark's Lab Report NOVEMBER 18,2002.FOR2224-023 B-1 B-3,EXHIBIT "B")Power plex 1 is a very old test .These hairs had to have a ROOT to be tested with this Test.He says that BOTH were"INS".He never went back and RETESTED these hairs with STR DNA or with MITOCHONDRIAL Testing.At a later date he Tested the hair(1) from her nails,Why did'ent he Ret-est this Hair?(also see"Bl) DET.ROSSI said that Hethought that this crime could of started in Her Bedroom.If you look at the PICTURE of HER BED ,you will see that ALL OF THE COVERS and FLAT SHEET are at the BOTTOM of the BED.It is obvious that something happend in this BED.Her clothes are at the side of the Bed on the Floor.Jack Shadbolt says that he had not been in the house "BED" in 6 weeks.He also says that HE had NOT had SEX with her ,1 week in January 1987.(see Exhibit "C")It would be highly unlikely that HIS PUBIC HAIR would be the ONLY HAIR FOUND IN THE BED.She sleep in that bed and they did NOT find Her Hair.This leads a person to believe that the SHEETS had been CHANGED REASENTLY.(SeeExhibit "D")DET.Rossi had the Bed covers and Sheet collected for this reason ,to check for Evidence(ie.HAIR and Seaman)IT WAS FOUND ,but someone chose NOT TO FIND OUT WHO IT BELONGED TO!APPLLANT ASK THE COURT TO HAVE THESE (2) HAIRS FOUND IN MECHELLE SHADBOLTS BED RETESTED WITH THE NEWEST DNATESTING. ALSO,THE SHEET NEEDS TO BE TESTED WITH A NEW TEST CALLED "PRESUMPTIVE TEST"to see if there is any Semen.D.P.S did do a P-30 Test,but this is a Newer test,and D.P.S Did a P-30 on the Vagina Swab and said there was No P-30.Katherin Long said that there was. SO,who is telling the TRUTH.

2)The M.E. found (4) DARK BROWN/BLACK HAIRS UNDER Mechelle Shadbolts FINGER NAILS.(3)PUBIC HAIRS and (1)HEAD HAIR.William watson said on the stand that He Tested (1) of the Pubic Hairs. It did NOT MATCH WILLIAM IRVAN,MECHELLE SHADBOLT OR TIM DURDEN. JACK SHADBOLT WAS NOT TESTED.DET.Rodget Wedgeworth writesWilliam Watson atleast (2) Letters saying"DO WHAT EVER IT TAKES"to find out who's HAIR IS UNDER HER NAILS.(See exhibit "E")He did NOT Test the remaning (3)HAIRS.Then in November 2003 Katherin Long received ALL of the DNA Evidence AGAIN.On the stand she says that she was to TEST ALL OF THE EVIDENCE SHE RECEIVED,but then says that She DID NOT TEST the HAIR,because they DID NOT HAVE A ROOT and SHE did NOT do MTDNA,but someone there at Her Lab did. (See Exhibit "F")THERE WERE NO CARPET FIBERS FOUND UNDER HER FINGER NAILS.SO SHE GOT THEM FROM HER ATTACKER.....(SEE1)1.

The DET.knew how IMPORTANT the HAIR'S were from Her FINGER Nails Because She **FOUGHT HER ATTACKER,SO HARD** ,by ALL of the **LETTERS** they sent ORCHID CELLMARK,WILLIAM WATSON'**DO WHAT EVER IT TAKES'** **TO FIND OUT WHO'ES HAIRS ARE UNDER HER FINGER NAILS.**Then sending the Evidence back to ORCHED CELLMARK ,WILLIAM WATSON and KATHERIN LONG atleast (3) Times,to Test it.and **THEY STILL FAILED TO TEST IT**(see EXH In 2005 Applants WRIT Attorney hired a DNA EXPERT .KARIN SCALISE. (See Exhibit "H")In her report she states that atleast (1) of the Hairs from Mechelle Shadbolt's Finger nail has a **ROOT.**That CLEARLY shows that **KATHERIN LONG LIED** on the Stand about **NOT BEING ABLE TO TEST THE HAIR, FROM LACK OF A ROOT.**For some reason KATHERIN LONG and WILLIAM WATSON did **NOT** want to Test the **Hairs** found at the crime scene.APPLANT BELIEVES THAT WHEN THESE HAIRS ARE TESTED HE WILL BE CLSARED AND IT WILL SHOW WHO KILL MECHELLE SHADBOLT. APPLANT ASK THE COURT TO HAVE THESE HAIRS TESTED WITH THE NEW"EST DNA TESTING AVABLE(also See Exhibit "L")

3)APPLANT has been told that there is another DNA present in the VAGINA and or the RECTOM.Appllant has trved to find out all the details from DR.Benjamin"WHILE PRE SE" and from KARIN SCALISE but can not get a answer (See Exhibit "I")Appllant would ask the court to look in to this,this is very important to clear the Appllant.Or the Appllant would ask the court to send the SWABS and SMEARS out to D.P.S to have them Test them.ALSO(see EXHIBIT "B") ORCHED CELLMARK"S LAB REPORT NOVEMBER 18,2002.You will see on the last page that it says that William Irvan is included as ATLEAST (1) MALE CONTRIBUTOR.SO WHO IS THE OTHER?

4)There is alot of other HAIR DNA that has NOT been tested. (See EXHIBIT "J") SUBMISSION #L2H 56863.This is (2) HAIRS from the BLADE OF THE KNIFE.These have not had any kind of testing done on them an again KATHERIN LONG had this Hair and atleast (1) of them has a **ROOT.**(See EXHIBIT "H")

5(See Exhibit "K")You will find a Affidavit from aDNA EXPERT WILLIAM SHEILDS.He looked at some DNA Testing that WILLIAM WATSON did ,in someone eles case.He called a HAIR from the FINGER NAIL"INC"when infact it could clear the DEFENDANT.He clearly **LIED IN THIS CASE.ON WEDNESDAY NOVEMBER 16,2005** ,He was called to a Hearing to Testify along with MR.SHIELDS about the fact that HE LIED about these HAIRS.This was in U.S.MAGISTRATE JUDGE CLINTON E.AVERITTE'S court room.This is why it is so VERY IMPORTANT to have the **HAIRS,SHEET,SWABS,SMERS** and **FINGER PRINTS CHECKED.** Appllant has a right to have a NON BIES LAB CHECK or TEST the DNA. It is clear from the facts extracted from KATHERIN LONG and WILLIAM WATSON at Trial that they will LIE and AVOID TESTING the things that WILL CLEAR THIS APPLANT.(See EXHIBIT "M") ATTORNEY TERENCE GAISER made this Affidavit .It is for RONALD J.PRIBLE.JR.KELLY SIEGLER was the DA.WILLIAM WATSON-ORCHED CELLMARK the LAB and DR.BENJAMIN was the DNA Expert for the Defence. It is clear from the affidavit that Mr Gaiser did not think that William Watson or Dr.Benjamin told the TRUTH.They both worked in my CASE.DID THEY TELL THE TRUTH IN MY CASE????????(also See Exhibit "N") **APPLANT TOLD HIS ATTORNEYS TO TEST SAID DNA NUMEROUS TIMES BUT THEY DID NOT.IF THEY WOULD HAVE I WOULD BE AT HOME.....**

JACK SHADBOLT the HUSBAND of the VICTIM was NEVER CHECKED TO THE FINGER PRINTS, BUT THE JURY WAS TOLD THAT HE WAS CHECKED TO THEM.. (SEE EXHIBIT "O") IT IS A Letter from the P.B.I telling Harris co that JACK SHADBOLTS PRINTS are NOT COMPLET and can not compair them to the one's found at the crime scena. Yes he had lived there 6 weeks back ,but as DET.Rossi said .If we found his prints on something that was used in the Murder.Well, the prints are from things that the State says are from the Murder.THE APPLANT ASK THE COURT TO PLEASE LET HIM HAVE A EXPERT LOOK AT THESE PRINTS AND COMPAIR THEM TO JACK SHADBOLT.THE SUSPECT FOR 17 YEARS. (ALSO SEE EXHIBIT"P")

I WILLIAM D.IRVAN .TDCJ #999472.HARRIS CO #801568 SWARE THAT ALL OF THE FACTS IN THIS AFFADAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

William Irvan
WILLIAM IRVAN.

1 Q. Now, you were talking about how the swabs
2 were actually done and I understood you to say that
3 you take the swab and put it in the vagina as far as
4 it will go; correct?

5 A. That's correct.

6 Q. Now, is that standard? How you do it?

7 In other words, how do you know that
8 that is how Dr. Espinola did it?

9 A. That's standard practice.

10 Q. Okay. As a person, as a medical examiner,
11 as an assistant medical examiner trained to do
12 autopsies, that's one of the procedures, standard
13 procedures, that they are taught?

14 A. That's correct.

15 Q. Okay. And do you know if Dr. Espinola --
16 because it appears from his report that he found
17 sperm on the vaginal and the rectal slide, whether he
18 tried to further determine whether there was any
19 evidence other than that of sexual assault?

20 A. Such as?

21 Q. Such as any trauma to the genitalia?

22 A. There was no trauma described.

23 Q. Okay. Anywhere in the report; correct?

24 A. Not to the vagina or the rectum, that's
25 correct.

Exh. A

1 Q. They talk about, in the report, the
2 examination of the anorectal area and that it did not
3 show any evidence of trauma; correct?

4 A. Correct.

5 Q. What exactly is the anorectal area?

6 A. It is junction between the anus and the
7 rectum.

8 Q. And it also says -- it says the examination
9 of the vagina did not show any evidence of trauma.
10 Obviously, that's the vagina; correct?

11 According to the standard way that an
12 examination like that would be done, how far would
13 Dr. Espinola have gone in looking to see whether
14 trauma was present or not? If you know?

15 A. Look from the outside all the way to the
16 inside. We examine externally. While we take swabs,
17 we take everything out from the inside. We look at
18 it again.

19 Q. Okay. So, it is a complete view of both
20 the external part of the vagina and also the
21 internal?

22 A. That's correct.

23 Q. So, when a statement is entered that says
24 that it did not show any evidence of trauma, that is
25 all the way into the interior part of the vagina;

Exh. A

1 correct?

2 A. That's correct.

3 Q. And it also says the vulva.

4 Could you tell us exactly where that
5 is?

6 A. That's the external part of the vaginal
7 canal.

8 Q. And, again, according to the report, there
9 is no evidence of trauma there as well?

10 A. Correct.

11 Q. Was it standard, back in 1987, if you know,
12 for assistant medical examiners to take photographs
13 of the female genital area for purposes of preserving
14 that as evidence of whether there was trauma to that
15 part of the body or not?

16 A. That was usually not done.

17 Q. And based on all the photos you had access
18 to, did you ever see any that showed that particular
19 view?

20 A. Not in this case.

21 Q. Not in this case.

22 You have done autopsies before where
23 sperm has been found in the vagina -- excuse me, on a
24 vaginal or rectal slide, I am assuming; correct?

25 A. Yes.

Exh. A

EX-101 T #10

LABORATORY REPORT - FORENSIC IDENTIFY

CASE DATA:

Referring Agency: Harris County Sheriff's Department
 Agency Contact: Roger Wedgeworth
 Agency Reference #: 87-027084
 Victim Name: Michelle Denise Shadbolt
 Suspect Name: William Darin Irvan
 GameScreen Case #: FOR2224 Supplemental
 Report Date: November 18, 2002

1. Evidence Received

Accession #	Sample Description	Receipt Date Method of Delivery		
FOR2224-001	Bloodstained Knife - Swab of Handle	11-13-98 - Hand Delivered By Danny Rinehart		
FOR2224-002	Hair Standards - Victim			
FOR2224-003	Vaginal, Anal, Oral Swabs and Slides			
FOR2224-004	Bloodstained Gauze Swab From Trophy			
FOR2224-005	Hair Standards - Jackie Shadbolt			
FOR2224-006	Mucus Like Substance			
FOR2224-007	Tissue Blocks - Victim			
FOR2224-008	Blood, Saliva - Jackie Shadbolt			
FOR2224-009	Cuttings From Cigarette Butts			
FOR2224-010	Empty Envelopes From Vaginal and Anal Swabs			
FOR2224-011	Portion of Oral Swab - Victim			
FOR2224-012	Bloodstained Gauze Swab From Trophy			
FOR2224-013	Bloodstained Gauze Cutting From Knife			
FOR2224-014	Scraping from Vanity			
FOR2224-015	Blood - Victim			
FOR2224-016	Buccal Swabs - William Irvan	02-08-00 - FedEx		
FOR2224-017	Buccal Swabs - Timothy Darden	03-07-00 - FedEx		
FOR2224-006	Mucus Like Substance	05-16-00 - FedEx	R	
FOR2224-008	Blood, Saliva - Jackie Shadbolt		R	
FOR2224-009	Cuttings From Cigarette		R	
FOR2224-010	Empty Envelopes From Vaginal and Anal Swabs		R	
FOR2224-011	Portion of Oral Swab - Victim		R	
FOR2224-012	Bloodstained Gauze Swab From Trophy		R	
FOR2224-013	Bloodstained Gauze Cutting From Knife		R	
FOR2224-014	Scraping from Vanity		R	
FOR2224-001	Bloodstained Knife - Swab of Handle		05-19-00 - FedEx	R
FOR2224-018	Fingernail Scrapings LH (Inside marked Right Hand)			
FOR2224-019	Fingernail Scrapings LH			
FOR2224-020	Hair Slides From Fingernail Scrapings			
FOR2224-021	Hair from LH Fingernail Scrapings			
FOR2224-022	Hair from RH Fingernail Scrapings			
FOR2224-023	2 Hair Mounts From Fitted Sheet			
FOR2224-024	Foreign Body Material			
FOR2224-025	Newspaper with Blood			
FOR2224-026	Piece of Newspaper With Blood			

R - Re-submittal

Exh. B

2. Results

DNA from designated specimens were typed using Promega's Amelogenin and PowerPlex 1.1 Kits. Results are reported in the second table below. Designated specimens were typed using Promega's CTT Kit With Amelogenin (reported March 23, 1999). Designated specimens were typed using Mitochondrial DNA Sequencing (reported April 3, 2002).

Sample #	Sample Description	PP1.1	CTT	Mito
FOR2224-001 A,B,C	Bloodstained Knife - Swab of Handle	X	X	
FOR2224-002	Hair Standards - Victim			
FOR2224-003 V/VS	Vaginal Swabs and Slides	X	X	
FOR2224-003 R,RS	Anal Swabs and Slides	X	X	
FOR2224-003 O	Oral Swabs and Slides			
FOR2224-004	Bloodstained Gauze Swab From Trophy			
FOR2224-005	Hair Standards - Jackie Shadbolt			
FOR2224-006	Mucus Like Substance	X		
FOR2224-007	Tissue Block - Victim			
FOR2224-008	Blood, Saliva - Jackie Shadbolt		X	
FOR2224-009	Cuttings From Cigarette			
FOR2224-010	Empty Envelopes From Vaginal and Anal Swabs			
FOR2224-011	Portion of Oral Swab - Victim			
FOR2224-012	Bloodstained Gauze Swab From Trophy			X
FOR2224-013	Bloodstained Gauze Cutting From Knife			X
FOR2224-014	Scraping from Vanity		X	X
FOR2224-015	Blood - Victim		X	X
FOR2224-016	Buccal Swabs - William Irvan	X		X
FOR2224-017	Buccal Swabs - Timothy Darden	X		X
FOR2224-018	Fingernail Scrapings LH (Inside marked Right Hand)	X		X
FOR2224-019	Fingernail Scrapings LH	X		
FOR2224-020 A,B	Hair Slides From Fingernail Scrapings			X
FOR2224-021	Hair from LH Fingernail Scrapings			
FOR2224-022	Hair from RH Fingernail Scrapings			
FOR2224-023 B1, B3	2 Hair Mounts From Fitted Sheet	X		
FOR2224-024	Foreign Body Material			
FOR2224-025	Newspaper with Blood	X		
FOR2224-026 A,B	Piece of Newspaper With Blood	X		

Exh. B