

State trying to punish me for going pro-se? U.S. v. Sanders, 211 F. 3d 711 (2nd Cir. 2000), A defendant shall not be punished for something that the law clearly says he can do. This is a due process violation of the most basic sort.

In my opinion this is clearly happening in your court room.” (CR, 120)

Even though this was brought out as another possible defense by Applicant through this letter to the Court. Everyone just disregarded it, as they did everything else Applicant was telling them. Either the Court was informed that death was not being sought and that is why she failed to follow the dictates of Art. 26.052(e) V.A.C.C.P. for two years, or the Court was actively supporting the process of trying to coerce Applicant to enter a plea in this case. In either event counsel should have raised this issue pre-trial when given notice of the issue by Applicant, and obtained a ruling by the Trial Court to preserve this issue on appeal. See Neal v. State, 150 S.W.3d 169 (Tex. Crim. App. 2004).

CLAIM FOR RELIEF NUMBER SIX

thought about the fact that you are faced with charges of capital murder and the State is seeking the death penalty in your case?

By Mr. Irvan: They are not. They haven't appointed two - - two attorneys.

By the Court: Did you hear my question?

Yes, ma'am.

By the Court: So, you thought about that?

By Mr. Irvan: M-h'm

By the Court: Okay. So, you realize that the State intends to seek the death penalty and so you are facing possible life in prison or death if you are convicted?

By Mr. Irvan: Yes, ma'am.

By the Court: You still want to represent yourself?

By Mr. Irvan: Well, unless I can get some different adequate representation.” (RR2, 4,5)

APPLICANT'S U.S. CONST. AMEND. VI RIGHT TO A SPEEDY TRIAL WAS VIOLATED WHEN ALMOST THREE YEARS PASSED BETWEEN HIS BEING CHARGED IN THIS CASE AND ACTUALLY PUT TO TRIAL, EVEN THOUGH HE MADE REPEATED REQUESTS FOR A SPEEDY TRIAL.

The right to a speedy trial is guaranteed by U.S.CONST. Amend. VI. **Barker v. Wingo**, 407 U.S. 514, 92 S.Ct. 2182, 33 L.Ed.2d 101 (1972) That right is a fundamental right and is imposed by the Due Process Clause of the Fourteenth Amendment on the States. See **Smith v. Hoocy**, 393 U.S. 374, 89 S.Ct. 575, 21 L.Ed.2d 607 (1969).

There are four factors to independently weigh and balance in deciding a speedy trial claim. They are: (1) the length of the delay; (2) the reason for the delay; (3) the defendant's assertion of his speedy trial rights; and (4) any prejudice against the defendant. This is the same under Federal and State law. **Barker v. Wingo, supra.** and **Dragoo v. State**, 96 S.W.3d 308 (Tex. Crim. App. 2003).

Length of the delay:

The length of the delay is considered a "triggering mechanism" because absent a presumptively prejudicial delay the other **Barker, supra.** factors are immaterial. Delays of eight months or longer are usually considered presumptively unreasonable. **Kelly v. State**, 122 S.W.2d 227 (Tex. App.-Corpus Christi 2003, no pct.) see also **Doggett v. United States**, 505 U.S. 647, 112 S.Ct. 2686, 120 L.Ed. 2d 520 (1992) holding a delay approaching one year is presumptively unreasonable. This was a case where the case itself was a cold case. The

penalty. How could more harm be occasioned.

**THE ELIMINATION OF JACKIE SHADBOLT, THE ESTRANGED HUSBAND, AS
A POSSIBLE MURDERER IN THIS CASE.**

THE PRE-TRIAL HEARINGS:

In addition to what has already been brought up in the preceding issues, it was made clear at the pre-trial hearings that the State and it's investigators were taking the position that the husband of the deceased Jackie Shadbolt was totally eliminated as the murderer in this case solely because the DNA found in the cavities of Michelle Shadbolt did not match the DNA of Jackie Shadbolt.

By the Attorney: "Okay. And at that point in time had you already received the results of the analysis of Jackie Shadbolt's DNA?"

By Roger Wedgeworth: I believe we received a telephone call. That's how we knew at the beginning.

By the Attorney: But you didn't receive the information?

By Roger Wedgeworth: We had received that information, I am pretty sure on that.

By the Attorney: Was it by telephone or in writing? You had received the information that his DNA did not match: correct?

By Roger Wedgeworth: I am pretty sure that's correct, yes, sir.

By the Attorney: Okay. Does that mean that at that point in time you and other detectives that