

IN THE COURT OF CRIMINAL APPEALS CAUSE NO. WR-65,137-04

AND

CAUSE NO. 27,181

STATE OF TEXAS	§	IN THE 385TH DISTRICT COURT
	§	
VS	§	OF
	§	
CLINTON LEE YOUNG	§	MIDLAND COUNTY, TEXAS

STATE'S RESPONSE TO APPLICANT'S FIFTH SUBSEQUENT POST CONVICTION WRIT OF HABEAS CORPUS PURSUANT TO ARTICLE 11.071 § 5, TEXAS CODE OF CRIMINAL PROCEDURE

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES THE STATE OF TEXAS, by and through her District Attorney Pro Tem in the above styled cause and moves this Court enter and order the convicting court to hold an evidentiary hearing on the issue of whether a conflict of interest existed between Midland County Assistant District Attorney Weldon Ralph Petty and certain Midland County District Judges, and in support hereof would show this Court the following:

I.

There are two pending Subsequent Post Conviction Writs of habeas corpus pending in this case: 1) the Fourth Subsequent Writ where the issue has already been designated as to whether a witness committed perjury during Applicant's trial, and 2) a Fifth Subsequent Writ of habeas corpus alleging there existed a conflict of interest between an Assistant District Attorney of the Midland County District Attorney's Office, to-wit: Weldon Ralph Petty, and certain Midland District Courts.

II.

The State believes the pending Fourth Subsequent should be held in abeyance, that the Fifth Subsequent Writ has met the requirements of § 5, Article 11.071 Texas Code Criminal Procedure, and the issue as to the conflict of interest concerning Weldon Ralph Petty should be resolved by the convicting court pursuant of an evidentiary hearing.

III.

The State, after reviewing the evidence presented in Applicant's Fifth Subsequent Writ, believes that it presents an issue of substantial merit, and as such could possibly be outcome determinative of whether Applicant should be granted relief.

Wherefore, premises considered, the State moves that this Court enter the following orders: 1) The Fourth Subsequent Writ be in abeyance; 2) The convicting court be ordered to designate the "conflict of interest" issue of Weldon Ralph Petty to be resolved through an evidentiary hearing; and, 3) A writ be issued by this Court in the above cause.

RESPECTFULLY SUBMITTED,



Philip Mack Furlow
106th Judicial District
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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Response to Applicant's Fifth Subsequent Post Conviction Writ of Habeas Corpus has been electronically delivered to attorney for Applicant this the 25st day of August, 2020.



Philip Mack Furlow