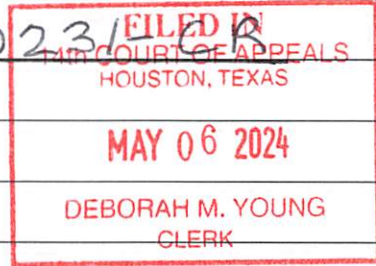


REENTRY SERVICES

Cause No: 14-24-00231



IN THE
COURT OF APPEALS
OF THE
FOURTEENTH SUPREME
JUDICIAL DISTRICT

MAILED
vnr

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Ex Parte Robert Crunk

Habeas Corpus Bail Appeal In
Cause No: 1856431 In The 179th
District Court Of Harris County, Texas

BRIEF FOR APPELLANT

IDENTITY OF PARTIES AND COUNSEL

1. Appellant: Robert Ferren Crunk
(SPN # 01192514)
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APPELLANT PRO SE

2. Stand-By Counsel For Appellant:

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TABLE OF CONTENTS

Brief Section Title	Page
Cover Page	1
Identity of Parties and Counsel	2
Table Of Contents	3
Index Of Authorities	4
Introduction Page	5
Statement Of The Case	6
Statement Of Facts	7-13
Point Of Error #1	14
Arguments	14-16
Conclusion	16-17
Prayer For Relief	17
Unsworn Declaration	18
Certificate Of Service	18

INDEX OF AUTHORITIES

Article 17.151, Texas Code Criminal Procedure

Article 17.09, Texas Code Criminal Procedure

Ex Parte Gomez, 624 S.W.3d 573 (Tex. Crim. App. 2021)

Texas Government Code § 54.856

Ex Parte Thomas, 906 S.W. 2d 22 (Tex. Crim. App. 1995)

5th U.S. Constitution Amendment

REENTRY SERVICES

Cause No: 14-24-00231-CR

IN THE COURT OF APPEALS
OF THE FOURTEENTH
SUPREME JUDICIAL DISTRICT

Ex Parte Robert Crunk

Appeal In Cause # 1856431 From The
179th District Court of Harris County, Texas

BRIEF FOR APPELLANT

To The Honorable Justices Of The 14th
Supreme Judicial District Court of Appeals:

COMES NOW, Robert Crunk, hereinafter
"Crunk," Appellant pro se in the above styled
and numbered cause, to respectfully present
his Appellant's Brief:

STATEMENT OF THE CASE

After being arrested for DWI and felon in possession of a weapon, on July 27, 2023, Appellant was released on a PR-Bond by the Magistrate Judge Rennette Franklin. Trial Courts Findings Of Fact 1, 5, 10 and 15.

On July 31, 2023, the 179th District Court Senior Judge Belinda Hill explicitly approved the Magistrate Judge's previous PR-Bond rulings, thus making the issue of bail Res Judicata. Ibid, 14 through 18; Defendant's Exhibit 1; and Court Reporter's Record, pgs. 8-13 and 15-18.

After 35 days on PR-Bond, with no violations, 179th District Court Judge Ana Martinez forfeited Appellant's PR-Bond on August 29, 2023 remanding him back to custody without a hearing or any notice. Clerk's Record—Application For Writ Of Habeas Corpus, pgs. 2-3; Defendant's Exhibit 1; Court Reporter's Record, pgs. 8-13 & 15-18.

On January 4, 2024, Appellant sought habeas Corpus writ relief, in cause # 1856431, in this instant bail appeal. Clerk's Record—Application For Writ Of Habeas Corpus, pgs. 1-8.

Writ hearing was held March 6, 2024, and relief denied by Judge Ana Martinez of the 179th District Court. Courts Finding Of Fact, 9.

This appeal was perfected March 14, 2024, styled Ex Parte Crunk, Cause # 14-24-00231-CR,

STATEMENT OF FACTS

1. Appellant was arrested for DWI and Felon In Possession Of A Weapon on July 27, 2023.

2. On July 27, 2023 Appellant was brought before Magistrate Judge Rennette Franklin. The State presented its Motion For Sufficient Bail arguing Appellant's bond be set at \$15,000 cash bond, and he be remanded to custody. State also argued that Appellant was on "Parole until Oct. 23, 2037 (Murder)," and "Personal Bond was opposed." Defendant's Exhibit 1—Personal Bond/Bail Order.

3. The Magistrate Judge set Appellant's bond at \$5,000 PR-Bond with restrictions on conduct. Defendant's Exhibit 1—Order For Pre-trial Supervision and Bond Conditions.

4. Appellant was released from custody at about 02:00 A.M. on 7/28/23; he went home tired and exhausted.

5. On/or about 7/28/23 (phone records can confirm exact time & date) Appellant called his parole officer to report that he had been arrested but was back home and out of jail. P.O. Ms. Minefee said she would notify the parole supervisor and he would be calling Crunk back soon. Ms. Minefee knew Crunk was released on parole 9/03/2013 and has had no parole violations nor any positive drug and alcohol tests; moreover, Crunk has 8+ years at the same address.

REENTRY SERVICES

6. On 7/31/23 Appellant appeared in the 179th District Court as ordered. Visiting Senior Judge Belinda Hill was presiding and called Appellant forward to the bench. The State presented its Motion For Sufficient Bail—for the second time—arguing for Crunk to be rearrested, his PR-Bond revoked, and his bond raised to a \$15,000 cash bond. Furthermore, the State argued for Crunk's bond rules and restrictions be increased in the event the Appellant makes bond again. Appellant was shocked! He thought he was going back to jail again! See: Defendant's Exhibit 1—State's Motion For Sufficient Bail.

7. Appellant told Senior Judge Belinda Hill he has lived at the same address over 8 years, was on parole with 10 years of good-conduct-street-time, was supporting two (2) family members, was attending college full-time at the University of Houston, had lost five (5) family members over the past two (2) years, was somewhat depressed, maybe drinking too much alcohol but he would seek counseling for sobriety again, and start A.A. again.

8. After hearing the arguments, Senior Judge Belinda Hill allowed Appellant to remain at liberty on the same \$5,000 PR-Bond but she ordered Appellant's bond restrictions significantly increased as follows:

- (1) 24/7 GPS Monitor ankle bracelet;
- (2) 7 days/week home curfew—7PM—7AM;

REENTRY SERVICES

(3) Daily drug and alcohol testing; and

(4) Daily report call-in 3am-12pm.

Defendant's Exhibit 1, First Amended Order For Pretrial Supervision and Bond Conditions; and Harris County Pretrial Services Electronic Monitoring Agreement and Rules; and Averhealth Client Drug Testing Process.

9. After the adversarial bond hearing, of 7/31/23, Appellant was ordered to walk immediately, behind the Courthouse, over to Harris County Pretrial Services. Appellant did as instructed. Appellant had his GPS ankle monitor installed, signed a bunch of papers then finally went back home very thankful! Appellant truly believed he would now remain free on bond, and at liberty, if he did not violate any of the new added PR Bond restrictions.

10. On 8/14/23 Appellant called the 179th Court Coordinator to report that he was very sick, could not attend court tomorrow - 8/15/23 - due to cold and flu symptoms; Appellant also mentioned he had conflicting court dates on 8/15/23 both in the 13th County Court (for the D.W.I.) and 179th District Court. Court Coordinator said he would take care of the situation. No problems. The Court Coordinator told Crunk that counsel would be appointed on 8/15/23 because the Judge requires all defendant's to have counsel. Court Coordinator said counsel would be in touch. Court Reporter's Record, pgs. 14-15 ("... your bond was not revoked and wasn't forfeited

REENTRY SERVICES

on that day.") Judge Martinez on-the-record.

11. On 8/15/23 Appellant received a phone call from appointed defense counsel Vikram Vij. Mr. Vij said, "the Court Coordinator informed everyone in court you called in sick, had conflicting court dates and everything is okay. Your next court date is August 29th." Appellant thanked him and told him he would be in court as ordered. Mr. Vij then said, "Don't worry Mr. Crunk. The D.A. man can be an asshole but he won't raise your bond." The Appellant was relieved, had confidence in his new attorney and remained in full compliance with all his bond conditions.

12. Appellant appeared in Court as ordered on August 29, 2023. Counsel Vikram Vij introduced himself to Appellant then walked back up near the bench to wait. Appellant noticed another different judge. The judge presiding was the Honorable Ana Martinez but Appellant didn't know that fact at the time. Appellant was called up to the bench with counsel. The "State presented their July 27, 2023 motion for sufficient bail," for the third time. Quoting Trial Court's Findings Of Fact #24.

13. Defense counsel Mr. Vij only argued that, "Mr. Crunk was in college." Appellant was asked no questions and heard the judge say something about, "Bond being raised." Then the bailiff grabbed Crunk's arm, led him to a signature

REENTRY SERVICES

pad, ordered Crunk to, "sign that signature pad!" then took him back into custody. Appellant was in shock; he was wholly unprepared for reincarceration! Appellant was very confused. Appellant was given no notice, no hearing, and kept asking what he did wrong? Absolutely no chance to defend himself.

14. The bailiff shackled Appellant's ankle to the stainless steel bench. Mr. Vij came in the back to ask Appellant, "Can you make a \$50,000 cash bond?" Appellant said, "Hell No!" Mr. Vij then seemed to grin and walk away without answering any questions. Appellant began to lose trust in Mr. Vij.

15. Appellant still does not know exactly why he was thrown back into jail with no notice, no hearing, no chance to defend: all unexpectedly with no phone numbers or addresses of family, friends, or associates to help him. Appellant had been free on the \$5,000 PR-Bond, approved by two District Court Judges, for 35-Days with no violations and was now tragically back in restraints. Defendant's Exhibit 1, Bail Order; Court Directive: Remand Defendant To Custody; and Order For Pretrial Supervision And Bond Conditions.

16. On 9/08/23 Appellant filed his first Petition For Writ Of Habeas Corpus To Reinstate PR Bond That Was Illegally Withdrawn Or Grant Bond Defendant Crunk Can Make, and wrote Mr. Vij asking him to "adopt" the Writ to avoid

REENTRY SERVICES

denial for hybrid representation. The 6-page letter to Mr. Vij explained the illegal bail forfeiture, due process violations, and Appellant explained how his family was depending on him to pay the bills. Appellant received no help from Vikram Vij.

17. After becoming distrustful of Mr. Vikram Vij, Appellant filed his motion to assert his right to self-representation on 09/23/23. After Faretta hearing on 11/28/23 Appellant's motion to proceed pro se was granted.

18. On 11/14/23, Appellant mistakenly filed a second Petition For Writ Of Habeas Corpus To Appeal PR-Bond Revocation And "10-FOLD" Bond Increase When Defendant Was Not In Default Of PR-Bond with the Texas Court of Criminal Appeals. Appellant's premature writ was given cause #WR-32,122-07 and denied without a written order on 01/03/2024.

19. On December 27, 2023 Appellant learned he was going to lose his work van, tools, and all of his property sometime after February 1, 2024. Appellant panicked and wrote many letters entitled: "Emergency Request For Bond Hearing To Stop Loss Of Work Van, tools, and ALL of my Property." Court Reporters Record pgs. 20-21. Appellant wrote these emergency letters to Vikram Vij, the 179th Judge Anna Martinez, the Court Clerk and Coordinator of the 179th District Court. Sadly, no one ever

REENTRY SERVICES

responded. Appellant learned on March 6, 2024 that his Emergency Letters for earlier court date - bond hearing - were never even read. Court Reporter's Record, pg. 21.

20. On January 4, 2024 Appellant sought relief in the trial court by filing the instant action titled: Application For Writ Of Habeas Corpus For Bond Defendant Crunk Can Make Pursuant To Article 17.151 Tex. Code Criminal Proc., now styled Ex Parte Crunk, Cause #1856431. Court Clerk's Record - Appellant's Habeas Application.

21. On March 6, 2024 a live hearing was held on the merits of Appellant's application for writ of habeas corpus. The following exhibits were admitted into evidence - on the record - by Appellant Crunk:

a. Defendant's Exhibit 1.

22. During the March 6, 2024 Writ Hearing the Appellant was very nervous and the hearing didn't go as planned. Appellant failed to ask his main question of the State: "Is the State ready for trial?" This was at the heart of Appellant's Article 17.151 bail claim for PR-Bond. However, Appellant did get the due process and fundamental fairness claims into the record proving his PR-Bond was illegally forfeited by the trial court. Court Reporter's Record, pgs. 8-13, 15-18. After the hearing the trial court denied relief. The Appeal was perfected on March 14, 2024.

POINT OF ERROR #1:

The trial court violated Appellant Crunk's Civil Rights to Due Process of Law and Fundamental Fairness by arbitrarily forfeiting his PR Bond that was Res Judicata, without notice or any hearing, and contrary to the "One-Bond-Rule" of Article 17.09, Tex. Code Crim. Proc. Quoting Ex Parte Gomez, 624 S.W.3d 573, 575 (Tex. Crim. App. 2021).

ARGUMENTS:

Appellant Crunk asserts that the issue of bail was Res Judicata on July 31, 2023, when the 179th District Court Senior Judge Belinda Hill explicitly reviewed, amended, and approved Crunk's PR-Bond that was initially set by the Magistrate Judge Rennette Franklin on July 27, 2023. Appellant's Brief-Statement of Facts # 2-#9, above.

Moreover, the expectation of continued liberty had attached because Crunk was free on his - twice approved - PR-Bond for 35 days with no bond violations.

Appellant's PR-Bond was approved by two previous felony court judges and Crunk should have remained free on bond if he did not violate the amended and enhanced bond conditions of Senior Judge Belinda Hill.

Therefore, since Appellant had twice given bond, it was an abuse of discretion and a violation of Crunk's Civil Rights for the 179th District Court Judge Ana Martinez to forfeit Crunk's

REENTRY SERVICES

PR-Bond and remand him to custody unexpectedly on August 29, 2023, without notice, hearing, or chance to defend himself. The minimum requirements of Due Process and Fundamental Fairness were wholly ignored.

The Texas Court of Criminal Appeals, in Ex Parte Gomez, 624 S.W.3d 573 (Tex. Crim. App. 2021), clarified the "One-Bond-Rule" of Art. 17.09 Tex. Code Crim. Proc., to mean that the trial court judge can review, amend, modify and/or otherwise approve the original bond set by the Magistrate Judge without violating the legislative intent, and Spirit-of-the-Law, of Article 17.09's One-Bond-Rule.

However, inversely, to allow the trial court to forfeit a twice-approved PR-Bond, not in default, that was Res Judicata, would make the One-Bond-Rule meaningless and encroach on a violation of the Separation of Powers Doctrine.

In this instant case, trial judge Ana Martinez acted arbitrarily without regard to the doctrine of Res Judicata wholly ignoring the two bail orders of Renette Franklin (Magistrate Judge) and Belinda Hill (Senior District Court Judge). Trial Judge Ana Martinez also acted contrary to the One-Bond-Rule, of Ex Parte Gomez, when she ordered Crunk's rearrest on August 29, 2023, when he was at liberty 35 days without any bond violations, and she oppressively revoked Crunk's PR-Bond and raised his bail up to \$50,000 cash bond: An unreasonable "10-FOLD" increase.

REENTRY SERVICES

It is an undisputed Fact that the Honorable Judge Ana Martinez admitted on-the-record that there were no bond violations by Appellant Crunk. Court Reporters Record, pgs. 14-16. So why was Crunk remanded to custody without notice, or hearing, or minimum due process requirements?

According to Judge Ana Martinez Appellant's bond was insufficient to secure his presence at court so she denied habeas corpus relief for that reason, on March 6, 2024, at the Writ Hearing. Court Reporter's Record, pg. 19. The legal conclusion of law of Judge Ana Martinez rings hollow. The fact that Appellant appeared in court everytime as ordered is prima facie proof that the \$5,000 PR-Bond was sufficient, along with the significant supervisory bond restrictions and 24/7 GPS monitoring, home curfew, daily drug and alcohol testing, etc.

CONCLUSION:

It is Appellant's specific position that the trial court does NOT have plenary power to change a duly ordered final bail judgment of another Texas State District Court Felony Judge. A district court judge only has the plenary power to change a magistrate judge's decision/order in setting bail per Tex. Gov't Code § 54.856. Trial court judge Ana Martinez illegally and arbitrarily changed the final bail order of District Court Senior Judge Belinda Hill that was Res Judicata. Appellant's legal reasoning is consistent with the holdings of

REENTRY SERVICES

Ex Parte Gomez, 624 S.W.3d 573 (Tex. Crim. App. 2021).

Appellant Crunk has proven his factual allegations by a preponderance of the evidence and he is entitled to habeas corpus relief. See: Ex Parte Thomas, 906 S.W. 2d 22, 24 (Tex. Crim. App. 1995).

Appellant Crunk's PR-Bond ordered on July 31, 2023, by District Court Judge Belinda Hill (Senior Judge) should never have been forfeited.

PRAYER FOR RELIEF

WHEREFORE, Premises Considered, the Appellant humbly prays the Honorable Justices of the 14th Court of Appeals ORDER the following relief:

1. The PR-Bond ordered on July 31, 2023, by Senior District Judge Belinda Hill be immediately reinstated;
 2. Appellant Crunk released from jail;
 3. The trial court ordered to hold a hearing to determine amount of "just compensation," for Crunk's illegal confinement, to make Appellant Crunk WHOLE-AGAIN as he was on August 29, 2023, before he lost his two motor vehicles and all his property he worked 10 years to obtain, pursuant to: 5th U.S. Const. Amend.
- Executed on this the 29th day of April 2024.

Respectfully Submitted,
X Robert F. Crunk

Robert F. Crunk
Appellant Pro Se

REENTRY SERVICES

UNSWORN DECLARATION

"I, Robert Ferren Crunk, Appellant pro se in this habeas corpus bail appeal hereby 'declare' under penalty of perjury that the foregoing Appellant's Brief is true and correct.

Signed on this the 29th Day of April 2024.

X Robert F. Crunk

Robert F. Crunk

Appellant Pro Se

CERTIFICATE OF SERVICE

"I, Robert Ferren Crunk, hereby certify that service has been rendered, in this case, by forwarding a true and correct copy of this original instrument, on this the 29th Day of April 2024, via postage-paid First Class Mail, by giving the same to HCSO Corrections Officer Mr. Hill for mailing to the following parties:"

Counsel For The State

179th District Court

Attn: Rehaman Merchant

Asst. District Attorney

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Houston, TX 77002

Chief District Attorney

Harris County District

Attorney's Office

Attn: Jessica Alane Caird

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Houston, TX 77002

REENTRY SERVICES

April 29, 2024

Robert Crunk

(SPN# 01192514)

700 N. San Jacinto #3H1

Houston, TX 77002

14th Court of Appeals

Deborah M. Young

Clerk of the Court

301 Fannin St., Suite 245

Houston, TX 77002

RE: Court of Appeals Number: 14-24-00231-CR

Trial Court Cause Number: 1856431

Styled: Ex Parte Robert Crunk

Dear Clerk Young:

Hello and good day to you. Please find enclosed for filing the Appellant's Brief. Please forgive my 6-Day tardiness on the filing of my brief. The HCSO jail commissary no longer sells carbon paper or pencils to make duplicate copies so every page must be written by hand. Moreover, the HCSO jail law library no longer provides copies to inmates.

Thank you very much for presenting my Appellant Brief to the Honorable Justices of the Fourteenth Supreme Judicial District Court of Appeals.

Respectfully Submitted,
Robert A. Crunk

HARRIS COUNTY SHERIFF'S OFFICE JAIL

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SPN #01192514 Cell 3H2

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