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WRITING WRONGS

By

Remy

Prisons are full because of wicked behavior. I will show you the evilist reasons for overpopulated Texas penitentiaries.

On March 16TH, 2002, I was jailed for: resisting arrest, tampering with evidence, criminal mischief "B", and possession of a controlled substance¹. Three-hours after my arrest officer Bryan Duane Warden added an attachment claim² to patrolman Vicente Gonzales' offense event report³. The additional allegation asserted that I squeezed Warden's testicles while being handcuffed. So, "Assault on P.O."—which carries a more severe penalty than resisting arrest—was added to the arrest sheet's list of charges. In due course it will be shown that this was not the first-time officer Warden had made such an accusation.

My bond was posted March 23RD, 2002⁴. Having left Nueces County jail I returned to my home business--Giant Productions⁵ in Bexar county, San Antonio, TX. By October the bondsman had become perturbed over my irregular reporting. Still, no reason to re-arrest me existed.

* Footnotes on pages 9 & 10

But then a housefire happened on October 18TH, 2002, in Bexar county. Six-days after that fire a Nueces County Grand Jury indicted⁶ me for the March 16TH, Port Aransas arrest. Meanwhile Bexar county arson investigators named me as a suspect for the fire. So now, S.A.P.D., bounty-hunters, and other agencies were given reason to apprehend me. All during that time; though, I had already been living and working in San Diego, CA.⁷

In California future problems arising from officer Warden's bogus assault claim were realized. When San Diego Police learned that Nueces county authorities had issued, "Attempted Murder/Aggravated Assault," warrants⁸ for me they believed them. So to keep that narrative alive SDPD recorded my arrest as, "Battery On A Peace Officer," and, "False Imprisonment with Violence."⁹ These California charges were dropped since they were not true¹⁰. But they were made-up because of the resisting arrest that Port Aransas police trumped up to assault on p.o. And which prosecutors finally transmuted into the most serious allegation possible. After my extradition to Texas. I found out how this was done.

Remember the "attachment" officer Warden filed 3-hours after patrolman Gonzales arrested me? Well, prosecutors alleged that Warden cannot, "...get an erection now." This is the same serious bodily injury Warden said he suffered in 1999. Three-years before he helped arrest me. Old electronically stored medical records¹¹

scanned on, "Aug-12-1999," at, "04:08," prove this. In order to use the same accusation in my case, the 1999 physician's report was printed-out and then handstamped with the date, "APR 03 2002." Since Warden had done this before he knew to add the assault accusation the night of my arrest. Thereby guaranteeing the misdemeanor offense—resisting arrest—would become a felony.

Police and prosecutors did their parts. Now it was the public defender's turn. At our first—and only—meeting attorney Randall Pretzer immediately said, "We need to see what they offer you." Meaning an offer of reduced prison time from prosecutors for me to plead guilty. Although I exclaimed to Pretzer that I never squeezed officer Warden's testicles. He refused to listen to me. Obviously this meeting went badly. It ended with Pretzer requesting to be taken off the case. Another lawyer—Mark H. Woerner—was appointed as defense counsel. He too kept saying that police and a doctor would be believed by a jury before I would. To quote Mr. Woerner, "I," "...at no time disputed the allegations that the 2nd [tampering with physical evidence] and the 3RD possession of cocaine] counts were based on." This proves that I kept denying the assault accusation. Still, Woerner insisted I should plead guilty.

Being mentally ill, Woerner's insistence discouraged me. Not wanting to spend the rest of my life in prison—for a false accusation—I listened to Woerner. In an affidavit Woerner¹²

admitted he,"...advised [me] to accept the State's offer due to the fact that there were multiple witnesses [i.e. police] to attest to these facts and none to refute them, as well as [his] belief that the officer's injuries would likely have resulted in a punishment at the higher end of the range." Woerner made that statement. Even though he knew patrolman Gonzales' offense event report never recorded Warden being assaulted. Years afterward what Warden had told Gonzales that night came to light. According to Gonzales, Warden only,"...advised..." him that I,"had put a cello-phane baggie with possible cocaine in [my] mouth." Strangely enough Warden didn't tell Gonzales he had been hurt. It took even longer until an article in the San Antonio Express News exposed Nueces county prosecutors for falsifying evidence in numerous cases; at the same time I stood trial there. I never would have been convicted and sentenced to 20-years for aggravated assault on a public servant. If Woerner had prepared a defense.

Don't forget about the San Antonio housefire. While in Nueces county I was told that Bexar county wanted me for arson/habit-¹³ion. So I ended up back in San Antonio. Matters only got worse there.

Due to the false aggravated assault on a public servant conviction—and pending arson case—my mental state deteriorated to an incomprehensible depth. It got so bad that attorney Selena M. Alvarenga requested a competency hearing and mental evaluation.

This can benefit a mentally ill defendant or work to their detriment.

Psychiatric personnel found me competent to stand trial. The doctors, of course, are paid by the State. And their interest is to close the case. So, even if a doctor knows a defendant does not understand what's happening—but the doctor says they do—then this all but guarantees mentally ill defendants can be wrongfully convicted.

At sentencing the court used prior convictions to decide punishment. The pre-sentence-investigation (PSI) report showed I had a conviction for, "Theft of stolen property from a grave/human corpse," out of Harris county. I have never had such a conviction. So attorney Selena M. Alvarenga told the judge as much. Then she said:

5 He was in fact convicted of theft
 6 of a person out of Harris County,... (14)

When the judge asked, "Theft of stolen property from a grave human corpse. He didn't do that?" Ms. Alvarenga answered:

15 MS. ALVARENGA: No, Your Honor, he was
 16 convicted of theft of a person, State Jail felony and
 17 he did get two years, State jail felony. (14)

Again, I have NEVER been arrested/suspected/convicted/nor served time for abducting a person in Harris county Tx¹⁵. Still these previously controverted facts were used against me. Punishment was assessed at 35-years. The court knows these falsehoods prejudiced sentencing but refuses to offer relief. Decisions in post conviction attacks fly in the face of precedent law, and the court's own trial record(s). Even more the arson conviction has never been entered into DPS

or FBI criminal justice records¹⁵.

Yet the most profound erroneous fact of this arson case is in its judgment of conviction . I stood trial for the property offense of setting a housefire. No one was named as being there.

The charge alleged that:

on or about the
18TH, day of October, A.D., 2002, REMIGIO A. MARTINEZ
hereinafter referred to as defendant, did then
and there INTENTIONALLY START A FIRE by IGNITING
GASOLINE, AN ACCELERANT AND COMBUSTIBLE MATERIAL
WITH AN OPEN FLAME with intent to damage and
destroy a HABITATION, KNOWING THAT THE HABITATION
WAS WITHIN THE LIMITS OF THE INCORPORATED CITY
OF SAN ANTONIO; (17)

At trial judge Mark R. Luitjen stated:

12 THE COURT: MR. Martinez, you are indicted
13 for the offense of arson of a habitation... (18)

Despite this the judgment of conviction reads: Arson-Habitation/
PLACE OF ASSAULT with a deadly weapon¹⁹. These differences matter
because a crime against a person ensures more time served in prison
than a property offense. So authorities exaggerated the arson
by adding aggravated assault elements to its final judgment. This
means that eligibility for supervised release may not happen until
a minimum of 17½-years are served.

Next, the address on the indictment IS NOT the house I was
convicted of burning. Neither was it listed on my TDL, Assumed
Name Certificate⁵, or bond address. In fact, the address on the
indictment has NEVER caught fire. I know who owns that house.

Obviously these fabrications are meant to secure lengthy sent-

ences. It doesn't take a legal scholar to see this. Not only have officials made rulings contrary to precedent law, and prevented post-conviction appeals from being filed. But the 35-year sentence has been extended too. The court still owes 460-days time-served toward its completion. In an order signed August 7TH, 2006, 245-days credit were awarded. After a motion was made on my behalf. That motion inadvertently left-out all unaccounted days though. So a second Motion Requesting Additional Credit For Jail Time Nunc Pro Tunc²⁰ was mailed on September 22ND, 2006, by attorney Rudolph Brothers, Jr. The court has never ruled on this 2ND motion. Denying these, "days-served," adversely affects my parole eligibility and final discharge dates. How so? Because I must re-serve those days which should already be calculated towards my release.

Then, twelve-years after this last conviction. A Bexar county court records search²¹ revealed that someone else was in jail using my identity; while I awaited trial. His charge was DWI in County Court 6, cause no. 893365. On 07/24/04, 3-months before my arson conviction, the case for inmate SID no. 826460 was closed. My SID no. is 538003. As incredible as this sounds a simple web-site search will confirm it.

Clearly Bexar county public servants want to exact retribution for the perceived injury of officer Warden in Nueces county (i.e. a public servant too). And retaliate for the Bexar county based

attorney and bailbondsman who bonded me out of Nueces county jail. But by creating the fictitious arson-assault judgment, just to keep me in prison as long as possible. These overzealous judgments end up costing taxpayers roughly \$20,000.00-a-year to confine me. Besides that, the greater evil to people is corruption. What if somebody needs a right-ruling in a non-criminal case? Like a foreclosure action or breach of contract claim. With officials holding authority to make false judgments with impunity. No one can expect fairness. So without the fabricated aggravated elements added to both convictions; I would have been eligible for supervised release within 8-years from sentencing. Since I am mentally ill a medically recommended intensive supervision plan, including electronic monitoring, could have been approved years ago (e.g. pursuant to Texas Government Code § 508.146). Thereby saving hundreds-of-thousands-of-STATE-dollars. The intentional ignorance of legal ethics to correct these "errors" has been detrimental to my rehabilitation. And is undoubtedly the reason why Texas has the country's largest prison population. All of this is too wrong to right.