

United States Court of Appeals
Fifth Circuit
Office of the Clerk
600 S. Maestri Place
New Orleans, LA 70130



Re: No. 17-50559
Jared Morrison v. Lorie Davis, Director
USDC No. 7:15-CV-69

Dear Clerk,

October 19, 2017

Jared Morrison's copy of the enclosed "Reporter's Record Volume 1 of 1," was lost in the mail when he mailed his original application for Certificate of Appealability to his family to make copies, then send to the Fifth Circuit. Since Morrison cited to this document several times in his application for COA, he requests that you make the enclosed copy part of the record so the Fifth Circuit can refer to it while reading his application for COA. Please note that the enclosure is labeled as Appendix II, and cited as such in Morrison's application for COA.

Sincerely
Jared Morrison 1747148
Huntsville Unit
815 12th Street
Huntsville, TX 77348

By: Jana Morrison
Jana Morrison (Jared's Mother)

cc: Craig Cospers

CERTIFICATE OF SERVICE

I, Jana Morrison, hereby certify that I have served a true and correct copy of the *'Reporters Record Volume 1 of 1,'* by mailing a copy (postage prepaid) to opposing counsel Craig Cospser to the following address:

Craig Cospser
Office of the Texas Attorney General
Criminal Appeals Division
300 W. 15th Street
Austin, TX 78701

I, Jana Morrison, declare under penalty of perjury the forgoing is true and correct.

Executed on October 19, 2017.

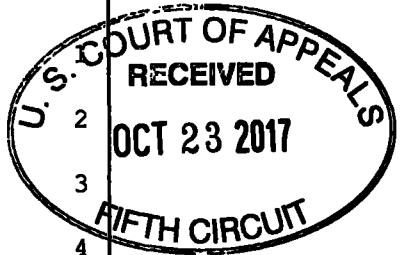


Jana Morrison
3808 Nassau Dr.
Midland, TX 79707

Appendix II

THE STATE OF TEXAS VS. JARED MORRISON

ORIGINAL



REPORTER'S RECORD

VOLUME 1 of 1 VOLUME

TRIAL COURT CAUSE NO. CR-29,320

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THE STATE OF TEXAS) IN THE DISTRICT COURT

VS.) OF MIDLAND COUNTY, TEXAS

JARED MORRISON) 385TH JUDICIAL DISTRICT

GUILTY PLEA

On the 6th day of May, 2004, the following proceedings came on to be heard in the above-entitled and numbered cause before the Honorable Willie B. DuBose, Judge Presiding, held in Midland, Midland County, Texas:

Proceedings reported by computerized stenotype machine.

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A P P E A R A N C E S:

FOR THE STATE:

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Assistant District Attorney
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TEL: (432) 688-4411
SBOT NO. 00786335

FOR THE DEFENDANT:

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TEL: (432) 640-0464
SBOT NO. 03759900

PRESIDING JUDGE:

HONORABLE WILLIE B. DUBOSE
MIDLAND COUNTY COURTHOUSE
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Midland, Texas 79701
(432) 688-4385

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EXHIBIT INDEX

STATE'S		PAGE	PAGE	
EXHIBIT	DESCRIPTION	OFFERED	RECD.	VOL.
1	Judicial Confession	12	12	1

DEFENDANT'S		PAGE	PAGE	
EXHIBIT	DESCRIPTION	OFFERED	RECD.	VOL.
	(None)			

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MAY 6, 2004

11:35 A.M.

(The following proceedings were had before the Court, the Honorable Willie B. DuBose, Judge Presiding)

THE COURT: This is Cause No. CR-29,320, State of Texas versus Jared Morrison.

MR. WATSON: State's ready, Your Honor.

MR. CANTACUZENE: Defendant's present and ready, Your Honor.

THE COURT: Mr. Morrison, you have been charged by indictment with the offense of aggravated assault of a child.

Do you understand the nature --

MR. CANTACUZENE: Sexual assault --

THE COURT: Aggravated sexual assault of a child --

MR. CANTACUZENE: No aggravated, Judge, just --

THE COURT: Sexual assault of a child. Thank you.

MR. CANTACUZENE: Thank you, Your Honor.

THE COURT: Do you understand the nature of the charge against you?

THE DEFENDANT: Yes.

THE STATE OF TEXAS VS. JARED MORRISON

1 THE COURT: The charge against you in this
2 case is a second degree felony offense. The range of
3 punishment for that offense is from 2 to 20 years in the
4 Institutional Division of the Department of Criminal
5 Justice and a \$10,000 fine.
6 How old are you?
7 THE DEFENDANT: 28.
8 THE COURT: Do you understand what's going
9 on here today?
10 THE DEFENDANT: Yes.
11 THE COURT: Have you been able to consult
12 with your attorney?
13 THE DEFENDANT: Yes.
14 THE COURT: Mr. Cantacuzene, do you
15 believe your client is presently mentally competent?
16 MR. CANTACUZENE: I do, Your Honor.
17 THE COURT: And as I understand it, there
18 is plea agreement in this case; is that correct?
19 MR. CANTACUZENE: Correct, Your Honor.
20 THE COURT: And based upon the paperwork I
21 have, it would appear that the agreement is that upon
22 Mr. Morrison's plea of guilty, the State will recommend
23 to the Court that you be placed on community supervision
24 for -- adjudication of guilt be deferred and you be
25 placed on community supervision for a period of nine

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1 years, and that you participate in the sex offender
2 program.

3 Is that your understanding?

4 THE DEFENDANT: Yes.

5 THE COURT: And you understand the plea
6 bargain is not binding on the Court? If I do not accept
7 the plea bargain, you will be permitted to withdraw your
8 plea of guilty?

9 THE DEFENDANT: Yes.

10 THE COURT: Okay. Mr. Morrison, if you
11 are not a citizen of the United States, a guilty plea or
12 nolo contendere plea by you for the offense charged may
13 result in your deportation, the exclusion for admission
14 to this country, or denial of naturalization under
15 Federal law.

16 Are you citizen of this country?

17 THE DEFENDANT: Yes.

18 THE COURT: Okay. And there has been a
19 Presentence Investigation which I have reviewed.

20 Has there been a Victim Impact Statement
21 returned to the District Attorney?

22 MR. WATSON: No, sir.

23 THE COURT: And Mr. Morris --

24 (PAUSE)

25 THE COURT: Ready?

THE STATE OF TEXAS VS. JARED MORRISON

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1 MR. CANTACUZENE: We're ready, Your Honor.

2 THE COURT: All right. Then it is my
3 understanding you have reviewed and signed written
4 waivers; is that correct?

5 THE DEFENDANT: Yes.

6 THE COURT: Did you understand your rights
7 as contained in those waivers?

8 THE DEFENDANT: Yes.

9 THE COURT: And is it your desire to waive
10 those rights?

11 THE DEFENDANT: It is.

12 (PAUSE)

13 MR. CANTACUZENE: I am not going to answer
14 it for you. You answer it yourself. Tell him your
15 answer.

16 THE DEFENDANT: Yes.

17 THE COURT: Mr. Cantacuzene, have you
18 reviewed the waivers with your client?

19 MR. CANTACUZENE: I have, Your Honor.

20 THE COURT: Do you believe he understands
21 his rights?

22 MR. CANTACUZENE: I know he does, Your
23 Honor.

24 THE COURT: And you have approved his
25 waiver of those rights?

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1 MR. CANTACUZENE: I have, Your Honor.

2 THE COURT: Has The State of Texas
3 approved his right to the waiver of a jury trial?

4 MR. WATSON: Yes, Your Honor.

5 THE COURT: All right.

6 And you understand you will have to report
7 as a sex offender?

8 THE DEFENDANT: Is there any way out of
9 that, Judge?

10 THE COURT: That's what the law is.

11 MR. CANTACUZENE: He is not asking you do
12 you like it. He is just asking you do you understand
13 that?

14 THE DEFENDANT: I don't understand that
15 because --

16 THE COURT: I don't --

17 MR. CANTACUZENE: Have I explained it to
18 you that that's the law?

19 THE DEFENDANT: Yes, you have.

20 THE COURT: Do you understand that the law
21 requires you to report as a sex offender?

22 THE DEFENDANT: I do understand that.

23 THE COURT: Okay. All right. Having
24 heard the answers of the Defendant to the admonishments
25 and warnings and being satisfied with the responses, the

THE STATE OF TEXAS VS. JARED MORRISON

1 Court enters the following finding: The Defendant is
2 mentally competent, that the Defendant fully understood
3 his rights, and he made a knowing and voluntary waiver
4 of those rights, and the Defendant's plea is free and
5 voluntary.

6 Mr. Morrison, would you like to have the
7 Indictment read to you at this time?

8 MR. CANTACUZENE: We'll waive it, Your
9 Honor.

10 THE COURT: And to the Indictment charging
11 you with the offense of sexual assault to a child, how
12 do you plea?

13 THE DEFENDANT: Guilty.

14 THE COURT: Do you wish to be sworn as a
15 witness and admit your guilt under oath?

16 THE DEFENDANT: Do I have to?

17 THE COURT: It is part of the deal.

18 MR. CANTACUZENE: Judicial Confession we
19 talked about. Just say you don't -- wish you didn't
20 have to, but you will if that's what you have to. The
21 plea won't go through, and we go to trial. We will have
22 a jury.

23 THE DEFENDANT: Yes.

24 THE COURT: Raise your right hand.

25 (WITNESS SWORN)

THE STATE OF TEXAS VS. JARED MORRISON

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1 THE COURT: Have a seat right over here.

2 MR. WATSON: May I approach, Your Honor?

3 THE COURT: Yes.

4 DIRECT EXAMINATION

5 BY MR. WATSON:

6 Q. Would you state your full name for the record,
7 please?

8 A. Jared Anthony Morrison.

9 Q. Mr. Morrison, I am going to ask the same
10 questions I asked before.

11 Did you go over a bunch of paperwork with
12 your lawyer this morning?

13 A. Yes.

14 Q. And Mr. Cantacuzene and you went over all the
15 documents and discussed them, correct?

16 A. Yes.

17 (State's Exhibit No. 1 marked)

18 Q. (By Mr. Watson) I have one of those documents.
19 I believe I have labeled it State's Exhibit 1. It says
20 "Judicial Confession."

21 Is that one of the documents you and
22 Mr. Cantacuzene discussed and went over?

23 MR. WATSON: I would like to make an
24 addition to that question.

25 Q. (By Mr. Watson) I would say also Ms. LaPlante

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1 was with Mr. Cantacuzene.

2 Did you discuss it with her also?

3 A. Yes.

4 Q. And we are going to look at the second page as
5 you are looking at it yourself. Right at the middle,
6 there is a line marked "Defendant."

7 Did you sign it there, sir?

8 A. Yes. That's my signature.

9 MR. WATSON: All right. Your Honor, I
10 would ask that State's 1 be introduced.

11 (State's Exhibit No. 1 offered)

12 MR. CANTACUZENE: No objections, Your
13 Honor.

14 THE COURT: It will be admitted.

15 (State's Exhibit No. 1 admitted)

16 MR. WATSON: Pass the witness.

17 MR. CANTACUZENE: No questions, Your
18 Honor.

19 MR. WATSON: Nothing further. We will
20 rest and close.

21 (STATE RESTS)

22 MR. CANTACUZENE: As will the Defendant,
23 Your Honor.

24 (DEFENDANT RESTS)

25 THE COURT: Step down from the bench,

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1 please.

2 All right. Mr. Morrison, I find that the
3 evidence supports your plea of guilty. I would advise
4 you I will accept your plea of guilty, and I will abide
5 by the plea agreement you and your attorney reached with
6 the district attorney.

7 Having found that the evidence supports
8 your plea of guilty, I will also find that in the better
9 interest of justice and Defendant, that you -- the
10 adjudication of guilt be deferred in this case and you
11 be placed on community supervision for a period of nine
12 years.

13 You will be ordered to participate in the
14 sex offender program. You were here a moment ago when I
15 told your brother -- and I know Mr. Cantacuzene is a
16 fine lawyer so he has already told you. But I want it
17 on the record -- that you understand that this deferred
18 adjudication is one of those things, it's really a good
19 deal if you make it. You end up without a conviction on
20 your record. However, it is a lousy deal if you don't
21 make it and that you are brought back before the Court
22 for having violated any of the rules of this community
23 supervision.

24 The Court can sentence you to 20 years in
25 the Institutional Division and a \$10,000 fine. I am not

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1 trying to scare you with that because I don't think
2 that. I think you are going to make it anyway. But I
3 want to make sure that you understand that.

4 THE DEFENDANT: I understand.

5 THE COURT: Okay. I will sign the order
6 placing you on community supervision for nine years.
7 You have, as a part of the paperwork here, also signed a
8 Waiver of Right to Appeal. And that's part of the plea
9 bargain. Do you understand you have waived your right
10 to appeal and will not be allowed to appeal this
11 judgment of the Court?

12 THE DEFENDANT: It was that lawyer that
13 put it in as part of the plea agreement. Can that be
14 changed?

15 MR. CANTACUZENE: No. We have nothing to
16 appeal. No pretrial motions have been heard, and we
17 have not had a jury trial. I told you, not -- giving up
18 our right, but you are not giving up anything of
19 substance as well --

20 THE DEFENDANT: All right.

21 THE COURT: Do you understand that's where
22 you are?

23 THE DEFENDANT: Yes.

24 MR. CANTACUZENE: And I have approved
25 that, Your Honor, as well.

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(PAUSE)

THE COURT: All right. Good luck Mr. Morrison. I have every confidence you will make your community supervision. Step over here and Mr. Roy will take your thumbprint. Good luck.

THE DEFENDANT: Thank you.

MS. MORRISON: Judge DuBose, do you mind if I say a word or two?

THE COURT: No, I don't.

MS. MORRISON: I am Jana Morrison. I don't know if you remember me.

THE COURT: I remember you well.

MS. MORRISON: I think that part of the reason that Jason and Jared went ahead and took this plea was because the media has dealt with them very unfairly. This little girl came to their house, brought her -- took her clothes off and offered herself to my sons, they having no idea that she was under age.

The laws are wrong. And Ian Cantacuzene and I were just talking a few minutes ago -- and the age of accountability has changed because of the loose behavior of our young girls and the boys in this country. I teach ninth grade. I see it every day.

I walked into the rest room at my school about a year and a half ago, there was little girl

THE STATE OF TEXAS VS. JARED MORRISON

1 having sex with a little boy right there in the rest
2 room. I saw in the news the other day where they were
3 having sex on the bus. And the laws are wrong. I
4 intend to do everything that I can to have those laws
5 changed. It may not help my sons but maybe it help
6 someone else down the road. God didn't give me all this
7 gumption for nothing.

8 THE COURT: Thank you.

9 MS. MORRISON: Thank you.

10 MR. CANTACUZENE: Thank you, Your Honor.

11 (COURT ADJOURNED AT 11:47 A.M.)
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THE STATE OF TEXAS VS. JARED MORRISON

1 THE STATE OF TEXAS)
2 COUNTY OF MIDLAND)

3 I, Leslie Brewer Boswell, Certified
4 Shorthand Reporter in and for the State of Texas, do
5 hereby certify that the above and foregoing contains a
6 true and correct transcription of all portions of
7 evidence and other proceedings requested by counsel for
8 the parties to be included in this volume of the
9 Reporter's Record in the above-styled and numbered
10 cause, all of which occurred in open court or in
11 chambers and were reported by me.

12 I further certify that this Reporter's
13 Record of the proceedings truly and correctly reflects
14 the exhibits, if any, admitted by the respective
15 parties.

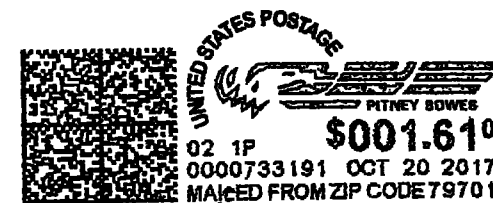
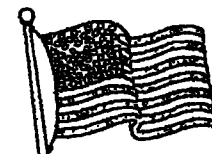
16 I further certify that I am neither
17 counsel for, related to, nor employed by any of the
18 parties or attorneys in the action in which this
19 proceeding was taken, and further that I am not
20 financially or otherwise interested in the outcome of
21 the action.

22 I further certify that my charges for
23 preparation of Volume 1, including any photocopying,
24 condensing, ascii disks and shipping, are \$ 118.15, and
25 have been paid by Jana Morrison.

WITNESS my hand this the 5th day of
September, 2014.

Leslie Brewer Boswell
Leslie Brewer Boswell, CSR, RPR
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