

**NO. D1DC14-100139**

STATE OF TEXAS

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§

IN THE DISTRICT COURT

VS.

OF TRAVIS COUNTY

JAMES RICHARD "RICK" PERRY

390TH JUDICIAL DISTRICT

**NOTICE OF APPEAL**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, JAMES RICHARD "RICK" PERRY, by and through his counsel of record, and pursuant to Rules 25.2 and 31, Texas Rules of Appellate Procedure, hereby provides notice of his intention to appeal the "order" of the District Court filed on January 27, 2015, denying his "Application For Pretrial Writ Of Habeas Corpus," filed on August 25, 2014,<sup>1</sup> which sought the dismissal of both counts of the indictment on a multitude of constitutional claims. Governor Perry hereby puts the District Court, the District Clerk, and the prosecution on notice that he is appealing the District Court's denial of relief sought in his constitutional claims. The District Clerk should transmit the record on appeal — consisting of all pleadings and documents filed to date in this cause number — to the Clerk of the Third Court of

<sup>1</sup> Governor Perry responded to the State's response to his writ on November 17, 2014, in his "Consolidated Reply To The Prosecution's Pleadings," which reply adopted and incorporated the arguments of the amici brief filed on November 10, 2014.



Filed in The District Court  
of Travis County, Texas

JAN 27 2015  
At 2500 M.  
Velva L. Price, District Clerk

Appeals, Mr. Jeffrey D. Kyle, no later than fifteen days of the filing of this "notice of appeal," as mandated by Rule 31.1 of the Texas Rules of Appellate Procedure. There was no hearing held by the District Court on Governor Perry's "Application For Pretrial Writ Of Habeas Corpus," filed on August 25, 2014, and so, there is no Court Reporter's Record for filing in this case.<sup>2</sup>

Finally, while it may appear unnecessary, the District Court should enter a certification of the defendant's right of appeal, as mandated by Rules 25.2(a)(2) and 25.2(d) of the Texas Rules of Appellate Procedure. In this regard, Governor Perry, through counsel, is well aware of his right to seek appellate review, as well as any right to file a petition for discretionary review, and hereby waives his right to sign such notification. And given that this "notice of appeal" is being filed immediately after the entry of this Court's "order" denying the relief sought in his August 25, 2014, "Application For Pretrial Writ Of Habeas Corpus," there appears to be absolutely no reason for the Court to concern itself with personally advising him of his right to appeal, since any advice is rendered moot by virtue of this "notice of appeal."

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<sup>2</sup> Only one hearing has been held in this case and that was on November 6, 2014. That dealt with an entirely different set of issues and while it has previously been transcribed by the Court Reporter, Ms. Marti Ruby, it is not necessary for this appeal.



Respectfully submitted,

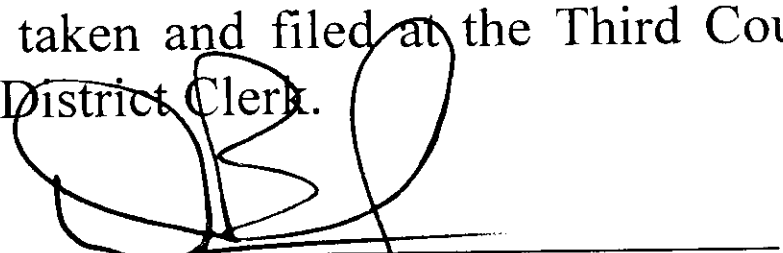
THE BUZBEE LAW FIRM  
Anthony G. Buzbee  
State Bar No. 24001820

BAKER BOTTS L.L.P.  
Thomas R. Phillips  
State Bar No. 00000102

  
BY: BOTSFORD & ROARK  
DAVID L. BOTSFORD  
State Bar No. 02687950

**Certificate of Service**


This is to certify that on date this "notice of appeal" was filed, a copy was emailed to Judge Richardson, Mike McCrum, and David Gonzalez at their respective email addresses and a courtesy copy was taken and filed at the Third Court of Appeals on the date this was filed with the District Clerk.

  
DAVID L. BOTSFORD

I, VELVA L. PRICE, District Clerk, Travis County,  
Texas, do hereby certify that this is a true and  
correct copy as same appears of record in my  
office. Witness my hand and seal of office

On \_\_\_\_\_



  
VELVA L. PRICE  
DISTRICT CLERK  
By Deputy: 