NO. **24-0884**

IN THE SUPREME COURT OF TEXAS

In re Texas House of Representatives,

Relator

On a Petition for Writ of Injunction
to Preserve the House's Constitutional Authority

RELATOR'S REPLY BRIEF

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Summary of the Argument

The brief by Real Parties in Interest ("RPI") is largely devoted to irrelevant accusations. Where relevant issues are raised, this reply takes them in sequence.

First, a subpoena for testimony is not clemency that undermines due process, as RPI claims. Its "proof" of an ulterior motive is misleading, its specific-over-general argument is inapplicable, and ultimately, it is RPI's refusal to honor the subpoena that breaches separation of powers.

Next, RPI argues that this Court is improperly exercising criminal habeas jurisdiction, but examining the purposes here—and the cases RPI itself cites—confirms that this is a civil matter. It also argues that TDCJ and its officers are not subject to mandamus by this Court, but again, case law shows the contrary. RPI pivots to this relief functioning as mandamus against the CCA—a facially incorrect position—then urges that Relator cannot obtain injunctive relief, ignoring the law that if mandamus can issue, so too can an injunction.

Other arguments retread old ground: that Relator is not entitled to mandamus (yet there is a duty violation with no adequate remedy), that Relator should have sought habeas (yet it has no standing to do so), and that TDCJ cannot be commanded here (yet it has custody of Roberson and refuses compliance). It further claims that the subpoena was invalid, but the House knows its own rules and followed them. And to its final laches argument, Relator acted promptly given the unique way events unfolded, while RPI cannot show either unreasonable delay or a good faith change in its position to its detriment.

ARGUMENT

RPI's accusatory brief is dominated by allegations—especially the disputed facts of Robert Roberson's criminal case—that have no bearing on the legal issues here. This reply does not concede but will not address those matters. That is not because Relator "now says it would rather not talk about" them, RPI BOM at 1, but because *this Court* presumably would rather not talk about them given their irrelevance to the matters at hand.[1]

This Court Has Jurisdiction

It was not "conscript[ed] to assist with [an] unconstitutional project"

This case has not "pushe[d] the State to the brink of a constitutional crisis" or "wrought constitutional havoc" as RPI suggests with alarm. *Id.* at 2 & 50. (No one is seceding from the Union or disbanding the government here.) In hearing it, this Court has also not been "conscript[ed] to assist with [an] unconstitutional project." *Id.* at 48. Instead, this case raises an important constitutional question, and its legal resolution will actually be a vindication of our Texas Constitution and its separation of powers.

The only separation of powers problem here is refusal of the subpoena

RPI strikes a note of caution against interference with the executive "unless the law shows that an official's conduct (or lack of conduct) is unlawful and not an exercise of discretion." *In re Stetson Renewables Holdings, LLC*, 658

[1] If Relator is mistaken and these matters are of interest to this Court, the "Supplement to Motion to Intervene or, Alternatively, Brief of Amicus Curiae Robert Leslie Roberson III" submitted on November 7, 2024, provides a thorough and accurate factual recitation.

S.W.3d 292, 297 (Tex. 2022). In the very next sentence of that opinion, though, this Court observed that, "the legislature's authority is at stake, too. In the present context, any judicial remedy risks undermining the legislature's authority to" extend or abolish a program it created. *Id.* Here, the executive has acted to thwart a subpoena and refused its statutory duty to assist the Committee, both of which imposed a ministerial duty of cooperation. Here, too, legislative authority is at stake—constitutional investigatory power and statutory subpoena power have been flouted, which is why Relator now seeks this Court's intervention.

The analysis that follows in RPI's brief does not engage with Relator's arguments, Relator BOM at 32–39, which do not need to be repeated. What it does instead is conflate both legislative fact-finding and civil process with the underlying criminal case. Relator agrees that the judgment against Roberson is valid and that neither the Texas Legislature nor this Court can invalidate it or exercise the power of clemency or habeas corpus. That is not the relief requested or that would be effected.

To say that the legislature has no power of process over a person in custody reduces our separation of powers to whoever gets there first. Imagine the inverse: Could someone already subject to a legislative subpoena insist that they could not be taken into custody because it would disturb existing legislative authority? Clearly not. Just as in that scenario, there is no intractable conflict here—merely a temporary overlap that can be accommodated without infringing on either branch. (On that note, it is also incredible for RPI to assert that this

Court's authority could be undermined by a legislative subpoena when RPI has already pointedly refused to honor this Court's order not to impair the same.)

RPI continues to take the position that the legislative subpoena here is constructively clemency. In support, it makes the evidence-free claim that "the House seems to have lost all interest in Article 11.073." RPI BOM at 16. That is verifiably untrue. About half of the Committee's forthcoming interim report is devoted to Article 11.073, and when bill filing opens days from now, members will be offering legislation related to it.

RPI also attempts to prove ulterior motives by taking a media statement out of context, bizarrely citing an article entitled "Lawmakers Could Soon Travel to Death Row to Speak with Inmate Robert Roberson" for the proposition that this is not about testimony. *Id.* (referring to the interview found at https://www.wfaa.com/video/news/politics/inside-politics/texas-politics/287-f0fa0ace-a415-4a24-8bae-cb58663b240c). It quotes Representative Jeff Leach as saying, "All we want is to push the pause button and secure a new trial for him." But that statement came at the 3:10 mark of a 3:26 interview. Everything preceding it was a discussion about the need for and logistics of the Committee taking Roberson's testimony.

Near the end, explaining what could happen next in Roberson's case, Leach showed a clear understanding of the separation of powers in saying, "My hope is that the Board of Pardons and Paroles, they can step up, the Court of Criminal Appeals can step up, the Governor can issue a 30-day reprieve." He

added that as one of the "vast majority of state representatives" who have publicly pushed for clemency, his view was that "I do not want, nor have I heard anyone say, that Mr. Roberson should be released today and be walking the streets of Texas tomorrow. All we want is to push the pause button and to secure a new trial for him. We believe he's owed that, we believe justice demands that." *Id.* "We" was plainly not "the Committee" there.

Beyond that misrepresentation, these arguments are unconvincing because conclusory statements about hidden motivations (and double hearsay citation to unnamed "legal commentators" in an MSNBC opinion piece, RPI BOM at 28–29), do not make a subpoena something else. The purpose of a subpoena is no more and no less than to "command a person or entity to attend and give testimony at a hearing." TEX. R. CIV. PROC. Rule 500.8(a).

That purpose also defeats RPI's *lex specialis* argument, RPI BOM at 30, because the legislative and executive powers here are like two ships passing in the night. They may briefly occupy the same waters, but their destinations are different. RPI provides no authority showing that these different processes are on the same subject—certainly not by referring to *Horizon/CMS*, a case about directly conflicting civil damages statutes that was ultimately decided not on that principle, but to "effectuate . . . legislative intent" (which simply happened to conform to the specific-over-general concept). *Horizon/CMS Healthcare Corp. v. Auld*, 34 S.W.3d 887, 901 (Tex. 2000). Indeed, if RPI's expansive formulation were taken seriously, judicial criminal judgment and habeas would conflict with

executive clemency. Those two powers overlap without offending one another for the exact reason expressed in the criminal case RPI offers on this point: "'No part of the Constitution should be given a construction which is repugnant to express authority contained in another part, if it is possible to harmonize the provisions by any reasonable construction.'" *Oakley v. State*, 830 S.W.2d 107, 110 (Tex. Crim. App. 1992)(quoting *Collingsworth County v. Allred*, 40 S.W.2d 13, 17 (Tex. 1931)).

Perhaps most importantly, RPI fails to address the current reality that subpoenaing Roberson's testimony would no longer have any effect on his execution whatsoever because no execution date is pending and one cannot even be set within the time remaining for the Committee to hear his testimony. Speaking with someone is not an act of clemency.

Lastly, RPI suggests that "the House Committee *still* does not have an answer for the broader" slippery slope boogeyman it has repeatedly raised in pleadings. Relator does and did, at Relator BOM at 39–41, which RPI does not address here.

This Court has not exercised habeas jurisdiction

RPI ably explains what criminal habeas is, RPI BOM at 30–32, but what it does not do is demonstrate that the relief sought here would be an exercise of it. Instead, this is a civil matter, and this Court has jurisdiction as a result.

It notes, correctly, that "Roberson's restraint and sentence stem from a criminal case—not a civil one." RPI BOM at 32. Yet the very case it points to, *Heckman*, explains why that does not deprive this Court of jurisdiction. That case

involved a lawsuit claiming that the plaintiff's constitutional rights had been violated in a criminal case. *Heckman v. Williamson County*, 369 S.W.3d 137, 144 (Tex. 2012). Nevertheless, this Court held that it had jurisdiction since the case involved "questions of justiciability—a doctrine rooted in the Separation of Powers provision." *Id.* at 147. It also noted that the mere fact that criminal procedure may be referred to in a case does not make it a criminal one, since "there are criminal cases which may incidentally involve a question of civil law, and civil cases in which in like manner points of criminal law call for solution." *Id.* at 149 (quoting *Comm'rs Court v. Beall*, 81 S.W. 526, 528 (Tex. 1904)). Both circumstances describe the instant civil law dispute.

Alba is also cited as supporting the idea that an injunction is actually criminal habeas relief. However, that case covered a method-of-execution challenge, so the court noted that the applicant "does not claim that he has been subjected to illegal custody or unlawful or unconstitutional restraint" nor "challenge his verdict of guilt or the sentence of death." *Ex parte Alba*, 256 S.W.3d 682, 685 (Tex. Crim. App. 2006). Therefore, it held that "[s]ince the relief sought would not foreclose execution, and the claim does not challenge the sentence of death or seek to establish unlawfulness that would render the conviction or sentence invalid, habeas corpus was not the proper method for raising the claim." *Id.* at 686. In other words, a matter that may have had a similar practical effect as habeas was held not to be a habeas claim because it was not directly aimed at the sentence. The same is true here. Relator is not arguing that

Roberson is subject to illegal custody or unconstitutional restraint, nor does it seek to foreclose his execution or challenge his sentence. The purpose of the injunction is so that Roberson can testify. After he does (which would have already happened if an agreement had been reached), the execution may proceed.

Mandamus authority is clear here

The two-page argument that this Court cannot mandamus the CCA and that this is an original proceeding instead of an appeal is well-taken because it agrees with the statement of the case, statement of jurisdiction, and prayer for relief in Relator's brief. Relator BOM at 8–9 & 51.

RPI next takes the position that mandamus cannot issue against TDCJ because it is not a "state officer," but rather an entity, but also that the officers of this state entity are not really state officers, either. The first contention makes no sense. When an applicant seeks mandamus against a court, for example, they are not asking that the courtroom be compelled; they are seeking relief against the judge. Here, Relator is asking for the officers of TDCJ to be compelled and enjoined by this Court, and applicable law does not support the position that this Court has no power over them.

Not only does the plain text of § 22.002 not define "officers" in the way RPI suggests, but the Government Code explicitly embraces different definitions than the Constitution's "Officers Constituting the Executive Department" (as distinct from the statute's "executive departments." *Compare, e.g.*, TEX. GOV'T CODE title 4, sub. A (defining "executive officers" as governor and lieutenant

government, attorney general, comptroller, treasurer, secretary of state, notaries public, and commissioner of deeds), *with* TEX. CONST. art. IV, § 1 (defining "Executive Department of the State" as a "Governor . . . Lieutenant Governor, Secretary of State, Comptroller of Public Accounts, Commissioner of the General Land Office, and Attorney General").

Case law does not support RPI's position, either. This Court has held that § 22.002 applies to "the heads of State departments and agencies who are charged with the general administration of State affairs." *In re Nolo Press/Folk Law, Inc.*, 991 S.W.2d 768, 775–76 (Tex. 1999). As then-Justice Hecht observed in a 2001 dissent thoroughly reviewing the issue:

> Whether an official should be included in that category is determined by considerations like those set out in *Betts*, including the "general public interest" in the official's decisions, the necessity of a "speedy determination" of whether those decisions were according to law, and the "importance" of those decisions to the State as a whole. By any measure, the members of the Public Utility Commission easily pass each of these tests. The Commission is a major state agency with "the general power to regulate and supervise the business of each public utility within its jurisdiction". The Commission is composed of three commissioners appointed by the Governor with the advice and consent of the Senate. Virtually all of their decisions impact the State as a whole, are of general concern, and require prompt review. . . .

In re TXU Elec. Co., 67 S.W.3d 130, 157 (Tex. 2001)(Hecht, J., dissenting); *see id.* at 131 (per curium)(noting only two justices believed PUC not state officers subject to mandamus). There is no element of that test that TDCJ and its officers do not equally pass. *See* TEX. GOV'T CODE § 493.006(b) (outlining responsibilities of TDCJ executive director); *see also Aldine ISD v. Standley*, 280 S.W.3d 578, 583 (Tex. 1955) ("the determining factor which distinguishes a public

officer from an employee is whether any sovereign function of the government is conferred upon the individual to be exercised by him for the benefit of the public largely independent of the control of others").

That has long been the case—under Article 1733 (the pre-codification § 22.002), this Court used that logic to find that "the Banking Commissioner is an officer of the state government and is subject to writ of mandamus by this court by authority of the above statute." *Chem. Bank & Trust Co. v. Faulkner*, 369 S.W.2d 427, 429 (Tex. 1963). The Third Court made the same recognition almost two decades before then about the Railroad Commissioner, holding that only the Supreme Court could mandamus it. *Corzelius v. Harrell*, 179 S.W.2d 419, 426 (Tex. App.—Austin 1944), *rev'd on other grounds*, 186 S.W.2d 931 (Tex. 1945). That is why several courts of appeals have reached the same conclusion about TDCJ specifically in recent years. *See Williams v. Davis*, 628 S.W.3d 946, 952–53 (Tex. App.—Houston [14th Dist.] 2021, no pet.)(reviewing case law on mandamus and injunctive jurisdiction over TDCJ).

As to RPI's final point in this vein, just as Relator has not asked this Court for mandamus relief against its sister court, neither has this Court mistakenly or nefariously provided it. RPI's suggestion that this Court is easily duped or fundamentally confused about its own authority needs no further attention; the temporary injunction in this case is obviously not an action directed against the CCA in any fashion. The conspiratorial accusations against Relator with which RPI caps off these arguments are similarly unworthy of response.

If this Court can issue mandamus, it can issue an injunction, too

"[I]t seems the House now concedes *Lane* is good law," RPI writes. "But instead of trying to explain how this proceeding somehow comports with *Lane*, the House injects more confusion." RPI BOM at 38. It has apparently overlooked Relator's alternative theory and explanation of how this case squares with *Lane* regardless—that, as *Lane* held, when the authority to issue mandamus has attached, so too has the authority to issue an injunction. Relator BOM at 45–46. Those arguments do not need further detail here except to mention their statutory support—an injunction may issue if Relator "is entitled to the relief demanded and all or part of the relief requires the restraint of some act prejudicial to" it. TEX. CIV. PRAC. & REM. CODE § 65.011(a).

RPI closes this section by pouncing on a comment that Relator is not seeking a "permanent injunction." RPI BOM at 38–39. As was evident in Relator's brief, though, that statement was in response to RPI's own claim that Relator would seek to permanently stop Roberson's execution. Relator BOM at 39–40. That is distinct from a "permanent injunction" as a legal term of art.

It is worth noting, however, that such a final order could be "permanent" for no later than January 14, 2025—the date on which the Committee will be dissolved by operation of law—which as a practical matter cannot now impact any execution date for Roberson. As Relator repeatedly mentioned in its brief, and as RPI now fails to confront, the question is no longer about executions and clemency, but about whether the legislature can subpoena any prisoner at all.

Relator Is Entitled to the Relief It Seeks

This Court has not acted in an "inappropriate" or "improper" way

RPI contends that this court has already acted in an "inappropriate" way on the path to further "similarly improper" relief because it should have seen that Relator is "plainly not entitled to" what it requests. RPI BOM at 40. As it attempts to explain why, its references to the abuse of discretion standard are misplaced because that is generally a metric of lower court review. *See, e.g.*, *Pike v. Tex. EMC Mgmt., LLC*, 610 S.W.3d 763, 791–92 (Tex. 2020)(working through abuse of discretion review of lower court ruling).

In the context of this case, mandamus should issue to correct "the violation of a duty imposed by law when there is no adequate remedy at law." *Walker v. Packer*, 827 S.W.2d 833, 839 (Tex. 1992); *accord In re Smith*, 333 S.W.3d 582, 585 (Tex. 2011). The duties here were clear: the subpoena commanded the personal appearance of Robert Roberson at a certain time and place "to attend and give testimony"; this Court's order precluded RPI "from impairing Mr. Roberson's compliance with the Subpoena"; and state law required that RPI "shall assist" the Committee upon request. Relator BOM at 15–18, 41–42, & Appx Tab 6. Yet RPI refused to allow Roberson to attend, actively impaired his compliance, and chose to resist instead of assist.

No adequate remedy at law is now available. There is no appealable order. The power of contempt is a matter of punishment rather than process, one only available directly against a non-compliant witness (and Roberson himself wishes

to comply). It is also a process that requires a statement of facts, certification, referral, indictment, and third-party prosecution, which obviously cannot be accomplished in the time remaining to take Roberson's testimony. *See generally* TEX. GOV'T CODE § 301.026 (providing for contempt of legislature).

This is not habeas, and Relator would have no standing to seek it

The repetition of the argument that the subpoena is really habeas continues to fail on the basis of purpose—the Great Writ is not merely "to be used when any person is restrained in his liberty," but also and only to demand a showing of "why he is held in custody or under restraint." TEX. CODE CRIM. PROC. art. 11.01; *see generally* Relator's BOM at 34 & 47 (refuting same argument). The added layer here, that habeas is what Relator should have resorted to, is even more swiftly disposed of—and confirms the propriety of the relief sought here—because RPI admits that "the House would plainly lack standing to seek the relief it prays for here" through habeas. RPI BOM at 42. Relator agrees.

TDCJ is subject to the subpoena because Roberson is in its custody

RPI claims that TDCJ was not explicitly named in the subpoena, so therefore, "the trial court had no authority to issue coercive orders" against it. RPI BOM at 43. To begin with, references to the "trial court" here and the various exceptions RPI takes to its order are not implicated in this case, which is a matter of original jurisdiction; there is no "trial court" here.

Even if it were a live issue, RPI's claim that TDCJ cannot be compelled because "statutory law is tellingly silent on enforcement mechanisms" ignores

the daily practices of Texas courts. When a person is in custody, the issuance of process such as a bench warrant or attachment is directed at the person, but their custodian is expected to produce them. *See* TEX. CODE CRIM. PROC. art. 24.13 ("persons . . . confined in an institution operated by" TDCJ "shall be permitted to testify in person in any court for the state"); *Black v. State*, 621 S.W.2d 630, 631 (Tex. Crim. App. 1981)(under article 24.13, "the trial court is authorized to bench warrant an inmate from" TDCJ, which is "really an application to the court for a subpoena"). It would defy common sense to hold that a person can be subject to compulsory process under state law but that the state as the person's custodian could then ignore it.

And to TDCJ's statutory duty to assist the Committee, RPI retorts that "[i]nstead of asking TDCJ for some sort of interbranch assistance . . . the House Committee sued TDCJ." RPI BOM at 44. That is patently false. As Relator has already described, it requested assistance, and all indications were that the execution would proceed. Relator BOM at 13. Moreover, right after the initial TRO, TDCJ was ready, willing, able to assist—it was in the process of doing so, in fact—when OAG stepped in and refused to cooperate on TDCJ's behalf. *Id.* at 14–18 & Appx. Tab 5.

The House knows its own rules

Contrary to RPI's pronouncement, it is certainly untrue that Relator "now admits" its "subpoena was defective on its face." RPI BOM at 44. Relator actually devoted seven pages of its brief to explaining the subpoena's propriety in

purpose and form. Relator BOM at 26–32. Yet just as RPI has presumed to explain basic civil procedure to this Court, it still insists that Relator—the House—is ignorant about the meaning of the very rules it has adopted for itself.

In rejecting Relator's explanation that the Speaker's signature is only required for subpoenas of the House as such, not its committees, RPI simply writes that it "is aware of no provision in law authorizing subpoenas to issue on behalf of the House of Representatives *qua* House of Representatives." RPI BOM at 45. Yet the Government Code does distinguish between House subpoenas and committee subpoenas. In § 301.025 (which RPI itself cites elsewhere, RPI BOM at 42), the Code describes "A witness called *by either house or by a legislative committee*" and provides that "*The legislature* may require a person to testify." TEX. GOV'T CODE § 301.025(a) & (b)(emphasis added). The next section after that again refers to a person who "has been summoned as a witness to testify . . . by *either house or any legislative committee*." *Id.* § 301.026(a)(1)(emphasis added). The same language appears in the next section as well. *Id.* § 301.027(a).

RPI goes on to ignore the precedents advanced by Relator regarding the typo in its service block, which this Court can find at Relator BOM at 30–31. However, it then takes issue with Roberson's attorney accepting service for him, writing that "the House Committee does not say whether [she] was authorized to accept service for Roberson." RPI BOM at 46. If it was not already clear, she was authorized to accept service and did so, but that really does not need to be proven because RPI does not have standing to challenge the acceptance of

service by another person. It is also profoundly disingenuous for RPI to suggest that Roberson was not properly served when it has both prevented him from being personally served and from complying with the subpoena. RPI cannot hold the door closed on both sides then complain that no one got through it.

Relator acted promptly and properly

The final argument RPI makes centers on the "unreasonable delays" it perceives in Relator issuing a subpoena, which it claims are "apparent and unexplained" and for as long as "21 years." RPI BOM at 47. Never mind that the Committee was not created until February of 2023 , not given interim charges until May of 2024, or that no member sitting on the Committee was serving in the Texas Legislature 21 years ago. The more fundamental issue is that RPI has not shown that the applicable legal threshold has been met here.

What RPI is asserting is laches, the equitable doctrine—admittedly applicable to mandamus—which holds that slumbering on your rights can waive them. *River Center Assocs. v. Rivera*, 858 S.W.2d 366, 367 (Tex. 1993). "Two essential elements of laches are (1) unreasonable delay by one having legal or equitable rights in asserting them; and (2) a good faith change of position by another to his detriment because of the delay." *Rogers v. Ricane Enterprises, Inc.*, 772 S.W.2d 76, 80 (Tex. 1989). The first prong is generally only met when no reasonable explanation exists for a delay. *See In re American Airlines, Inc.*, 634 S.W.3d 38, 43 (Tex. 2021)(covering examples of delays considered by courts). The second, on the other hand, requires evidence from the movant of more than mere

inconvenience. *E.g., In re E.I. du Pont de Nemours & Co.*, 92 S.W.3d 517, 524–25 (Tex. 2002)(making necessary appearances and responding to discovery not evidence respondent prejudiced by four-year delay in moving for dismissal).

Neither line has been crossed here. Relator provided a thorough explanation of the timing of its subpoena. Relator BOM at 11–13 & Appx Tab 5. In fact, the record reflects that Relator moved swiftly given the circumstances. The issues involving Roberson's case only came to light for *some* members of the Committee in August of 2024. At the time, the Committee expected Article 11.073 to work as intended for Roberson. It was not until October 10, 2024, with the denial of relief despite the previous day's holding in *Ex parte Roark*, No. WR-56,380-03, 2024 WL 4446858, at *51–54 (Tex. Crim. App. Oct. 9, 2024), that Relator learned that our junk science law appeared to not be working as expected. And it was not until October 16, 2024, that it became apparent to the Committee that Roberson's own testimony would be invaluable. He was then unanimously subpoenaed for the very next hearing allowed under House Rules.

Similarly, as to prejudice, RPI has shown none. Roberson's execution was not carried out on the expected day but remains an inevitability. Besides that short wait, RPI has had to do nothing with respect to him beyond what it was already doing. With a well-explained delay and no apparent good faith change in RPI's position, let alone one to its determent, there is no issue here.

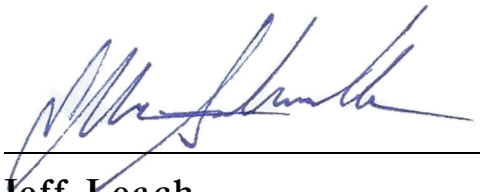
RPI concludes with more accusations, including reference to a mistake-of-law *ex parte* communication with another court about what is ultimately a

different case (which, like the supposed "delay," has already been explained elsewhere). RPI BOM at 48. But on top of that, RPI claims that Relator "did not even use the emergency relief it obtained" because it did not accede to RPI's virtual-testimony-only demand. *Id.* According to RPI, any notion that the decision was influenced by technological issues or Roberson's limitations due to autism was bogus and evinces "shifting excuses." *Id.* But at the Committee's last hearing before the subpoena, which was held in the *very same room*, the videoconference technology failed spectacularly, entirely preventing a state representative from addressing the Committee as scheduled. *Hearing on Interim Charge 2* Before the House Comm. on Crim. Jur., 88th Leg. Interim (September 16, 2024)(recording available from the House Video/Audio Services Office). It also discounts the reasons provided to RPI both verbally and in writing about why videoconference was unsuitable here, the written objection to the format sent by Roberson's attorney, and the testimony of experts at the hearing he was supposed to have been at—not to mention an account of how poorly Roberson responded to the media videoconference that RPI refers to. *Hearing on Article 11.073* Before the House Comm. on Crim. Jur., 88th Leg. Interim, October 21, 2024)(recording available from the House Video/Audio Services Office). As a matter of equity, Relator's efforts favor Roberson, not TDCJ.

Prayer for Relief

Relator again asks this Court to prohibit TDCJ from impairing Robert Roberson's compliance with process issued by the Committee, including by his execution, until the earlier of the date that he personally appears before the Committee in the Texas Capitol and gives his testimony or the date the 89th Texas Legislature convenes (January 14, 2025), to compel TDCJ to produce him under any subpoena to fulfill its legal obligation to assist the Committee, and to provide any other equitable relief necessary to ensure compliance with the orders of this Court.

Respectfully,



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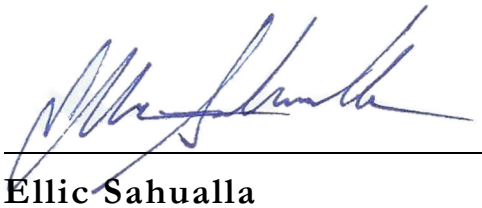

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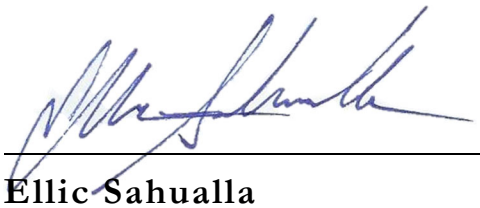

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