

**IN THE CRIMINAL COURT SHELBY COUNTY, TENNESSEE
THIRTIETH JUDICIAL DISTRICT AT MEMPHIS, TN.
DIVISION III**

<u>JASON L WHITE</u>)	
)	
V.)	NO. <u>17-01568 (C1702460)</u>
)	
)	
<u>STATE OF TENNESSEE</u>)	
)	

MOTION TO COMPEL

Comes now Petitioner of record, Jason L White to move this honorable Court by filing this Motion to Compel in response to the State of Tennessee's Motion to Quash Subpoena for the District Attorney General Amy Weirich presents at the above post-conviction hearing on November 4, 2021. The preponderance on the Petitioner to prove Ineffective Assistance of Counsel claims and that the testimony of DAG Amy Weirich is imperative in establishing various facts listed in the Petitioners IAC Petition.

Petitioner states that on June 2, 2016 a Capias was issued, and signed stating the True Bill of Indictment was witnessed by the County Court Clerk Richard L Desaussure III to be Consp-Promote Manuf Meth T.C.A. 39-17-433, but on September 5, 2016 an Indictment surfaced with M. Gaia listed as the prosecutor and signed by DAG Amy Weirich for charges of Conps-UPCS with intend to sell/deliver over 300 grams of Meth in a Drug Free Zone T.C.A. 39-17-434 and T.C.A 39-12-103. Petitioner is entitled to a full and fair hearing in order to meet his burden on his IAC claims filed in his Post-

conviction Petition.

Due process in post-conviction hearing requires “the defendant have the opportunity to be heard at a meaningful time and in a meaningful manner (Stokes v State 146, S.W. 3d 56, 61 (Tenn.2004) 105, 111 (Tenn. 1995). A full and fair hearing requires “the opportunity to present proof and argument of the Petitioner for post-conviction relief”. (House 911, S.W. 2d at 714; See T.C.A.40-30-106 (h) (a full and fair hearing has occurred where the Petitioner is afforded the opportunity to call witness and otherwise present evidence.) Petitioner states the information/ testimony from DAG Amy Weirich is imperative in establishing facts that Petitioner’s attorney Claiborne Ferguson failed to challenge the jurisdiction, if the prosecution had a right to proceed with the prosecution and convict the defendant. District Attorney General Amy Weirich’s signature is on both Indictments 16-02794 and 17-01568. “An attorney General who signs an indictment is “of counsel” “ in that case” (Mathis v State, 50 Tenn (3*208 Heisk). 127. According to T.C.A. 40-13-103 (1990) the attorney general is required to sign the indictment prior to it being sent to the grand jury. No indictment will be recognized “without the sanction and approbation of the [district attorney general], proved by their signature on some part of the bill.” (James E Martin v Howard Carlton, No. 03C01-9807-CR-00253, 1999 WL 360147, at *3 (Tenn. Crim. App. June 7, 1999) (quoting from Fout v. State, 4 Tenn. 98, 99 (1816)).

In DAG Amy Weirich signing the indictments listed above, the responsibility of her having full knowledge of the Petitioner’s case, evidence, and other vital information to determine if this case could be prosecuted. In the State’s Motion to Quash Subpoena “the State submits that General Weirich does not have material testimony to provide in

this matter. Specifically as it relates to Petitioner's claims, she has no information to provide to the court as she was not the prosecutor who tried the case." In allowing the State to quash the subpoena on DAG Weirich would be denying the Petitioner the right to a full and fair Evidentiary Hearing on his IAC claims in his post-conviction hearing.

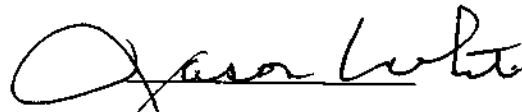
Petitioner would like to point out the fact of an error in the Motion to Quash Subpoena on retired Judge James C Beasley, Jr. who is not a part of this case.

Petitioner Jason L White, ask this honorable Judge to agree with the fact of the value of the testimony from DAG Amy Weirich to provide clarity on information needed to establish the IAC claims presented in his petition. That the Motion to Quash would be denied and that DAG Amy Weirich would be present on November 4, 2021 to assist in the clarity of these allegations.

WHEREFORE, premises considered, Petitioner request this honorable court to provide the relief sought in this Motion to Compel.

This 9 day of September, 2021.

Respectfully Submitted,

A handwritten signature in black ink that reads "Jason White". The signature is written in a cursive style with a large, looping initial "J".

Jason White, Pro-se

BY:

Jason White # 86663

LCCF

6900 W. Millen Dr.

Hobbs, NM 88244

CERTIFICATE OF SERVICE

I, Jason White, Petitioner do hereby certify that I mailed a true and correct copy of the above and foregoing Motion to Compel to the following:

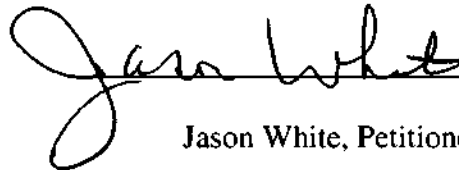
District Attorney General's Office (Leslie Byrd)

201 Poplar Ave

Memphis, TN 38103

This 9 day of September, 2021.

+


Jason White, Petitioner