

Cause No. GN1-00142

EDMUND BRYAN HEIMLICH,  
Plaintiff,  
  
v.  
  
STATE OF TEXAS, by an through  
GREG ABBOTT, the Attorney General,  
Defendant.

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IN THE DISTRICT COURT OF  
  
TRAVIS COUNTY, TEXAS  
  
200TH JUDICIAL DISTRICT

**Defendant's Response to Plaintiff's Petition (Request) for entry of Final Judgment for \$500,000, Or, certification of Declaratory Judgment, And Preliminary Injunction, request Emergency Order, Temporary Restraint of the Legislative Division, Specifically the Budget Conference Committee, To order consideration of my Offer in Compromise, or provide proof to this Court they have satisfied Mandatory Appropriation Required by our Texas Constitution**

Defendant, the State of Texas, asks the Court to deny the Plaintiff's motion.

Plaintiff brings suit pursuant to the Compensation to Persons Wrongfully Imprisoned statute found at Tex.Civ.Prac.&Rem.Code Chapter 103. Plaintiff was granted summary judgment as to liability on August 14, 2003. Plaintiff now seeks damages.

**Damages**

The statute enumerate type of damages available in addition to the maximum that can be awarded:

"(a) If the trier of fact finds that the petitioner is entitled to compensation, the petitioner is entitled to:

(1) expenses incurred by the petitioner in connection with all associated criminal proceedings and appeals and in connection with obtaining the petitioner's discharge from imprisonment, including any fine or court costs paid and reasonable attorney's fees, including reasonable attorney's fees for prosecuting the lawsuit under this subchapter;

(2) wages, salary, or other earned income that was lost as a direct result of the arrest,

**FILED**

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DISTRICT CLERK  
TRAVIS COUNTY, TEXAS