



**IN THE COURT OF CRIMINAL APPEALS  
OF TEXAS**

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**WR-39,707-03**

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**EX PARTE BILLIE WAYNE COBLE**

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**ON APPLICATION FOR WRIT OF HABEAS CORPUS  
IN CAUSE NO. 1989-1036-C2 IN THE  
54<sup>TH</sup> DISTRICT COURT FROM MCLENNAN COUNTY**

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*Per Curiam.*

**ORDER**

This is an application for writ of habeas corpus filed pursuant to the provisions of Article 11.071, TEX. CODE CRIM. PROC.

Applicant was originally convicted of the offense of capital murder in 1990. The jury answered the special issues submitted under Article 37.071, TEX. CODE CRIM. PROC., and the trial court, accordingly, set punishment at death. This Court affirmed applicant's conviction and sentence on direct appeal. *Coble v. State*, 871 S.W.2d 192 (Tex. Crim. App.

1993). In 2007, the Fifth Circuit Court of Appeals granted habeas relief and remanded the case for a new trial on punishment. *Coble v. Quarterman*, 496 F.3d 430 (5<sup>th</sup> Cir. 2007). On retrial in 2008, a second jury sentenced applicant to death. This Court affirmed the judgment and sentence on direct appeal. *Coble v. State*, 330 S.W.3d 253 (Tex. Crim. App. 2010), *cert. denied*, 131 S. Ct. 3030 (2011).

Applicant presents twenty allegations in his application in which he challenges the validity of his judgment and sentence. The trial court held an evidentiary hearing and entered findings of fact and conclusions of law recommending that the relief sought be denied.

This Court has reviewed the record with respect to the allegations made by applicant. We adopt the trial judge's findings and conclusions. Additionally, regarding ground for relief fourteen, while we note that the trial court's findings and conclusions are valid on the merits, the issue is not cognizable on habeas review. *See Ex parte Alba*, 256 S.W.3d 682 (Tex. Crim. App. 2008). Grounds for relief one, four, five, seven, eight, ten, eleven, and fifteen through eighteen are also procedurally barred. *See Ex parte Banks*, 769 S.W.2d 539 (Tex. Crim. App. 1989); *Ex parte Acosta*, 672 S.W.2d 470 (Tex. Crim. App. 1984). Therefore, based upon the trial court's findings and conclusions and our own review, we deny relief.

IT IS SO ORDERED THIS THE 8<sup>TH</sup> DAY OF FEBRUARY, 2012.

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