



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-45,865-05

EX PARTE DARRELL WAYNE PHILLIPS, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 0557784D IN THE 213TH DISTRICT COURT
FROM TARRANT COUNTY**

Per curiam.

ORDER

Pursuant to the provisions of Article 11.07 of the Texas Code of Criminal Procedure, the clerk of the trial court transmitted to this Court this application for a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of involuntary manslaughter and sentenced to sixty-seven years' imprisonment. The Second Court of Appeals affirmed his conviction. *Phillips v. State*, No. 02-95-00136-CR (Tex. App.–Fort Worth Sept. 26, 1996, no pet.).

In his -01 application, Applicant claimed that trial and appellate counsel were ineffective, the State failed to disclose impeachment evidence, and the trial court lacked jurisdiction. We denied that application and later dismissed the -02, -03, and -04 applications under Article 11.07, § 4 of the

Code of Criminal Procedure. Applicant now claims that he is actually innocent, his due process rights were violated when the trial court denied his motion for DNA testing, there was a conflict of interest, the prosecution was vindictive, and his conviction and sentence are void. We find that although the factual basis of Applicant's due process and conflict of interest claims was not previously available for purposes of § 4, his claims are without merit. Accordingly, they are denied. His remaining claims do not meet the requirements in § 4 and are dismissed. This application is, accordingly, denied in part and dismissed in part.

Filed: June 13, 2012
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