



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

NO. WR-45,876-07

EX PARTE PRESTON HUGHES, III

**ON APPLICATION FOR POST-CONVICTION WRIT OF HABEAS CORPUS
FROM CAUSE NO. 511676 IN THE 174TH DISTRICT COURT
HARRIS COUNTY**

Per Curiam.

ORDER

This is a subsequent application for a writ of habeas corpus filed pursuant to the provisions of Texas Code of Criminal Procedure Article 11.071, § 5.

In May 1989, a jury found applicant guilty of the offense of capital murder. The jury answered the special issues submitted pursuant to Texas Code of Criminal Procedure Article 37.071, and the trial court, accordingly, set applicant's punishment at death. On original submission on direct appeal, this Court reversed applicant's conviction. However, on rehearing, the Court affirmed applicant's conviction and sentence. *Hughes v. State*, 878

S.W.2d 142 (Tex. Crim. App. 1993). Applicant filed his initial post-conviction application for writ of habeas corpus in the convicting court on October 21, 1990. This Court denied applicant relief. *Ex parte Hughes*, No. WR-45,876-01 (Tex. Crim. App. Sept. 13, 2000)(not designated for publication). Applicant's first subsequent habeas application was filed in the trial court on April 24, 2001, and this Court dismissed it on November 14, 2001. *Ex parte Hughes*, No. WR-45,876-02 (Tex. Crim. App. Nov. 14, 2001)(not designated for publication). Applicant filed his second subsequent habeas application in the trial court on July 3, 2012. After filing and setting a *Penry* claim, this Court denied applicant relief on that claim and dismissed his second claim. *Ex parte Hughes*, No. AP-76,869 (Tex. Crim. App. Aug. 29, 2012)(not designated for publication). This, applicant's third subsequent application, was filed in the trial court on October 29, 2012.

In his application, applicant raises four claims. In three of his claims, applicant makes allegations of perjury and falsification of evidence. In the fourth claim, applicant asserts that his various counsel were ineffective for failing to discover the information contained in the first three claims. Applicant's claims do not meet the dictates of Article 11.071, § 5. Accordingly, we dismiss the application as an abuse of the writ without considering the merits of the claims.

IT IS SO ORDERED THIS THE 5th DAY OF NOVEMBER, 2012.

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