



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

NO. WR-59,481-02

EX PARTE RICHARD ALLEN MASTERSON

**ON APPLICATION FOR WRIT OF HABEAS CORPUS IN CAUSE
NO. 867834-A IN THE 176TH JUDICIAL DISTRICT COURT
HARRIS COUNTY**

Per Curiam.

ORDER

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

On April 2, 2002, a jury convicted applicant 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 punishment at death. This Court affirmed applicant's conviction and sentence on direct appeal. *Masterson v. State*, No. AP-74,344 (Tex. Crim. App. Feb. 2, 2005) (not designated for publication). Applicant filed his initial

application for a writ of habeas corpus pursuant to Article 11.071. We denied relief. *Ex parte Masterson*, WR-59,481-01 (Tex. Crim. App. Aug. 20, 2008).

Applicant presents four allegations. We have reviewed the application and find that applicant's allegations fail to satisfy the requirements 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 19TH DAY OF DECEMBER, 2012.

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