



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

**NO. WR-63,381-04 and WR-63,381-01**

**EX PARTE ANTHONY BARTEE**

**ON APPLICATION FOR POST-CONVICTION WRIT OF HABEAS CORPUS  
AND MOTION FOR STAY OF EXECUTION  
FROM CAUSE NO. 1997CR1659  
IN THE 175<sup>TH</sup> JUDICIAL DISTRICT COURT  
BEXAR COUNTY**

*Per Curiam.* HERVEY, J., *not participating.*

**ORDER**

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

In May 1998, 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. This Court affirmed applicant's conviction and sentence on direct appeal. *Bartee v. State*, No. AP-

73,126 (Tex. Crim. App. May 3, 2000)(not designated for publication). Applicant filed his initial post-conviction application for writ of habeas corpus in the convicting court on January 3, 2000. This Court denied applicant relief. *Ex parte Bartee*, No. WR-63,381-01 (Tex. Crim. App. Mar. 8, 2006)(not designated for publication). Applicant's first subsequent application was filed in the trial court on April 20, 2011. This Court dismissed that application because the single claim raised was not properly raised on habeas. *Ex parte Bartee*, No. WR-63,381-02 (Tex. Crim. App. Sept. 14, 2011)(not designated for publication). Applicant's second subsequent application was filed in the trial court on February 21, 2012.

Applicant appears to present two claims in his application. Applicant's allegations fail to 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. Because the trial court withdrew the execution date before we ruled, we dismiss the motion to stay applicant's execution as moot. Likewise, we decline applicant's invitation to reconsider applicant's initial habeas application.

IT IS SO ORDERED THIS THE 29<sup>th</sup> DAY OF FEBRUARY, 2012.

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