



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-74,003-03

EX PARTE BRIEN JAMES DEMIDIO, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 6650 IN THE 8TH DISTRICT COURT
FROM DELTA 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 writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of aggravated assault and sentenced to ten years' imprisonment.

Applicant raises eight grounds challenging the conviction. Addressing his burden under Section 4 of Article 11.07 of the Code of Criminal Procedure, Applicant contends that he is actually innocent, based on an allegedly newly-discovered affidavit from the complainant. The trial court did not enter findings of fact or conclusions of law and the State did not respond. After a thorough

review of the habeas record, relief is denied on Applicant's actual innocence claim. His remaining claims are dismissed under Section 4 of Article 11.07 of the Code of Criminal Procedure.

Filed: August 22, 2012

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