



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

NO. WR-77,157-01

EX PARTE DANIEL LEE LOPEZ

**ON NOTICE OF NO APPLICATION FOR WRIT OF HABEAS CORPUS
FILED IN CAUSE NO. 09-CR-787-B
IN THE 117TH DISTRICT COURT
NUECES COUNTY**

Per Curiam.

ORDER

This case is before us because no application for writ of habeas corpus has been filed pursuant to the provisions of Texas Code of Criminal Procedure Article 11.071.¹

Shortly after he was convicted and sentenced to death, applicant waived the appointment of counsel to represent him in a post-conviction writ of habeas corpus under

¹ Unless otherwise indicated all references to Articles refer to the Code of Criminal Procedure.

Article 11.071, and he expressed his desire to waive habeas review altogether. But despite his expressed desires, applicant could have filed an application up to and including the date it was due. Nonetheless, from the date of his conviction in March 2010, applicant has continued to express his desire to waive habeas review. As recently as August 2011, applicant sent a letter directly to this Court re-emphasizing his desire to waive habeas review. On December 13, 2011, the State filed in this Court its brief on applicant's direct appeal. Pursuant to Article 11.071, § 4(a), and because no motion for an extension was filed, applicant's application for writ of habeas corpus was due in the convicting court on or before January 27, 2012.

No writ application was filed in the trial court on or before January 27, 2012. Because no application was filed and because applicant expressed his desire to waive habeas review, we will now accept applicant's waiver and note that his failure to timely file an application constitutes a waiver of all grounds for relief that were available to him before the last date on which his application could have been timely filed. Art. 11.071, § 4(e).

IT IS SO ORDERED THIS THE 18TH DAY OF APRIL, 2012.

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