



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

---

---

NO. WR-77,969-02

---

---

**EX PARTE DALE PATRICK BISHOP, Applicant**

---

---

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. W85-88492-V IN THE 292<sup>ND</sup> DISTRICT COURT  
FROM DALLAS COUNTY**

---

---

*Per curiam. Keasler, J., not participating.*

### 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 a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant pleaded guilty to murder and sentenced to sixty years' imprisonment.

In this application, Applicant alleges, among other things, that he is being improperly classified as a sex offender and is being required to participate in a sex offender treatment program while imprisoned, although he has not been convicted of a sex offense. Applicant alleges that the erroneous classification is affecting his chances of making parole.

The trial court obtained an affidavit from TDCJ, and based on that affidavit recommends that relief be granted in part, in that Applicant should not be subjected to sex offender conditions while incarcerated and should not be required to participate in a sex offender treatment program at this time.

Although the trial court may be correct that Applicant should not be subjected to sex offender conditions while incarcerated, this Court has previously refused to consider matters involving conditions of confinement and inmate classification by way of a writ of habeas corpus. *Ex parte Palomo*, 759 S.W.2d 671, 674 (Tex. Crim. App. 1988), citing *Ex parte Brager*, 704 S.W.2d 46 (Tex. Crim. App. 1986). In order to be entitled to relief on a writ of habeas corpus, an applicant must plead and prove that the error complained of did in fact contribute to his conviction or punishment. *Ex parte Barber*, 879 S.W.2d 889, 891-892 (Tex. Crim. App. 1994). The requirement that Applicant participate in a sex offender treatment program while incarcerated does not affect his parole eligibility date, or otherwise contribute to his conviction or the length of his sentence. Because Applicant's claims are not properly addressed by way of Article 11.07 habeas corpus, we deny relief.

Filed: June 11, 2014  
Do not publish