



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-31,863-17

EX PARTE SCOTT LESLIE CARMELL, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. F-96-1227-E IN THE 367TH DISTRICT COURT
FROM DENTON 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 a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of eight counts of indecency with a child, five counts of sexual assault, and two counts of aggravated sexual assault. He was sentenced to twenty years' confinement on all charges except for the aggravated sexual assaults, for which he received life sentences.

Applicant's convictions and sentences were initially upheld on appeal. *Carmell v. State*, 963 S.W.2d 833 (Tex. App.—Fort Worth 1998). The Supreme Court reversed three of the counts on ex

post facto grounds and remanded for further proceedings in light of their opinion. *Carmell v. Texas*, 529 U.S. 513 (2000). On remand from the Supreme Court, the Fort Worth Court of Appeals affirmed. *Carmell v. State*, 26 S.W.3d 726 (Tex. App.—Fort Worth 2000). Applicant then challenged his convictions with 11.07 writ applications that were denied by this Court. *Ex parte Carmell*, Nos. WR-31,863-02–16 (Tex. Crim. App. Nov. 13, 2002) (unpublished). On federal habeas review, the U.S. Court of Appeals for the Fifth Circuit granted Applicant an out-of-time appeal based on ineffective assistance of appellate counsel after remand from the Supreme Court. *Carmell v. Quarterman*, 292 F. App'x. 317 (5th Cir. 2008). In an out-of-time appeal, the Second Court again affirmed applicant's conviction, entertaining three additional issues, two of which had not been previously litigated. *Carmell v. State*, 331 S.W.3d 450 (Tex. App.—Fort Worth 2010).

Based on this Court's independent review of the record, Applicant's supplemental claims alleging ineffective assistance of appellate counsel after remand from the Supreme Court are denied. Applicant's remaining grounds are dismissed as subsequent. TEX. CODE CRIM. PROC. art. 11.07 § 4. Accordingly, the application is denied in part and dismissed in part.

Filed: September 25, 2013
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