



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

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**NO. WR-49,391-02**

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**EX PARTE JOHN WILLIAM KING**

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**ON APPLICATION FOR WRIT OF HABEAS CORPUS  
CAUSE NO. 8869 IN THE 1ST DISTRICT COURT  
JASPER COUNTY**

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*Per Curiam.*

**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.<sup>1</sup>

In 1999, a jury convicted applicant of the offense of capital murder. The jury answered the special issues submitted under Article 37.071, and the trial court, accordingly, set punishment at death. This Court affirmed applicant's conviction and sentence on direct

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<sup>1</sup> Unless otherwise indicated, all references to Articles are to the Texas Code of Criminal Procedure.

appeal. *King v. State*, No. AP-73,433, 29 S.W.3d 556 (Tex. Crim. App. 2000). Applicant filed his initial post-conviction application for writ of habeas corpus in the convicting court in 2000, and this Court denied relief in 2001. Applicant then filed an application for a writ of habeas corpus in federal district court. *King v. Dretke*, No. 1:01cv435, (E.D.-Beaumont Div., April 24, 2006). The federal district court stayed the proceedings to give applicant an opportunity to exhaust claims in state court. *Id.*, Document 68. Applicant then filed this subsequent application for writ of habeas corpus in the convicting court on June 22, 2006. The convicting court forwarded this application to this Court, where it was received on June 25, 2012. Art. 11.071, § 5(b)(1).

We have reviewed this subsequent application and find that the allegations fail to satisfy the requirements of Article 11.071, § 5(a). Accordingly, we dismiss the application as an abuse of the writ without considering the merits of the claims. Art. 11.071, § 5(c).

IT IS SO ORDERED THIS THE 12<sup>TH</sup> DAY OF SEPTEMBER, 2012.

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