



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

NO. WR-50,360-04

EX PARTE KIMBERLY LAGAYLE MCCARTHY

**ON APPLICATION FOR POST-CONVICTION WRIT OF HABEAS CORPUS
AND MOTION TO STAY THE EXECUTION
FROM CAUSE NO. F97-34795-V IN THE 292ND DISTRICT COURT
DALLAS COUNTY**

Per Curiam. KEASLER, J., did not participate. ALCALA, J., would grant.

ORDER

On November 2002, a jury found applicant guilty of the offense of capital murder. The jury answered the special issues submitted pursuant to Texas Code of Criminal Procedure Article 37.071, and the trial court, accordingly, set applicant's punishment at death. This Court affirmed applicant's conviction and sentence on direct appeal. *McCarthy v. State*, No. AP-74,590 (Tex. Crim. App. Sept. 22, 2004)(not designated for publication).

This Court denied relief on applicant's initial post-conviction application for writ of habeas corpus. *Ex parte McCarthy*, No. WR-50,360-02 (Tex. Crim. App. September 12, 2007). This Court dismissed applicant's first subsequent writ application. *Ex parte McCarthy*, No. WR-50,360-03 (Tex. Crim. App. March 27, 2013). This Court dismissed applicant's second subsequent writ application. *Ex parte McCarthy*, No. WR-50,360-04 (Tex. Crim. App. June 24, 2013).

Applicant has now submitted a "Suggestion for Reconsideration on the Court's Own Motion of Dismissal of Application for Post-Conviction Writ of Habeas Corpus." She has also submitted "Applicant's Motion for Stay of Execution in Light of Suggestion for Reconsideration on the Court's Own Motion of Dismissal of Application for Post-Conviction Writ of Habeas Corpus." We decline applicant's invitation to reconsider our dismissal of her second subsequent writ application, and we deny applicant's motion to stay her execution.

IT IS SO ORDERED THIS THE 25TH DAY OF JUNE, 2013.

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