



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-55,827-03 AND WR-55,827-06

EX PARTE CHARLES LEE MARTIN, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 38715-C IN THE 89TH DISTRICT COURT
FROM WICHITA 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 these applications for a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant pleaded guilty to three counts of sexual assault of a child, and one count of aggravated sexual assault of a child. He was sentenced to twenty years' imprisonment for each of the sexual assault counts, and thirty years' imprisonment for the aggravated sexual assault count, all running concurrently. No appeal was taken.

On June 25, 2003, this Court denied Applicant's first application for writ of habeas corpus in this case. In that application, Applicant complained only of denial of access to his trial records. Although Applicant's first application was not a challenge to the merits of the conviction which

would trigger a bar under Article 11.07, Section 4 of the Texas Code of Criminal Procedure, his second application pertaining to this conviction was erroneously dismissed as a subsequent application under Section 4. When this Court received this application, WR-55,827-06, from the trial court, that court's recommendation was to likewise dismiss it as a subsequent application.

Having realized its error, this Court now reconsiders the dismissal of Applicant's application number WR-55,827-03 on its own motion. This court has undertaken an independent review of the claims raised in both of Applicant's applications, WR-55,827-03 and WR-55,827-06. Finding those claims to be without merit, this Court denies both applications.

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