



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-57,453-03

EX PARTE GARY DWAIN SPIER, AKA GARY DWAYNE SPIER, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 00-12-10513-C IN THE 9TH DISTRICT COURT
FROM WALLER 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 sexual assault and sentenced to fifteen years' imprisonment. He did not appeal his conviction.

In a single ground, Applicant contends that he did not receive 100 days of pre-sentence credit. On May 14, 2013, the trial court signed an order finding that Applicant is entitled to 96 days of credit. We find that this is a subsequent application under Article 11.07, § 4 of the Code of Criminal Procedure. We also note that Applicant should file with the trial court a motion for a judgment *nunc pro tunc*. *Ex parte Ybarra*, 149 S.W.3d 147, 148-49 (Tex. Crim. App. 2004). This application is

dismissed.

Filed: July 24, 2013

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