



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

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**NO. WR-65,627-02**

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**EX PARTE DAVID SANTIAGO RENTERIA**

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**ON APPLICATION FOR POST-CONVICTION WRIT OF HABEAS CORPUS  
FROM CAUSE NO. 20020D00230 IN THE 41<sup>ST</sup> DISTRICT COURT  
EL PASO COUNTY**

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*Per Curiam.*

**ORDER**

This is an application for a writ of habeas corpus filed pursuant to the provisions of Texas Code of Criminal Procedure Article 11.071.

In October 2003, 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 on direct appeal, but reversed and remanded for a new punishment trial. *Renteria v. State*, 206 S.W.3d 689 (Tex. Crim. App. 2006). After a new

punishment trial, the trial court again set applicant's punishment at death. This Court affirmed applicant's sentence on direct appeal. *Renteria v. State*, No. AP-74,829 (Tex. Crim. App. May 4, 2011)(not designated for publication).

Applicant filed his initial post-conviction application for writ of habeas corpus in the convicting court on January 26, 2006. That application was ultimately forwarded to this Court where it remains pending. Applicant timely filed in the convicting court his initial application on his new punishment trial on November 16, 2010, and he timely amended that application on November 19, 2010. On August 1, 2012, this Court issued an order instructing the trial court to complete its resolution of the issues in the case and have the clerk forward the record to this Court within 120 days of the date of that order. One extension was granted to March 31, 2013.

On March 11, 2013, applicant filed in the trial court a "Motion to Proceed Under Code of Criminal Procedure Article 11.071, Section 4." In the motion, applicant argued that the writ application that had been filed on his behalf in November 2010 was not a proper application under *Ex parte Medina*, 361 S.W.3d 633 (Tex. Crim. App. 2011). Therefore, he argued that the trial court should declare that no application had been timely filed and that it should recommend to this Court that we appoint new counsel and establish a new filing date for the filing of a proper habeas application. The trial court did so.

However, this case is distinguishable from what occurred in *Ex parte Medina*. In the *Medina* case, counsel for the applicant intentionally and over his own client's complaints

filed a bare bones writ application in an attempt to force this Court to readdress pleading requirements in writ applications. This is not the situation in the present case.

Therefore, this case is remanded to the convicting court to resolve the issues raised in the writ application. The issues shall be resolved within sixty days of the date of this order, and the clerk shall return the record of the proceedings to this Court within 75 days of the date of this order.

IT IS SO ORDERED THIS THE 22<sup>nd</sup> DAY OF MAY, 2013.

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