



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

NO. WR-70,257-02

EX PARTE ROBERT GENE LEOS GARZA

**ON APPLICATION FOR POST-CONVICTION WRIT OF HABEAS CORPUS
FROM CAUSE NO. CR-0945-03-I
IN THE 398TH DISTRICT COURT
HIDALGO COUNTY**

Per Curiam.

ORDER

This is a subsequent application for a writ of habeas corpus filed pursuant to the provisions of Texas Code of Criminal Procedure Article 11.071, § 5.

In December 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 and sentence on direct appeal. *Garza v. State*, 213 S.W.3d 338 (Tex. Crim. App. 2007). Applicant filed his initial post-conviction application

for a writ of habeas corpus in the convicting court on January 11, 2006. This Court denied applicant relief. *Ex parte Garza*, No. WR-70,257-01 (Tex. Crim. App. Sept. 10, 2008)(not designated for publication). Applicant's first subsequent application was filed in the trial court on September 12, 2013.

In his pleading, applicant does not set out distinct claims. However, this Court has reviewed the document and finds that the allegations raised fail to meet the dictates of Article 11.071, § 5. Accordingly, we dismiss the application as an abuse of the writ without considering the merits of the claims.

IT IS SO ORDERED THIS THE 18th DAY OF SEPTEMBER, 2013.

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