



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-73,484-02

**EX PARTE NEAL HAMPTON ROBBINS, Applicant**

ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 98-06-00750-CR(2) IN THE 410TH DISTRICT COURT  
FROM MONTGOMERY COUNTY

*Per curiam.*

### ORDER

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 capital murder and sentenced to life imprisonment. The Ninth Court of Appeals affirmed the judgment of conviction. *Robbins v. State*, 27 S.W.3d 245 (Tex. App.—Beaumont 2000). We affirmed the judgment of the court of appeals. *Robbins v. State*, 88 S.W.3d 256 (Tex. Crim. App. 2002). Applicant then filed an application for a writ of habeas corpus pursuant to Article 11.07 of the Code of Criminal Procedure. We denied relief. *Ex parte Robbins*, 360 S.W.3d 446 (Tex. Crim. App. 2011).

Applicant has now filed an application for a writ of habeas corpus pursuant to Article 11.073

of the Code of Criminal Procedure. He contends that he is entitled to a new trial pursuant to Article 11.073. We order that this application be filed and set for submission. The parties shall brief the following issues: (1) whether Article 11.073 is a new legal or factual basis under Article 11.07, § 4(a)(1); (2) whether an “original application or a previously considered application,” as set out in Article 11.073(c),(d)(2), means an application filed on or after September 1, 2013; (3) whether “the scientific knowledge or method on which the relevant scientific evidence is based,” as set out in Article 11.073(d), applies to an individual expert’s knowledge and method; (4) whether relevant scientific evidence is “currently available and was not available at the time of the convicted person’s trial because the evidence was not ascertainable through the exercise of due diligence,” as set out in Article 11.073(b)(1)(A), if an expert witness for the State no longer stands by his opinion testimony at trial and the jury heard testimony from the defense that is consistent with the State’s expert’s new, post-trial opinion; (5) whether “changed,” as set out in Article 11.073(d), applies to cases in which an expert witness changes his opinion after trial; and (6) whether Applicant is entitled to relief under Article 11.073(b). The parties shall brief these issues. The parties may also brief any other issue they deem relevant to the construction of Article 11.073. Oral argument is requested.

It appears that Applicant is represented by counsel. If that is not correct, the trial court shall determine whether Applicant is indigent. If Applicant is indigent and desires to be represented by counsel, the trial court shall appoint an attorney to represent him. TEX. CODE CRIM. PROC. art 26.04. The trial court shall send to this Court, within 60 days of the date of this order, a supplemental transcript containing: a confirmation that Applicant is represented by counsel; the order appointing counsel; or a statement that Applicant is not indigent. All briefs shall be filed with this Court within 90 days of the date of this order.