



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

---

---

**NO. WR-76,917-01**

---

---

**EX PARTE DAVID MICHAEL GIDDENS, Applicant**

---

---

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. F40150 IN THE 249TH DISTRICT COURT  
FROM JOHNSON COUNTY**

---

---

*Per curiam.*

## **O R D E R**

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 capital murder and injury to a child by omission and sentenced to imprisonment for life on each count. The Tenth Court of Appeals affirmed his convictions. *Giddens v. State*, No. 10-07-00076-CR (Tex. App.–Waco April 16, 2008, pet. ref'd).

Applicant contends that trial counsel rendered ineffective assistance and the State failed to correct false testimony. On November 16, 2011, the trial court made findings of fact and conclusions

of law based on the trial record and a sworn affidavit counsel prepared. The trial court concluded that counsel was not ineffective.

The trial court's findings and conclusions did not fully address all fact issues necessary to the resolution of Applicant's claims. Nonetheless, this Court has undertaken an independent review of all the evidence in the record. Therefore, based on the trial court's findings and conclusions as well as this Court's independent review of the entire record, we deny relief.

Filed: May 2, 2012  
Do not publish