



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-78,315-01

**EX PARTE RENE ROJAS, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS**  
**CAUSE NO. 10-CR-0494-A IN THE 28TH DISTRICT COURT**  
**FROM NUECES 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 charged in a five count indictment. Three counts alleged aggravated assault, and two counts alleged deadly conduct. A jury did not convict Applicant of any of the aggravated assault counts, but it did convict him in two of these counts of lesser-included misdemeanors. It acquitted him entirely of the third aggravated assault count. The jury also found Applicant guilty of a lesser included misdemeanor in one of the deadly conduct counts. It did convict Applicant of the other deadly conduct count, and the trial court assessed a ten year sentence. There was no direct appeal.

Applicant challenges the convictions, primarily alleging that the prosecution used perjured testimony to prove his guilt. The trial court has entered findings of fact indicating the claims lack merit, and this Court agrees with the trial court after an independent review of the record. Applicant, however, raises his claims in a writ application made pursuant to Article 11.07 of the Code of Criminal Procedure, and such an application may only seek relief from a felony judgment. TEX. CODE CRIM. PROC. art. 11.07 §§ 1, 3. Accordingly, this Court orders that Applicant's claims for relief concerning his felony conviction for deadly conduct are denied. Applicant's claims concerning the misdemeanor convictions are dismissed. *See id.*; TEX. CODE CRIM. PROC. art. 11.09.

Filed: November 7, 2012  
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