



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NO. WR-79,318-02

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**EX PARTE LEROY EDWARD COTY, Applicant**

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**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 1264113 IN THE 180<sup>TH</sup> DISTRICT COURT  
FROM HARRIS COUNTY**

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*Per curiam.*

### ORDER

This is a post-conviction application for a writ of habeas corpus forwarded to this Court pursuant to TEX. CODE CRIM. PROC. art. 11.07, § 3, *et seq.* Applicant was convicted of possession of cocaine and sentenced to ten years' imprisonment. He did not appeal his conviction. On June 5, 2013, this Court granted relief in a written opinion. After reconsideration on its own motion, the Court withdraws the previous opinion entered in this application and substitutes this order.

Applicant contends that his due-process rights were violated because a forensic scientist did not follow accepted standards when analyzing evidence and therefore the results of his analyses are unreliable. We order that this application be filed and set for submission to determine under what

circumstances, if any, we should presume a due-process violation in a case handled by a forensic scientist who has been found to have committed misconduct in another case. The parties shall brief this issue. Oral argument is permitted.

It appears that Applicant is represented by counsel. If Applicant is no longer represented by counsel, counsel shall be appointed by the trial court. Both Applicant's brief and the State's brief shall be filed with this Court within 30 days of the date of this order.

Applicant's writ application is filed and set for the Court's consideration.

DO NOT PUBLISH  
FILED: June 26, 2013