

# Appendix A



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NO. WR-63,549-03

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**EX PARTE PATRICK HENRY MURPHY, JR., Applicant**

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**ON APPLICATION FOR A WRIT OF HABEAS CORPUS AND MOTION FOR  
STAY OF EXECUTION IN CAUSE NO. W01-00328-T(B)  
IN THE 283<sup>RD</sup> JUDICIAL DISTRICT COURT  
DALLAS COUNTY**

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*Per curiam.*

### ORDER

We have before us a post conviction application for a writ of habeas corpus filed pursuant to the provisions of Texas Code of Criminal Procedure article 11.071 and a motion for a stay of execution.

In November 2003, a jury found Applicant guilty of the December 2000 capital murder of a police officer. The jury answered the special issues submitted pursuant to 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. *Murphy v. State*,

No. AP-74,851 (Tex. Crim. App. April 26, 2006) (not designated for publication).

In his initial application for a writ of habeas corpus, Applicant raised eight claims, including evidentiary sufficiency claims and claims that the application of Texas Penal Code § 7.02(b) in his case was unconstitutional. After reviewing the merits of the claims, this Court denied relief. *Ex parte Murphy*, No. WR-63,549-01 (Tex. Crim. App. July 1, 2009) (not designated for publication).

Applicant filed this his first subsequent writ application in the convicting court on October 14, 2019. Applicant raises two claims in his application. In the first, he asserts that he is not eligible for a death sentence because he was not a major participant in the felony that resulted in the officer's death. In the second claim, he asserts that there exists an unacceptable risk that his judge was biased.

We have reviewed the application and find that the allegations do not satisfy the requirements of Article 11.071 § 5. Accordingly, we dismiss the application as an abuse of the writ without reviewing the merits of the claims raised, and we deny Applicant's motion to stay his execution. Art. 11.071 § 5(c).

IT IS SO ORDERED THIS THE 30<sup>th</sup> DAY OF OCTOBER, 2019.

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