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10/26/2022

WILSON, CARL ANTHONY Tr. Ct. No. 114-0948-15-B

WR-88,746-02

The Court has dismissed without written order this subsequent application for a writ of habeas corpus. TEX. CODE CRIM. PROC. Art. 11.07, Sec. 4(a)-(c).

Deana Williamson, Clerk

CARL ANTHONY WILSON
JESTER III UNIT - TDC # 2045989
3 JESTER ROAD
RICHMOND, TX 77406

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OFFICIAL NOTICE FROM COURT OF CRIMINAL APPEALS OF TEXAS

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10/14/2022

WILSON, CARL ANTHONY Tr. Ct. No. 114-0948-15-B WR-88,746-02

On this day, the application for 11.07 Writ of Habeas Corpus has been received and presented to the Court.

Deana Williamson, Clerk

CARL ANTHONY WILSON
JESTER III UNIT - TDC # 2045989
3 JESTER ROAD
RICHMOND, TX 77406

IMEWHAB 77406



CAUSE NO. 114-0948-15-B

EX PARTE § IN THE 114th DISTRICT COURT
§
§ OF
§
CARL ANTHONY WILSON § SMITH COUNTY, TEXAS

**WRIT OF HABEAS CORPUS
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

On March 15, 2022, the applicant in Cause Number 114-0948-15 filed his second Application for a Writ of Habeas Corpus. The State was not served until June 21, 2022, and has timely filed a response. The Court hereby enters its Findings of Fact and Conclusions of Law.

The Court takes judicial notice of all prior proceedings, reporter's records, the documents and papers contained in the files, and the docket sheets in Cause Number 114-0948-15, and the first and second Applications for Writ of Habeas Corpus in Cause Numbers 114-0948-15-A and 114-0948-15-B, respectively.

The Court enters the following Findings of Fact and Conclusions of Law:

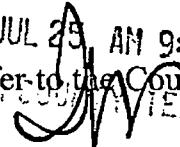
1. Applicant, Carl Anthony Wilson, was indicted for Driving While Intoxicated in Cause No. 114-0948-15 in the 114th District Court of Smith County, Texas. Applicant, represented by appointed counsel, pleaded not guilty and a jury found him guilty as charged and assessed a sentence of 60 years of confinement in the Texas Department of Criminal Justice - Institutional Division, with no fine.
2. On September 21, 2016, Applicant's conviction was subsequently affirmed on appeal. *Wilson v. State*, No. 12-16-00014-CR (Tex. App. - Tyler Sept. 21, 2016, pdr ref'd) (not designated for publication).
3. On July 24, 2018, Applicant filed with the Court of Criminal Appeals his first application for habeas relief under Art. 11.07 of the Code of Criminal Procedure. The Court thereafter denied relief in this application on August 29, 2018. (WR-88,746-01 / Cause No. 114-0948-15-A).

4. On March 15, 2022, Applicant filed his second Art. 11.07 application for a Writ of Habeas Corpus under the above-numbered cause and has alleged errors that have been previously rejected by the Court of Criminal Appeals in his first writ application.
5. Applicant's second writ application is a subsequent writ application under Article 11.07 (4) of the Code of Criminal Procedure. As such, he must make the requisite showings under that section that:
 - (1) the current claims and issues have not been and could not have been presented previously in an original application or in a previously considered application filed under this article because the factual or legal basis for the claim was unavailable on the date the applicant filed the previous application; or,
 - (2) by a preponderance of the evidence, but for a violation of the United States Constitution no rational juror could have found the applicant guilty beyond a reasonable doubt.
6. The Court finds and concludes that Applicant has failed to meet his burden with this subsequent application. Specifically, where this application alleges issues that have been raised and rejected in the filing of his first writ application, namely, an allegedly illegal blood draw. Applicant has not made a showing that he is entitled to be excepted from the dictates of Art. 11.07 (4) of the Code of Criminal Procedure.
7. The Court finds and concludes that the legal procedures in this case were proper and as provided by the Constitution and Texas law.
8. The Court finds and concludes that Applicant may be in abuse of the writ process and that it cannot consider the merits of, or grant relief based upon, this subsequent application because Applicant has not met his burden under the law.

ORDER

FILED
PENNY CLARKSTON
DISTRICT CLERK

2022 JUL 29 AM 9:29

BY 

DEPUTY

The Court orders the Clerk of the Court to immediately transfer to the Court of Criminal Appeals:

- (1) a copy of the Application for Writ of Habeas Corpus;
- (2) any answers and waivers executed by the State;
- (3) a copy of the files and docket sheets in the original cause of action and the files and docket sheets in the first Application for Writ of Habeas Corpus; and
- (4) this certificate.
- (5) The Clerk of the Court is also ordered to send a copy of this certificate, and any answer filed by the State, to Applicant, Carl Anthony Wilson, TDCJ-ID #02045989, Texas Department of Criminal Justice, Jester III Unit, 3 Jester Road, Richmond, Texas 77406.

SIGNED AND CERTIFIED on this 22 day of July, 2022.


HONORABLE AUSTIN REEVE JACKSON
Judge, 114th District Court
SMITH COUNTY, TEXAS

**Additional material
from this filing is
available in the
Clerk's Office.**