

EXHIBIT A



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-63,081-03

EX PARTE ROBERT LESLIE ROBERSON, III, Applicant

**ON APPLICATION FOR WRIT OF HABEAS CORPUS
IN CAUSE NO. 26,162-A IN THE 3RD JUDICIAL DISTRICT COURT
ANDERSON COUNTY**

Per curiam.

ORDER

This is a subsequent post-conviction application for a writ of habeas corpus filed pursuant to the provisions of Texas Code of Criminal Procedure Article 11.071, § 5. *See* TEX. CODE CRIM. PROC. art. 11.071, § 5.

In February 2003, a jury found Applicant guilty of capital murder for the death of his two-year-old daughter, Nikki Curtis. *See* TEX. PENAL CODE § 19.03(a)(8). Based on the jury's answers to the special issues submitted pursuant to Texas Code of Criminal Procedure Article 37.071, the trial court sentenced Applicant to death. *See* TEX. CODE CRIM. PROC. art. 37.071, § 2(g). This Court affirmed Applicant's conviction and death sentence on direct appeal. *See Roberson v. State*, No. AP-74,671 (Tex. Crim. App. June 20, 2007) (not designated for

publication).

This Court denied relief on Applicant’s initial post-conviction application for a writ of habeas corpus. *See Ex parte Roberson*, Nos. WR-63,081-01 and WR-63,081-02 (Tex. Crim. App. Sept. 16, 2009) (not designated for publication). On the same day, this Court dismissed as a subsequent application a document titled “Notice of Desire to Raise Additional Habeas Corpus Claims.” *See id.*

On June 8, 2016, Applicant filed in the trial court this second subsequent application for writ of habeas corpus, raising four claims. Applicant asserts that he is entitled to habeas relief because: (1) new scientific evidence contradicts evidence of Shaken Baby Syndrome that the State relied on at trial, *see* TEX. CODE CRIM. PROC. art. 11.073, (2) his conviction was secured using false, misleading, and scientifically invalid evidence, *see Ex parte Chabot*, 300 S.W.3d 768 (Tex. Crim. App. 2009); *Ex parte Chavez*, 371 S.W.3d 200, 207 (Tex. Crim. App. 2012), (3) he is actually innocent, *see Herrera v. Collins*, 506 U.S. 390 (1993); *Ex parte Elizondo*, 947 S.W.2d 202 (Tex. Crim. App. 1996), and (4) the use of false scientific testimony violated his due process right to a fundamentally fair trial. We determined that his claims satisfied the requirements of Article 11.071, § 5 and remanded the claims to the habeas court for resolution.¹ *See Ex parte Roberson*, No. WR-63,081-03 (Tex. Crim. App. June 16, 2016) (not designated for publication).

The habeas court held an evidentiary hearing and thereafter made findings of fact and conclusions of law recommending that we deny habeas relief on all four of Applicant’s claims.

We have reviewed the habeas record and conclude that it supports the habeas court’s findings of fact and conclusions of law. We agree with the habeas court’s recommendation and

¹ At that time, we also granted Applicant’s motion to stay his execution.

adopt the court's findings of fact and conclusion of law. Based on those findings and conclusions and our own independent review of the record, we deny habeas relief on all of Applicant's claims.

IT IS SO ORDERED THIS THE 11th DAY OF JANUARY, 2023.

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