

10/2/2024

**CORTEZ, JOSE ANTONIO** Tr. Ct. No. 1992CR6828-W3 **WR-87,766-06**  
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). JUDGE  
HERVEY DID NOT PARTICIPATE

Deana Williamson, Clerk

JOSE ANTONIO CORTEZ  
11637 KILKIRK LANE  
DALLAS, TX 75288

OFFICIAL NOTICE FROM COURT OF CRIMINAL APPEALS OF TEXAS FILE COPY  
P.O. BOX 12308, CAPITOL STATION, AUSTIN, TEXAS 78711

1/13/2025

**CORTEZ, JOSE ANTONIO** Tr. Ct. No. 1992CR6828-W3 **WR-87,766-06**  
This is to advise that the applicant's suggestion for reconsideration has been  
denied without written order.

Deana Williamson, Clerk

JOSE ANTONIO CORTEZ  
11637 KILKIRK LANE  
DALLAS, TX 75288

**NO. 1992-CR-6828-W3**

|                     |   |                                     |
|---------------------|---|-------------------------------------|
| EX PARTE            | § | IN THE DISTRICT COURT               |
|                     | § | 290 <sup>TH</sup> JUDICIAL DISTRICT |
| JOSE ANTONIO CORTEZ | § | BEXAR COUNTY, TEXAS.                |

**ORDER**

On December 15, 2023, Applicant Jose Antonio Cortez, through petitioner Kirk Wayne McBride Sr., filed a post-conviction writ of habeas corpus application, pursuant to Article 11.07 of the Texas Code of Criminal Procedure, collaterally attacking his conviction in cause number 1992-CR-6828. On January 12, 2024, the State filed its Response to Applicant's Petition for Writ of Habeas Corpus.

The writ application alleges deprivation of his constitutional rights in five grounds for relief: multiple errors in the jury charge, no evidence to support the charges, lack of subject matter jurisdiction by the court, double jeopardy violation, and an improper sentence. The State's Response asserts that the instant subsequent writ application does not present grounds which could not have been presented in previous applications, and does not contain specific facts in support of the current claims by a preponderance of the evidence. The trial court adopts the State's Response and recommends that the application be **DISMISSED**. Tex. Code Crim. Proc. Art. 11.07, Sec. 4(a)(1).

The District Clerk of Bexar County, Texas, is ordered to prepare a copy of this document, together with the attachments and forward the same to the following persons by mail or the most practical means:

- a. **The Court of Criminal Appeals**  
**Austin, Texas 78711**
- b. **Joe Gonzales**  
**Criminal District Attorney**  
**Attention: Conviction Integrity Unit**  
**Paul Elizondo Tower**  
**101 W. Nueva, 4<sup>th</sup> Floor**  
**Bexar County, Texas 78205**  
**ciu.apps@bexar.org**
- c. **Kirk Wayne McBride Sr.**

**Petitioner**  
**TDCJ No. 00733097**  
**Wynne Unit, 810 FM 2821**  
**Huntsville, TX 77349**

**d. Jose Antonio Cortez**  
**Applicant**  
**11637 Kil Kirk Lane**  
**Dallas, Texas, 75228**

SIGNED, ORDERED and DECREED ON Aug 28, 2024

  
Jennifer Peña (Aug 28, 2024 16:44 CDT)

**JUDGE JENNIFER PEÑA**  
290<sup>th</sup> Judicial District Court  
Bexar County, Texas