

EXHIBIT A



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-62,159-03

EX PARTE MICHAEL JEROME NEWBERRY, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. CR96-088C IN THE 235TH DISTRICT COURT
COOKE COUNTY

Per curiam. NEWELL, J., dissented.

ORDER

Applicant was convicted of capital murder and sentenced to life imprisonment. The Second Court of Appeals affirmed his conviction. *Newberry v. State*, No. 02-97-00486-CR (Tex. App.—Fort Worth Sept. 10, 1997). Applicant filed this application for a writ of habeas corpus in the county of conviction, and the district clerk forwarded it to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

Applicant alleged his counsel, who represented him at trial and on direct appeal, had an actual conflict of interest because he had previously represented Applicant's alleged accomplice. He also alleged the prosecutor withheld exculpatory evidence, and that the state, through the prosecutor, presented false testimony. The trial court has determined that Applicant is entitled to relief on the basis that the State withheld exculpatory evidence. The trial court recommends granting Applicant

a new trial.

However, based on our independent review of the entire record, this Court finds that Applicant has not met his burden to prove that he is entitled to relief. We deny relief.

Filed: September 17, 2025

Do not publish