IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-48,403-03

EX PARTE EDWARD BEALL, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS CAUSE NO. W97-18249-U(C) IN THE 291ST DISTRICT COURT FROM DALLAS COUNTY

***Per curiam*. YEARY, J., dissents.**

O R D E R

Applicant was convicted of aggravated sexual assault and sentenced to ten years' imprisonment. The Fifth Court of Appeals affirmed his conviction. *Beall v. State*, No. 05-98-01086-CR (Tex. App.—Dallas Jul. 21, 1999) (not designated for publication). 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's first writ application challenged the conviction and was denied without written order on the trial court's findings without a hearing in February 2001. His second writ application was dismissed as non-compliant. The amended 11.07 application before the Court raises three grounds. Applicant's cruel and unusual punishment ground and his prosecutorial misconduct ground

are dismissed. TEX. CODE CRIM. PROC. art. 11.07 § 4(a). Based on the Court's review of the entire record, including the live hearing from the prior habeas corpus proceedings in this case,[1] Applicant's actual innocence claim is denied.

Filed: January 15, 2020

Do not publish

[1] *Ex parte Beall*, No. WR-48,403-02 (Tex. Crim. App. Mar. 27, 2019) (dismissed as non-compliant).