IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-84,502-02

EX PARTE NATHAN JOHN ELLIS, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS CAUSE NO.W401-81123-09-HC2 IN THE 401ST DISTRICT COURT FROM COLLIN COUNTY

***Per curiam*.**

O R D E R

Applicant was convicted of two counts of online solicitation of a minor. In count one, Applicant was sentenced to ten years confinement, probated, and placed on community supervision for ten years. In count two, Applicant was sentenced to sixteen years' imprisonment. The Court of Appeals affirmed his convictions. *Ellis v. State*, No. 05-10-01325-CR (Tex. App.—Dallas Feb. 23, 2012) (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.

This Court received the original 11.07 record on June 13, 2019, and dismissed for noncompliance on August 14, 2019. TEX. R. APP. P. 73.1. We now withdraw that decision and

reconsider the case on our own motion. TEX. R. APP. P. 79.2(d). Applicant's motion to reconsider is dismissed. *Id.*

Applicant's claims attacking his conviction and probated sentence in count one for online solicitation of a minor must be raised in a habeas corpus application filed under authority of Article 11.072 of the Code of Criminal Procedure. Therefore, those claims are dismissed without prejudice. *Ex parte Hiracheta*, 307 S.W.3d 323, 325 (Tex. Crim. App. 2010). Applicant's claims relating to count two are controlled by the bar on consideration of subsequent writ applications. Those claims are dismissed as subsequent. TEX. CODE CRIM. PROC. art. 11.07 § 4.

Delivered: January 29, 2020

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