IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-87,725-09

EX PARTE BRYAN GARNER, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS CAUSE NO. F-2013-1344-E WHC7 IN THE 367TH DISTRICT COURT FROM DENTON COUNTY

***Per curiam*.**

O R D E R

Applicant was convicted of indecency with a child and continuous sexual abuse of a child and sentenced to life imprisonment for each count. The Second Court of Appeals affirmed his conviction. *Garner v. State*, 02-15-00171-CR (Tex. App—Ft. Worth Aug. 11, 2016)(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.

We have previously dismissed five subsequent applications in this cause. *See* TEX. CODE CRIM. PROC. art. 11.07, § 4. It is obvious from the record that Applicant continues to raise grounds that were previously rejected on the merits or that should have been raised in previous applications.

We hold that Applicant has abused the writ and filed a frivolous lawsuit. *See Ex parte Jones*, 97 S.W.3d 586 (Tex. Crim. App. 2003); TEX. GOV'T CODE § 498.0045(a-1). Should Applicant file future habeas applications in this cause, we will not consider the merits of his applications unless he shows that the factual or legal basis of his grounds was unavailable in a previously filed application. This application is dismissed.

Copies of this order shall be sent to the Texas Department of Criminal Justice–Correctional Institutions Division and the Board of Pardons and Paroles.

Filed: October 19, 2022
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