



**IN THE COURT OF CRIMINAL APPEALS  
OF TEXAS**

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**NO. WR-59,939-03**

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**EX PARTE TRACY LANE BEATTY, Applicant**

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**ON APPLICATION FOR POST-CONVICTION WRIT OF HABEAS CORPUS  
AND MOTION TO STAY THE EXECUTION IN CAUSE NO. 241-0978-04  
IN THE 241<sup>ST</sup> JUDICIAL DISTRICT COURT  
SMITH COUNTY**

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***Per curiam.* MEYERS, J., would deny the stay. KEASLER, J., not participating.**

**ORDER**

This is a subsequent application for a writ of habeas corpus filed pursuant to the provisions of Texas Code of Criminal Procedure Article 11.071 § 5 and a motion to stay applicant's execution.<sup>1</sup>

In August 2004, a jury found applicant guilty of the offense of capital murder. The

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<sup>1</sup> Unless otherwise indicated all references to Articles refer to the Code of Criminal Procedure.

jury answered the special issues submitted pursuant to Article 37.071, and the trial court, accordingly, set applicant's punishment at death.

This Court affirmed applicant's conviction and sentence on direct appeal. *Beatty v. State*, No. AP-75,010 (Tex. Crim. App. Mar. 11, 2009)(not designated for publication).

This Court denied relief on applicant's initial post-conviction application for a writ of habeas corpus. *Ex parte Beatty*, No. WR-59,939-02 (Tex. Crim. App. May 6, 2009)(not designated for publication).<sup>2</sup>

On August 10, 2015, applicant filed in the trial court a subsequent application for a writ of habeas corpus. In the subsequent application, applicant asserts that he was denied the effective assistance of both trial and appellate counsel and that the State violated his due process rights "when it gave the jury a false impression that [the victim] withdrew her consent for [him] to enter their home."

Applicant's execution is stayed until further order of this Court.

IT IS SO ORDERED THIS THE 11<sup>th</sup> DAY OF AUGUST, 2015.

Do Not Publish

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<sup>2</sup> On August 6, 2004, applicant filed with this Court an application for an original writ of habeas corpus challenging two contempt orders. The Court denied him leave to file that application on October 27, 2004. *See Ex parte Beatty*, No. WR-59,939-01 (no written order issued).