

ARTICLE 11.07 FILED AND SET ISSUES

**NO ARTICLE 11.07 APPLICATIONS WERE FILED AND SET FOR
SUBMISSION ON THE WEEK OF OCTOBER 14, 2020**

ALPHABETICAL LISTING WITHOUT ISSUES

WRIT NO.	NAME	DATE FILED AND SET
WR-83,074-04 & -05	HILL, MICHAEL CHARLES	02/05/2020
WR-91,197-01 & -02	KIBLER, JONATHAN H.	05/06/2020
WR-88,970-01	MCMILLAN, TANYA MARIE W.	02/12/2020
WR-56,380-03	ROARK, ANDREW WAYNE	12/11/2019
WR-89,128-01	THOMAS, STEVEN	01/30/2019

NUMERICAL LISTING WITH FILED AND SET ISSUES

WR-56,380-03

ROARK, ANDREW WAYNE

12/11/2019

Whether Applicant is entitled to relief because the State's expert recanted her trial testimony and because there is new science on rebleeds of subdural hematomas in young children. *See* TEX. CODE CRIM. PROC. art. 11.073.

WR-83,074-04 & -05

HILL, MICHAEL CHARLES

02/05/2020

These applications were filed and set for submission to determine whether (and if so, when):

(1) a defendant's failure to object at the time of trial to the use of a prior enhancing conviction forfeits error, particularly in the context of sex offenses; TEX. CODE CRIM. PROC. art. 1.14(b); TEX. PENAL CODE § 12.42(c)(2), (g); *see Ex parte Rich*, 194 S.W.3d 508 (Tex. Crim. App. 2006); *Ex parte Patterson*, 969 S.W.2d 16 (Tex. Crim. App. 1998, op. on reh'g);

(2) vacating a prior enhancing conviction that was final at the time of the subsequent conviction and sentence affects the validity of the subsequent sentence, particularly in the context of sex offenses; *Anderson v. State*, 394 S.W.3d 531 (Tex. Crim. App. 2013);

(3) the use of a prior enhancing conviction that does not increase the punishment range causes harm; *see Ex parte Parrott*, 396 S.W.3d 531 (Tex. Crim App. 2013); and

(4) a claim concerning the use of a prior enhancing conviction, when that conviction is later vacated, is barred by the equitable doctrine of laches.

WR-88,970-01

MCMILLAN, TANYA MARIE WARRELL

02/12/2020

Whether *Ex parte Pue*, 552 S.W.3d 226 (Tex. Crim. App. 2018), announced a new rule for purposes of retroactivity; if so, whether it is a substantive or procedural rule; and whether one of the exceptions to the general rule of retroactivity applies. *See Teague v. Lane*, 489 U.S. 288, 307 (1989).

WR-89,128-01

THOMAS, STEVEN

01/30/2019

Whether a claim based on *Moon v. State*, 451 S.W.3d 28 (Tex. Crim. App. 2014), is cognizable in an application for a writ of habeas corpus and whether *Moon* should apply retroactively on collateral review.

WR-91,197-01 & -02

KIBLER, JONATHAN H.

05/06/2020

Whether a person convicted of multiple charges of indecency with a child by exposure that are adjudicated at the same time has received multiple convictions “before or after” conviction as described in Article 62.101(a)(4) of the Texas Code of Criminal Procedure.