



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

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**WR-59,908-02**

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**EX PARTE CARLTON AKEE TURNER**

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**ON APPLICATION FOR WRIT OF HABEAS CORPUS  
IN CAUSE NO. F99-00220-MS FROM THE  
282<sup>ND</sup> DISTRICT COURT OF DALLAS COUNTY**

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*Per Curiam. PRICE, J., filed a dissenting statement in which Womack, Johnson and Holcomb, JJ., join.*

**ORDER**

This is a subsequent application for writ of habeas corpus filed pursuant to Texas Code of Criminal Procedure, Article 11.071, Section 5. Applicant asserts the chemical protocol used by the State of Texas could amount to the infliction of cruel and unusual punishment in violation of the United States Constitution.

Applicant was convicted of capital murder on July 29, 1999. We affirmed the conviction and sentence on direct appeal. *Turner v. State*, 87 S.W.3d 111 (Tex. Crim. App.

**TURNER -2**

2002). On September 28, 2001, applicant filed his initial application for writ of habeas corpus pursuant to Article 11.071. We denied relief. *Ex parte Turner*, WR-59,908-01 (Tex. Crim. App. September 29, 2004).

We have reviewed applicant's subsequent application and find that it should be dismissed. *Ex parte O'Brien*, 190 S.W.3d 677, 677-78 (Tex.Crim.App. 2006) (per curiam). Applicant's motion for stay of execution is denied.

IT IS SO ORDERED THE 27<sup>TH</sup> DAY OF SEPTEMBER, 2007.

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