IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-77,175-05

EX PARTE RANDY ETHAN HALPRIN, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS IN CAUSE NO. W01-00327-T(B) IN THE 283rd DISTRICT COURT DALLAS COUNTY

Per curiam.

O R D E R

We have before us a post-conviction application for a writ of habeas corpus filed pursuant to the provisions of Texas Code of Criminal Procedure article 11.071 and a motion to stay Applicant's execution.[1]

On June 12, 2003, Applicant was sentenced to death after having been found guilty of the capital murder of Irving Police Officer Aubrey Hawkins. In 2005, this Court

[1] Future references to Articles are to the Texas Code of Criminal Procedure unless stated otherwise.

affirmed his conviction and sentence on direct appeal. *Halprin v. State,* 170 S.W.3d 111 (Tex. Crim. App. 2005). On April 6, 2005, Applicant timely filed in the convicting court his initial post-conviction application for a writ of habeas corpus in which he raised thirty-one claims. Over the next several years, the trial court held five different evidentiary hearings and Applicant filed numerous other pleadings. The trial court concluded, and this Court agreed, that three of those pleadings constituted subsequent writ applications because they raised new claims or broadened claims already raised. On March 20, 2013, this Court denied Applicant relief on his initial application and dismissed the three pleadings that constituted subsequent applications. *Ex parte Halprin*, Nos. WR-77,175-01 thru -04 (Tex. Crim. App. del. Mar. 20, 2013) (not designated for publication).

On July 16, 2019, Applicant filed in the convicting court the current writ application (our -05). Applicant raises two claims in this application. In the first, he asserts that new facts show that his trial judge was biased against him because he is Jewish. He asserts that this violated due process and his right to the free exercise of religion. In his second claim, Applicant asserts that the Article 37.071 future dangerousness special issue is void for vagueness.

This Court has reviewed the record with respect to Applicant's allegations. We have concluded that Applicant's first claim meets the requirements of Article 11.071 § 5. Therefore, the claim is remanded to the convicting court for review. Applicant's

execution is stayed pending resolution of this claim.

IT IS SO ORDERED THIS THE 4th DAY OF OCTOBER, 2019.

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