IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-30,077-01

EX PARTE MARK ROBERTSON, Applicant

ON SUGGESTION TO RECONSIDER, ON OUR OWN MOTION, APPLICATION FOR POST-CONVICTION WRIT OF HABEAS CORPUS IN CAUSE NO. W89-85961-NL-(A) IN CRIMINAL DISTRICT COURT NO. 5 DALLAS COUNTY

***Per curiam*.**

O R D E R

We have before us a suggestion that the Court reconsider on its own motion applicant's 1997 application for a writ of habeas corpus.

In January 1991, a jury found applicant guilty of the August 1989 capital murder of 81-year-old Edna Brau (murder in the course of robbery). The jury answered the special issues submitted pursuant to Texas Code of Criminal Procedure Article 37.071,

and the trial court, accordingly, set applicant's punishment at death.[1] This Court affirmed applicant's conviction and sentence on direct appeal. *Robertson v. State*, 871 S.W.2d 701 (Tex. Crim. App. 1993).

In his initial application for a writ of habeas corpus filed in 1997, applicant raised six claims. This Court denied relief on his claims. *Ex parte Robertson*, No. WR-30,077-01 (Tex. Crim. App. Nov. 18, 1998) (not designated for publication).

Applicant filed a subsequent writ application, and this Court ultimately granted him relief on punishment because he had received an unconstitutional nullification issue at trial. *Ex parte Robertson*, No. AP-74,720 (Tex. Crim. App. Mar. 12, 2008) (not designated for publication). After the completion of a new punishment trial, a jury answered the special issues submitted pursuant to Article 37.0711, and the trial court, accordingly, set applicant's punishment at death. This Court affirmed applicant's sentence on direct appeal. *Robertson v. State*, No. AP-71,224 (Tex. Crim. App. Mar. 9, 2011) (not designated for publication). This Court denied applicant relief on the claim raised in the initial habeas application filed after his new death sentence. *Ex parte Robertson*, No. WR-30,077-03 (Tex. Crim. App. Jan. 9, 2013).

Applicant has now filed a suggestion that we reconsider, on our own motion, his 1997 writ application. At this time, the Court has determined that applicant's execution should be stayed pending further order from this Court.

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[1] Unless otherwise indicated, all future references to Articles are to the Texas Code of Criminal Procedure.

IT IS SO ORDERED THIS THE 8th DAY OF APRIL, 2019.

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