



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-76,324-02

EX PARTE STEVEN LYNN LONG, Applicant

**ON APPLICATION FOR POST-CONVICTION WRIT OF HABEAS CORPUS
AND MOTION TO STAY THE EXECUTION IN CAUSE NO. W05-52918-R(B)
IN THE 265TH JUDICIAL DISTRICT COURT
DALLAS COUNTY**

Per curiam.

ORDER

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 § 5 and a motion to stay applicant's execution.

In October 2006, a jury convicted applicant of the May 2005 offense of capital murder for murdering a person in the course of committing or attempting to commit

aggravated sexual assault. TEX. PENAL CODE § 19.03(a)(2). The jury answered the special issues submitted pursuant to Texas Code of Criminal Procedure Article 37.071, and the trial court, accordingly, set punishment at death. This Court affirmed applicant's conviction and sentence on direct appeal. *Long v. State*, No. AP-75,539 (Tex. Crim. App. Apr. 8, 2009)(not designated for publication). On May 29, 2008, applicant filed in the trial court his initial post-conviction application for a writ of habeas corpus in which he raised three claims, including a claim that he is intellectually disabled and ineligible for execution. This Court denied applicant relief on the claims raised in his initial writ application. *Ex parte Long*, No. WR-76,324-01 (Tex. Crim. App. Mar. 7, 2012)(not designated for publication).

On August 3, 2017, applicant filed in the convicting court his first subsequent application. In this application, applicant re-asserts the intellectual disability claim that he raised in his initial writ application. On March 28, 2017, the United States Supreme Court issued *Moore v. Texas*, 137 S. Ct. 1039, 1044 (2017). In light of this new law and the facts of applicant's application, we have determined that applicant's execution should be stayed pending further order of this Court.

IT IS SO ORDERED THIS THE 21ST DAY OF AUGUST, 2017.

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