IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-45,355-05

EX PARTE JAY YOON CHUNG, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS CAUSE NO. C34587 IN THE COUNTY COURT AT LAW FROM NAVARRO COUNTY

***Per curiam*.**

O R D E R

Pursuant to the provisions of Article 11.07 of the Texas Code of Criminal Procedure, the clerk of the trial court transmitted to this Court this application for a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of the offense of possession of a controlled substance and sentenced to imprisonment for ten years.

Applicant filed a motion to recuse the trial judge concurrently with his Article 11.07 habeas corpus application. *Ex parte Sinegar*, 324 S.W.3d 578 (Tex. Crim. App. 2010). The habeas record has been properly forwarded to this Court by the district clerk. TEX. CODE CRIM. PROC. art. 11.07 § 3(c). Because recusal proceedings were pending when the habeas corpus record was forwarded to this Court, no judge has participated in the review of this writ application.

We remand this application to the County Court at Law from Navarro County. Following the recusal proceedings, the appropriate judge shall review the pleadings and determine whether there are controverted, previously unresolved facts material to the legality of the Applicant's confinement. TEX. CODE CRIM. PROC. art. 11.07 § 3(c). If so, the court shall designate the appropriate issues and resolve them. If not, the court shall enter an order finding no unresolved issues material to the legality of Applicant's confinement and notify the District Clerk so the writ record may be returned to this Court.

This application will be held in abeyance until the trial court has reviewed the writ application and resolved any fact issues, if necessary. Any issues shall be resolved within 90 days of this order. A supplemental transcript containing all affidavits and interrogatories or the transcription of the court reporter's notes from any hearing or deposition, along with any findings of fact and conclusions of law, shall be forwarded to this Court within 120 days of the date of this order. Any extensions of time must be requested by the trial court and shall be obtained from this Court.

Filed: June 5, 2019
Do not publish