IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-90,075-01

EX PARTE ALFREDO CORTEZ, JR., Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. CR-1171-17-J(1) IN THE 430TH DISTRICT COURT
FROM HIDALGO 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 aggravated robbery and sentenced to five years' imprisonment. He did not appeal his conviction.

Applicant contends that his guilty plea was rendered involuntary because trial counsel told him that he was eligible for probation from the trial court and would be placed on probation. Applicant has alleged facts that, if true, might entitle him to relief. *Strickland v. Washington*, 466 U.S. 668 (1984); *Ex parte Patterson*, 993 S.W.2d 114, 115 (Tex. Crim. App. 1999). Trial counsel responded to Applicant's claim in a sworn affidavit, but the trial court made no findings of fact and

conclusions of law.

The trial court shall make findings of fact and conclusions of law and determine whether the statements in counsel's affidavit are credible, counsel's advice was deficient, and Applicant was prejudiced. The trial court shall also make any other findings of fact and conclusions of law that it deems relevant and appropriate to the disposition of Applicant's claim for habeas corpus relief.

This application will be held in abeyance until the trial court has resolved the fact issues. The 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 the trial court's supplemental 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: August 21, 2019
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