IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-90,182-01

EX PARTE CRAIG DOUGHTY, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 78393-CR-A IN THE 412TH DISTRICT COURT
FROM BRAZORIA 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 pleaded guilty to one count of sexual assault of a child and two counts of aggravated sexual assault of a child, and sentenced pursuant to a plea agreement to imprisonment for twenty-five years.

The State acknowledged receipt of Applicant's habeas application on May 30, 2019. On July 19, 2019, an order designating issues was signed by the trial court. Although that order was untimely and the district clerk properly forwarded the habeas record to this Court without waiting for responsive affidavits or findings of fact, the parties should be afforded the opportunity to litigate the

issues and submit materials responsive to the trial court's order designating issues. We remand this application to the 412th District Court of Brazoria County to allow the trial judge to complete an evidentiary investigation and enter findings of fact and conclusions of law.

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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