IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-90,146-01

EX PARTE JAMES WADE ELROD, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 11,834-A IN THE 46TH DISTRICT COURT
FROM WILBARGER 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 burglary of a habitation and sentenced to imprisonment for eight years.

On July 3, 2019, an order designating issues was signed by the trial court. The habeas record has been properly forwarded to this Court by the district clerk pursuant to TEX. R. APP. P. 73.4(b)(5). However, the record has been forwarded without the trial court having resolved the designated issue(s) in this case. We remand this application to the 46th District Court of Wilbarger 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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