IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-89,687-01 & WR-89,687-02

EX PARTE ANDY MORRISON, Applicant

ON APPLICATIONS FOR WRITS OF HABEAS CORPUS
CAUSE NOS. 114-0430-15-A & 114-1235-15-A
IN THE 114TH DISTRICT COURT
FROM SMITH 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 these applications for writs of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of two charges of driving while intoxicated and sentenced to forty-five years' imprisonment in each case.

The trial court conducted an evidentiary hearing in January 2019 and entered findings of fact and conclusions of law in March 2019. The habeas records have been properly forwarded to this Court by the District Clerk. TEX. R. APP. P. 73.4(b)(5). However, the records do not include a transcript from the evidentiary hearing. "It shall be the duty of the reporter who is designated to

transcribe a hearing held pursuant to [Article 11.07] to prepare a transcript within 15 days of its conclusion." TEX. CODE CRIM. PROC. art. 11.07 § 3(d). The clerk is required to forward the transcripts of any hearings held. TEX. CODE CRIM. PROC. art. 11.07 § 3(d); TEX. R. APP. P. 73.4 (b)(4).

We remand these applications to the 114th District Court of Smith County and order the District Clerk to supplement the records with the transcript from the evidentiary hearing held in these cases. If no such record exists, the District Clerk shall so certify and the habeas court shall make supplemental findings of fact and conclusions of law addressing this discrepancy.

These applications will be held in abeyance until the writ records have been supplemented. The records shall be supplemented within 45 days of this order with the court reporter's notes from the evidentiary hearing, along with any other relevant materials. Any extensions of time must be requested by the trial court and shall be obtained from this Court.

Filed: September 11, 2019
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