IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-90,230-01

EX PARTE STEPHEN PATRICK SMITH, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS CAUSE NO. 069846-01-C-WR IN THE 251ST DISTRICT COURT FROM POTTER 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 possession with the intent to deliver a controlled substance and sentenced to imprisonment for thirty years.

The trial court signed an order designating issues on August 2, 2019. This application was forwarded, however, before the trial court made findings of fact and conclusions of law. We remand this application so the trial court can complete its 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: September 11, 2019
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