IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-66,468-02

EX PARTE KENNETH SOBASKI, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS CAUSE NO. 18-1266-K277A IN THE 277TH DISTRICT COURT FROM WILLIAMSON COUNTY

***Per curiam*.**

O R D E R

Applicant was convicted of criminally negligent homicide and sentenced to five years' imprisonment. Applicant filed this application for a writ of habeas corpus and two supplemental writs of habeas corpus in the county of conviction, and the district clerk forwarded them to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

On January 23, 2020, the trial court entered an order designating issues. The district clerk properly forwarded this application to this Court under Texas Rule of Appellate Procedure 73.4(b)(5). However, the application was forwarded before the trial court made findings of fact and conclusions of law. We remand this application to the trial court to complete its evidentiary investigation and make findings of fact and conclusions of law. In addition to resolving issues

designated for resolution, the Court shall determine whether Applicant is still "confined" by this conviction. TEX. CODE CRIM. PROC. art. 11.07 §3(c).

The trial court shall make findings of fact and conclusions of law within ninety days from the date of this order. The district clerk shall then immediately forward to this Court the trial court's findings and conclusions and the record developed on remand, including, among other things, affidavits, motions, objections, proposed findings and conclusions, orders, and transcripts from hearings and depositions. *See* TEX. R. APP. P. 73.4(b)(4). Any extensions of time must be requested by the trial court and obtained from this Court.

Filed: December 9, 2020

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