IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-91,992-01

EX PARTE TERRY WAYNE STARKS, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. W93-37824-J(A) IN CRIMINAL DISTRICT COURT NO. 3
FROM DALLAS COUNTY**

***Per curiam*.**

O R D E R

Applicant was convicted of unlawfully obtaining a controlled substance from a registered pharmacist. He was sentenced to twenty-five years' imprisonment. He did not appeal his conviction. Applicant filed this application for a writ of habeas corpus in the county of conviction, and the district clerk forwarded it to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

In his fourth ground, Applicant contends that after his parole was revoked he was not given a written statement setting out the evidence relied on and the reasons for the revocation. Applicant has alleged facts that, if true, might entitle him to relief. *See Morrissey v. Brewer*, 408 U.S. 471, 489 (1972). Accordingly, the record should be developed. The trial court is the appropriate forum for findings of fact. TEX. CODE CRIM. PROC. art. 11.07, § 3(d). The trial court shall order the Texas

Department of Criminal Justice's Office of the General Counsel to obtain a response from a person with knowledge of relevant facts. In developing the record, the trial court may use any means set out in Article 11.07, § 3(d). If the trial court elects to hold a hearing, it shall determine whether Applicant is indigent. If Applicant is indigent and wants to be represented by counsel, the trial court shall appoint counsel to represent him at the hearing. *See* TEX. CODE CRIM. PROC. art. 26.04. If counsel is appointed or retained, the trial court shall immediately notify this Court of counsel's name.

After reviewing the response, the trial court shall determine whether Applicant's due process rights were violated. The trial court may make any other findings and conclusions that it deems appropriate in response to Applicant's claim.

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.

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