IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-93,636-01

EX PARTE GERALD RAY MCHAM, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS CAUSE NO. 241-0469-15-A IN THE 241ST DISTRICT COURT FROM SMITH COUNTY

***Per curiam*.**

O R D E R

Applicant was convicted of aggravated sexual assault of a child and sentenced to life imprisonment. The Twelfth Court of Appeals affirmed his conviction. *McHam v. State*, No. 12-16-00015-CR (Tex. App.—Tyler, Sep. 14, 2016) (not designated for publication). 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.

On January 8, 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.

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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