IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-93,799-01

EX PARTE ORLANDO MARTINEZ, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 13-CRD-01-A IN THE 229TH DISTRICT COURT
FROM DUVAL COUNTY**

***Per curiam*. YEARY, J. filed a concurring opinion, which SLAUGHTER, J. joined.**

O R D E R

Applicant was convicted of one count of aggravated sexual assault, one count of indecency with a child and one count of continuous sexual assault of a child. He was sentenced to twenty-seven years in two counts and twenty years' imprisonment in one count. 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.

The district clerk properly forwarded this application to this Court under Texas Rule of Appellate Procedure 73.4(b)(5). However, the habeas record indicates that the trial court has set a hearing in this cause. It appears that the trial court is still gathering information in this case, and 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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