IN THE COURT OF CRIMINAL APPEALS
OF TEXAS

NO. WR-94,022-03

EX PARTE ARTIE JOSEPH RILEY JR., Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. C-372-W012186-1087825-B IN THE 372ND DISTRICT COURT
FROM TARRANT COUNTY

***Per curiam*.**

O R D E R

Applicant was convicted of aggravated sexual assault of a child and sentenced to fifteen years' imprisonment. 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.

Applicant contends that his guilty plea was involuntary. *Ex parte Morrow*, 952 S.W.2d 530 (Tex. Crim. App. 1997); *Strickland v. Washington*, 466 U.S. 668 (1984). He says he is actually innocent, but trial counsel coerced him to plead guilty despite a lack of evidence. The trial court entered an order designating issues, which issues remain unresolved.

The application is remanded to the trial court to complete its evidentiary investigation and make findings of fact and conclusions of law resolving the disputed issues. The trial court shall also

make findings regarding whether laches is applicable to the consideration of the habeas claims. *Carrio v. State*, 992 S.W.2d 486 (Tex. Crim. App. 1999); *Ex parte Perez*, 398 S.W.3d 206 (Tex. Crim. App. 2013).

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.

The trial court shall make findings of fact and conclusions of law as to whether Applicant's plea was involuntary and whether laches is applicable to the claims. The trial court may make any other findings and conclusions that it deems appropriate.

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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