IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-35,884-03

EX PARTE JAMES EARLY JACOBS, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS CAUSE NO. 241-1591-12-A IN THE 241ST DISTRICT COURT FROM SMITH COUNTY

***Per curiam*.**

O R D E R

Applicant pleaded guilty to possession of a controlled substance and was sentenced to twenty-five years' imprisonment as a habitual felon. 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; TEX. R. APP. P. 73.4(b)(5).

The trial court entered an order designating issues. However, the application forwarded to this Court has no findings of fact and conclusions of law resolving the disputed issues. 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 also make findings regarding whether laches is applicable. *Carrio v. State*, 992 S.W.2d 486 (Tex. Crim. App. 1999); *Ex parte Perez*, 398 S.W.3d

206 (Tex. Crim. App. 2013).

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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