IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-50,314-07

EX PARTE ERIC EUGENE WARNER, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS CAUSE NO. 2021-1592-C2A IN THE 54TH DISTRICT COURT FROM MCLENNAN COUNTY

***Per curiam*.**

O R D E R

Applicant was convicted of theft of less than $2,500 with two or more priors and sentenced to twenty-four months' imprisonment. Applicant 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.

On November 8, 2022, the trial court entered an order designating issues. However, the application was forwarded before the trial court obtained a response from trial counsel and 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.

Filed: December 7, 2022
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