



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-90,590-03**

**EX PARTE SAM AUTRY FLETCHER, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 1369730-A IN THE 183<sup>RD</sup> DISTRICT COURT  
FROM HARRIS COUNTY**

*Per curiam.*

### **ORDER**

Applicant was convicted of aggravated robbery and sentenced to fifty-five years' imprisonment. The First Court of Appeals affirmed his conviction. *Fletcher v. State*, No. 01-15-00966-CR (Tex. App.—Houston [1<sup>st</sup> Dist.] Nov. 29, 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.

Applicant contends, among other things, that trial counsel was ineffective. Applicant has alleged facts that, if true, might entitle him to relief. *Strickland v. Washington*, 466 U.S. 668 (1984). Accordingly, the record should be developed. The trial court is the appropriate forum for findings of fact. TEX. CODE CRIM. PROC. art. 11.07, § 3(d). The trial court shall order trial counsel to

respond to Applicant's claims, specifically those raised in Grounds 2, 17, and 27. 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 trial counsel's performance was deficient and Applicant was prejudiced. The trial court shall make specific findings addressing Applicant's claims that counsel did not memorialize an agreement with the State to drop the charges, that counsel prevented Applicant from testifying on his own behalf, and that counsel conditioned the extent of the defense investigation on payment of additional fees. The trial court may make any other findings and conclusions that it deems appropriate in response to Applicant's claims.

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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