



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-90,442-01 & WR-90,442-02

**EX PARTE DEREK LEE CASEY, JR., Applicant**

ON APPLICATIONS FOR WRITS OF HABEAS CORPUS  
CAUSE NOS. 12110-D & 12111-D IN THE 350TH DISTRICT COURT  
FROM TAYLOR COUNTY

*Per curiam.*

### ORDER

Pursuant to the provisions of Article 11.07 of the Texas Code of Criminal Procedure, the clerk of the trial court transmitted to this Court these applications for writs of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of two charges of aggravated assault of a public servant and sentenced to twenty-five years' imprisonment in each case. Upon Applicant's motion to withdraw, the Eleventh Court of Appeals dismissed his appeal. *Casey v. State*, No. 11-17-00138-CR (Tex. App.—Eastland Dec. 14, 2017) (not designated for publication).

On February 13, 2020, the trial court entered a one page order denying habeas relief and included an affidavit from trial counsel in this case, John Young. However, the order appears to

contain several clerical errors, such as referencing the wrong offense and cause number, and states findings that are not consistent with the records in this case. The order also cites to and includes an affidavit from a different defendant regarding a different cause number, as well as an attorney who does not appear to be responding to this cause. The trial court has not addressed the *Brady* allegation raised in these writ applications, as previously ordered by this Court in its order on November 20, 2019, nor included any credibility findings regarding Mr. Young's affidavit. We therefore remand this application to the trial court to complete supplemental findings regarding the *Brady* allegation, and to make credibility findings regarding Mr. Young's affidavit.

These applications will be held in abeyance until the trial court has resolved the fact issues. The issues shall be resolved within 90 days of this order. A supplemental transcript containing all affidavits and interrogatories or the transcription of the court reporter's notes from any hearing or deposition, along with the trial court's supplemental findings of fact and conclusions of law, shall be forwarded to this Court within 120 days of the date of this order. Any extensions of time must be requested by the trial court and shall be obtained from this Court.

Filed: June 17, 2020  
Do not publish