



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-32,152-02

EX PARTE JAMES RANDLE LINDSEY, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. C-297-W011601-0367861-A
IN THE 297TH DISTRICT COURT
FROM TARRANT COUNTY**

Per curiam.

ORDER

Applicant was convicted of aggravated sexual assault of a child and sentenced to ten 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.

On October 7, 2019, the trial court entered an order designating issues. The court subsequently granted Applicant's motion to resolve the issues with a live hearing. The district clerk properly forwarded this application to this Court under Texas Rule of Appellate Procedure 73.4(b)(5). However, the application was forwarded before the trial court held a hearing and made findings of fact and conclusions of law. We remand this application to the trial court to complete

an evidentiary hearing at which the complainant shall provide live testimony. Following the hearing, the court shall make findings of fact and conclusions of law resolving the issues in the writ application.

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: June 17, 2020
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