



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-84,001-03

EX PARTE SPENCER ASHBY SALE, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. W10-45686-Q-(C) IN THE 204TH DISTRICT COURT
FROM DALLAS COUNTY**

Per curiam.

ORDER

Applicant was convicted of indecency with a child and sentenced to eight years' imprisonment. The Fifth Court of Appeals affirmed his conviction. *Sale v. State*, No. 05-16-00360 (Tex. App.—Dallas Jun. 9, 2017) (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.

On March 4, 2019, the trial court entered an order designating issues. 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 a live hearing was transcribed and before the trial court 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: July 1, 2020

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