



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-73,092-05

EX PARTE JOSEPH MARINE CASTRO, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NUMBER W07-55994-Q(C) IN THE 204TH DISTRICT COURT
FROM DALLAS COUNTY**

Per curiam.

ORDER

This is a post-conviction application for a writ of habeas corpus forwarded to this Court pursuant to TEX. CODE CRIM. PROC. art. 11.07, § 3, *et seq.* Applicant was convicted of the felony offense of manslaughter and punishment was assessed at fifteen years' confinement.

The Court received this writ application on February 24, 2012. On March 14, 2012, this Court dismissed the application without a written order. Applicant has now filed an agreed motion requesting this Court to withdraw its dismissal and remand the application to the trial court for further proceedings.

The trial court inadvertently ordered the transmittal of the application while an investigation

was ongoing and requests that it be returned so that the trial court can complete its investigation and enter findings of fact. After reconsideration on its own motion, this Court withdraws the previous dismissal entered in this application and substitutes this order. We now remand this application to Dallas County to allow the trial judge to complete an evidentiary investigation and enter findings of fact and conclusions of law.

This application 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. If any continuances are granted, a copy of the order granting the continuance shall be sent to this Court. 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 returned to this Court within 120 days of the date of this order. Any extensions of time shall be obtained from this Court.

DO NOT PUBLISH
DELIVERED: April 18, 2012