



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-73,236-02

EX PARTE DOMINGO MIRANDA, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. CR97-094 IN THE 22ND DISTRICT COURT
FROM COMAL 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 this application for a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of aggravated sexual assault and sentenced to ninety-nine years' imprisonment. The Third Court of Appeals affirmed his conviction. *Miranda v. State*, No. 03-97-00830-CR (Tex. App.—Austin April 29, 1999, no pet.).

Applicant contends that trial counsel rendered ineffective assistance at the guilt and punishment stages of trial and that appellate counsel rendered ineffective assistance at the motion for new trial hearing and on direct appeal.

On September 14, 2011, we remanded this application and ordered the trial court to make

findings of fact and conclusions of law and to determine whether trial and appellate counsel were ineffective. We ordered the trial court to make its findings and conclusions within 90 days of the date of the order. We also ordered “[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.” *Ex parte Miranda*, WR-73,236-02 (Tex. Crim. App. Sept. 14, 2011). Any extensions were to be obtained from this Court.

A reporter who is designated to transcribe a hearing held pursuant to Article 11.07 shall prepare a transcript within 15 days of its conclusion. TEX. CODE CRIM. PROC. art. 11.07, § 3(d). If the trial court held an evidentiary hearing, as Applicant contends in his motion, the reporter had a duty to transcribe the hearing within 15 days of its conclusion. If a hearing was held and it has not been transcribed, the trial court shall order the reporter to prepare a transcription immediately.

As of the date of this order, we have not received the supplemental record or a request for an extension. Accordingly, if it has not already done so, the trial court shall make findings and conclusions within 15 days of the date of this order, and the supplemental record, including all affidavits and interrogatories or the transcription of the court reporter’s notes from any hearing or deposition, the transcription of evidentiary hearings, if any, and the trial court’s supplemental findings of fact and conclusions of law, shall be forwarded to this Court within 30 days of the date of this order.

Filed: September 12, 2012

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