



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-76,779-03

EX PARTE SCOTT LARRY ROBINSON, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 19745 IN THE 336TH DISTRICT COURT
FROM FANNIN 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 indecency with a child by contact and was sentenced to ten years' incarceration. There was no direct appeal.

Applicant complained his guilty plea was not voluntary due to the ineffective assistance of his trial counsel. The application was remanded for affidavits and findings. The trial court supplemented the writ record with affidavits from Applicant's trial counsel, both of whom refute Applicant's claims, and the trial court has entered findings and recommends that relief be denied.

Applicant now files a motion to dismiss his writ application. He gives no reason for dismissal other than, "I have reconsidered and will not pursue this matter any further." Because the case was remanded, because both trial counsel filed affidavits refuting Applicant's claims, and because the trial court has already entered findings recommending that relief be denied, this Court orders that Applicant show good cause why his writ application should be dismissed. The State may also file a pleading with the trial court giving its position on Applicant's motion to dismiss.

The trial court shall make findings on the issue and give a recommendation to this Court as to whether good cause for the dismissal has been shown in these circumstances. This application will be held in abeyance until the trial court has resolved the fact issues. The issues shall be resolved within 60 days of this order. A supplemental transcript containing all pleading filed regarding this issue, along with the trial court's supplemental findings and recommendation, shall be forwarded to this Court within 90 days of the date of this order. Any extensions of time shall be obtained from this Court.

Filed: January 16, 2013
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