



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-77,973-01 & -02

EX PARTE CHANDARA NUON, Applicant

ON APPLICATIONS FOR A WRIT OF HABEAS CORPUS
CAUSE NOS. F-0614106-S & F-0614107-S IN THE 282ND DISTRICT COURT
FROM DALLAS 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 these applications for a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of murder and engaging in organized criminal activity and sentenced to twenty years' imprisonment on each count.¹ The Fifth Court of Appeals affirmed his convictions. *Nuon v. State*, Nos. 05-07-00536-CR & 05-07-

¹Each judgment in these causes says Applicant was convicted of engaging in organized criminal activity. But according to the parties and the Fifth Court of Appeals, Applicant was convicted of murder in one cause and engaging in organized criminal activity in the other. This is consistent with the indictments in the record. For purposes of these applications, we will assume that Applicant was convicted of murder and engaging in organized criminal activity.

00537-CR (Tex. App.–Dallas July 19, 2209, no pet.).

Applicant contends, among other things, that the State violated *Brady v. Maryland*, 373 U.S. 83 (1963), by not disclosing written statements from Ly, Him, and Bueno.

Applicant has alleged facts that, if true, might entitle him to relief. *Ex parte Patterson*, 993 S.W.2d 114, 115 (Tex. Crim. App. 1999). In these circumstances, additional facts are needed. The trial court may use any means set out in TEX. CODE CRIM. PROC. art. 11.07, § 3(d). In the appropriate case, the trial court may rely on its personal recollection. *Id.*

If the trial court elects to hold a hearing, it shall determine whether Applicant is indigent. If Applicant is indigent and wishes to be represented by counsel, the trial court shall appoint an attorney to represent him at the hearing. TEX. CODE CRIM. PROC. art. 26.04.

The trial court shall make further findings of fact and conclusions of law as to whether the State violated *Brady* by not disclosing written statements from Ly, Him, and Bueno. The trial court shall also make any other findings of fact and conclusions of law that it deems relevant and appropriate to the disposition of Applicant's claim for habeas corpus relief.

These applications 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. 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 forwarded to this Court within 120 days of the date of this order. Any extensions of time shall be obtained from this Court.

Filed: August 22, 2012
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