



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NO. WR-78,112-01

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**EX PARTE HECTOR TORRES GARCIA, Applicant**

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**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. CR-1522-89-G IN THE 370TH JUDICIAL DISTRICT COURT  
FROM HIDALGO COUNTY**

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*Per Curiam.*

### **ORDER**

This is an application for a writ of habeas corpus filed pursuant to the provisions of Texas Code of Criminal Procedure article 11.071. *See* TEX. CODE CRIM. PROC. art. 11.071.

Applicant was convicted of capital murder on July 24, 1990. The jury answered the special issues submitted pursuant to Texas Code of Criminal Procedure article 37.071 in the affirmative, and the trial court sentenced applicant to death. *See* TEX. CODE CRIM. PROC. art. 37.071 (Vernon 1989). This Court affirmed applicant's conviction and sentence on direct appeal. *Garcia v. State*, 887 S.W.2d 862 (Tex. Crim. App. 1994).

In August 1997, applicant filed his initial post-conviction application for writ of habeas corpus pursuant to Texas Code of Criminal Procedure Article 11.071. On March 31, 2009, applicant simultaneously filed two subsequent applications.<sup>1</sup> In March 2011, applicant filed a motion for evidentiary hearing. The trial court denied that motion and ordered all three applications forwarded to this Court. To this date, the trial court has not conducted an evidentiary hearing, nor has it entered findings of fact and conclusions of law on any of the claims raised in the initial writ application.

In his initial application for a writ of habeas corpus filed in 1997, applicant raises nine claims challenging the validity of his conviction and sentence. We remand this application for the trial court to resolve the issues raised by any means it deems appropriate. *See* TEX. CODE CRIM. PROC. art. 11.071, §§ 8, 9. Following the resolution of the issues, the trial court shall make findings of fact and conclusions of law relevant and appropriate to the disposition of all the claims raised in applicant's initial application.

The trial court shall resolve the issues presented within 60 days of the date of this order. A supplemental transcript including the trial court's findings and conclusions shall be returned to this Court within 90 days of the date of this order.<sup>2</sup>

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<sup>1</sup> Although applicant styled one application as a "supplemental application" and the other as a "subsequent application," both must be treated as subsequent applications because both were filed after the time limits prescribed by Texas Code of Criminal Procedure Article 11.071. *See* TEX. CODE CRIM. PROC. art. 11.071, §§ 4(a), 5(f).

<sup>2</sup> Any extensions of this time period shall be obtained from this Court.

IT IS SO ORDERED THIS THE 5<sup>TH</sup> DAY OF June, 2013.

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