



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-78,457-01

EX PARTE RYAN PATRICK JOHNSON, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 09F0319-102 IN THE 102nd DISTRICT COURT
FROM BOWIE 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 the offense of murder and sentenced to imprisonment for ninety-nine years.

The Applicant contends, *inter alia*, that he received ineffective assistance of trial counsel and that the State engaged in prosecutorial misconduct when it knowingly presented perjured testimony at trial and failed to disclose exculpatory police reports and witness statements.

On June 19, 2012, an order designating issues was signed by the trial court instructing trial counsel to file affidavits in response to the ineffective assistance claim raised by the Applicant.

However, the habeas record has been forwarded to this Court without any affidavits from either trial counsel or the State. We remand this application to the 102nd District Court of Bowie 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 set out in its order of June 19, 2012. In addition, the trial court shall resolve the issue of prosecutorial misconduct raised in the instant application. The issues shall be resolved within 60 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 90 days of the date of this order. Any extensions of time shall be obtained from this Court.

Filed: October 24, 2012
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