

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-15-00289-CR  
NO. 03-15-00290-CR**

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**Rafael Hernandez-Prado, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE DISTRICT COURT OF BURNET COUNTY, 33RD JUDICIAL DISTRICT  
NO. 9767 & 9767A, HONORABLE J. ALLAN GARRETT, JUDGE PRESIDING**

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**ORDER AND MEMORANDUM OPINION**

**PER CURIAM**

In 2003, appellant Rafael Hernandez-Prado pled guilty to burglary and was placed on ten years' deferred adjudication. In 2013, the State filed a motion to adjudicate appellant's guilt, alleging several violations of the terms of his probation. Appellant filed an application for writ of habeas corpus, and the trial court signed an order denying the application. However, the trial court neither entered an order denying the application as frivolous on the basis of a finding that "from the face of the application," appellant was "manifestly entitled to no relief," nor filed written findings of fact and conclusions of law. *See* Tex. Code Crim. Proc. art. 11.072, § 7(a). The appeal is therefore abated. The trial court shall enter an order or findings and conclusions in accordance with article 11.072, section 7(a). *See id.* A supplemental record containing the trial court's orders or findings and conclusions shall be forwarded to the Clerk of this Court no later than October 28, 2015.

It is ordered October 7, 2015

Before Justices Puryear, Goodwin, and Bourland

Abated and Remanded

Filed: October 7, 2015

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