



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-39,208-04 & WR-39,208-05

**EX PARTE LAWRENCE L. JOHNSON, Applicant**

ON APPLICATIONS FOR WRITS OF HABEAS CORPUS  
CAUSE NOS. CR92-160 & CR92-161  
IN THE 235<sup>TH</sup> DISTRICT COURT FROM COOKE 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 delivery of a controlled substance in two separate cause numbers and sentenced to fifteen years' imprisonment for both causes.

Applicant contends that he is being denied credit for time spent under a parole revocation warrant in California while on parole prior to revocation. Applicant has alleged facts that, if true, might entitle him to relief. *Ex parte Price*, 922 S.W.2d 957, 958-959 (Tex. Crim. App. 1996). In

these circumstances, additional facts are needed. As we held in *Ex parte Rodriguez*, 334 S.W.2d 294, 294 (Tex. Crim. App. 1960), the trial court is the appropriate forum for findings of fact.

The trial court shall order the Texas Department of Criminal Justice's Office of the General Counsel to file an affidavit listing Applicant's sentence begin date and the dates of issuance of any parole-revocation warrants leading to the revocation of such parole or mandatory supervision. The affidavit should state whether or not Applicant is receiving credit for any of the time spent on parole. The affidavit should state whether a detainer or hold was placed on Applicant's records while he was in custody in California and if so, what dates that detainer or hold was active and whether or not he is receiving credit for that time. Finally, the affidavit should indicate whether or not Applicant has submitted his claim to the time credit resolution system of TDCJ, and if so, the date when the claim was submitted.

The trial court may also order depositions, interrogatories or a hearing. 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 Applicant at the hearing. TEX. CODE CRIM. PROC. art. 26.04.

The trial court shall make findings of fact and conclusions of law as to whether Applicant has properly exhausted his administrative remedies as required by TEX. GOV'T CODE § 501.0081(b)-(c). The trial court shall then make findings and conclusions as to whether Applicant is receiving the proper amount of time credit for time spent in custody in California while on Texas parole release. 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.

This application 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: June 25, 2014  
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