



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-39,597-12

**EX PARTE MANUEL LUPE RIOS, JR., Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. W90-54751-U(C) IN THE 291ST 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 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 aggravated robbery and sentenced to fifty years' imprisonment. The Fifth Court of Appeals affirmed his conviction. *Rios v. State*, No. 05-96-01073-CR (Tex. App.—Dallas 1998, pet. ref'd).

Applicant contends, among other things, that he is actually innocent. The trial court made findings of fact and conclusions of law and recommended that we deny this ground. We believe the record is not adequate. On the 11.07 form, Applicant says he prepared a memorandum and attached

exhibits. These were not, however, forwarded with the record.

Gary Fitzsimmons, the Dallas County District Clerk, shall file an affidavit with this Court and state whether Applicant filed a memorandum and exhibits with his 11.07 form. If he did, Fitzsimmons shall state why they were not forwarded with the record.

This application will be held in abeyance until Fitzsimmons has filed his response. His response shall be forwarded to the Court within 30 days of the date of this order. Any extensions of time shall be obtained from this Court.

Filed: May 14, 2014  
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