



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-37,315-05, WR-37,315-06 & WR-37,315-07

EX PARTE STEVEN KELLEY LAWSON, Applicant

ON APPLICATIONS FOR WRITS OF HABEAS CORPUS
CAUSE NOS. F33529-1, F33530-1 & F33531-1 IN THE 90TH DISTRICT COURT
FROM STEPHENS 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 pleaded guilty to two charges of delivery of a controlled substance and one charge of engaging in organized criminal activity, and was sentenced to thirty-five years' imprisonment for each charge, to run concurrently. He did not appeal his convictions.

Applicant contends that his trial counsel rendered ineffective assistance because counsel, who was representing Applicant in divorce proceedings, agreed to represent Applicant in these criminal matters only if he pleaded guilty to the charges. Counsel advised Applicant that if he wanted to

plead not guilty and go to trial, he would need to seek appointment of counsel to represent him in the criminal matters. Applicant did accept the State's plea offer and pleaded guilty to all three charges. Applicant alleges that counsel did not investigate or advise him of the rights he was waiving by pleading guilty.

Applicant has alleged facts that, if true, might entitle him to relief. *Strickland v. Washington*, 466 U.S. 668 (1984); *Ex parte Patterson*, 993 S.W.2d 114, 115 (Tex. Crim. App. 1999). 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 trial counsel to respond to Applicant's claim of ineffective assistance of counsel. The trial court may use any means set out in TEX. CODE CRIM. PROC. art. 11.07, § 3(d).

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 first supplement the habeas record with copies of the plea documents in this case, including the trial court's admonishments and any written plea agreements, waivers and stipulations. The trial court shall make findings as to whether counsel investigated the facts of these cases, explored possible defenses, or consulted with Applicant regarding the charges. The trial court shall make findings as to whether counsel advised Applicant to plead guilty, and if so, whether Applicant pleaded guilty knowingly and intelligently after having been properly admonished as to the nature of the charges, the applicable punishment ranges, the rights he was waiving, and the consequences of his pleas. The trial court shall make findings of fact and conclusions of law as to whether the performance of Applicant's trial counsel was deficient and, if so, whether counsel's

deficient performance prejudiced Applicant. 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: March 6, 2013
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