



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-54,101-06**

**EX PARTE JEFFERIE ANTERIES DANIEL, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 2000-CR-1247-W6 IN THE 399<sup>TH</sup> DISTRICT COURT  
FROM BEXAR 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 forgery and sentenced to fifteen years' imprisonment. The Fourth Court of Appeals affirmed his conviction. *Daniel v. State*, 04-02-00484-CR (Tex. App.–San Antonio, August 27, 2003).

On October 20, 2011, the district clerk prepared a bill of costs listing attorney fees of \$7945.00. There is no indication that the trial court ever signed an order imposing those costs or complying with Texas Code of Criminal Procedure Art. 26.05(g).

Applicant has alleged facts that, if true, might entitle him to relief. In these circumstances,

additional facts are needed. *Armstrong v. State*, 340 S.W.3d 759, 767 (Tex. Crim. App. 2011); *Mayer v. State*, 309 S.W.3d 552, 556 (Tex. Crim. App. 2010). 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 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 him at the hearing. TEX. CODE CRIM. PROC. art. 26.04.

The trial court shall make findings of fact as to whether Applicant was declared indigent at the time of his trial and appeal and if so, when, if at all, the trial court ordered that Applicant repay attorney fees from his trial or appeal. If the trial court ordered Applicant to repay attorney fees, the trial court shall find whether any determination as to Applicant's ability to pay was made prior to imposing those fees, and whether Applicant had the ability to appeal the imposition of such fees. 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 claims 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. If any continuances are granted, a copy of the order granting the continuance shall be sent to this Court. 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 returned to this Court within 120 days of the date of this order. Any extensions of time shall be obtained from this Court.