



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-75,804-02

EX PARTE HANNAH RUTH OVERTON, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 06-CR-3624-F IN THE 214th DISTRICT COURT
FROM NUECES 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 capital murder and sentenced to life imprisonment.

Applicant contends, *inter alia*, that she received ineffective assistance of counsel at trial and that the State failed to disclose exculpatory evidence.¹ We order that this application be filed and set for submission to determine whether:

¹ Applicant was represented by a team of lawyers at her trial. Therefore, in the context of this briefing order, the word "counsel" is meant in the plural.

A. Applicant received ineffective assistance of counsel at trial. Specifically, whether counsel were ineffective for failing to enter into evidence the deposition of Dr. Michael Moritz or to otherwise attempt to secure his availability to testify at Applicant's trial, and whether counsel provided conflicting advice regarding lesser included offense instructions being included in the jury charge. The parties shall also address whether Applicant was prejudiced by miscommunication among the defense team regarding the pre-trial investigation; and

B. The State failed to disclose exculpatory evidence in this case.

The parties shall brief these issues and oral argument is ordered in this case.

It appears that Applicant is represented by counsel. If that is not correct, the trial court shall determine whether Applicant is indigent. If Applicant is indigent and desires to be represented by counsel, the trial court shall appoint an attorney to represent Applicant. TEX. CODE CRIM. PROC. art 26.04. The trial court shall send to this Court, within 60 days of the date of this order, a supplemental transcript containing: a confirmation that Applicant is represented by counsel; the order appointing counsel; or a statement that Applicant is not indigent. All briefs shall be filed with this Court on or before January 22, 2014.

Filed: October 30, 2013
Do not publish