IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS.
WR-77,879-01
WR-77,879-02
WR-77,879-03

EX PARTE JASON MARK HUTCHINS, Applicant

ON APPLICATIONS FOR WRITS OF HABEAS CORPUS
CAUSE NOS. B09-155, B09-156, AND B09-157
IN THE 198TH DISTRICT COURT FROM KERR COUNTY

Per curiam.

O R D E R

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 these applications for writs of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of manufacturing methamphetamine, possessing chemicals to manufacture methamphetamine, and endangering a child. He was sentenced to concurrent terms of twenty years' incarceration for each offense. There were no direct appeals.

Applicant raises several claims in his writ applications, including claims of ineffective assistance of trial counsel. The applications were abated for a response from counsel, which has been provided, and the applications have been returned to this Court. After a review of the applications and counsel's response, this Court has determined that additional information is needed.

The trial court shall provide this Court with further information regarding whether the enhancement paragraph pled in the indictment for manufacturing methamphetamine (cause no. B09-155) was applicable to the quantity of methamphetamine the indictment alleged Applicant had manufactured, i.e., more than 4 but less than 200 grams, whether trial counsel discussed the enhancement paragraph with Applicant, and whether Applicant made a knowing and voluntary decision to plead guilty to the offense as enhanced. The trial court shall provide this Court with further information regarding the facts surrounding the search of Applicant's residence by supplementing the writ record to this Court with pertinent documents, such as the probable cause affidavit for Applicant's arrest, the affidavit in support of a search warrant, if applicable, and the offense report, and whether counsel discussed with Applicant the possibility of filing a motion to suppress. The trial court shall provide this Court with further information regarding whether trial counsel discussed with Applicant the possibility of challenging any of the charges or convictions as violating Double Jeopardy. The trial court shall provide this Court with further information regarding how the punishments for the possessing chemicals (cause no. B09-156) and the endangering a child (cause no. B09-157) convictions were enhanced, how the State provided notice of its intent to seek enhanced punishments, and whether counsel discussed with Applicant the enhancement of these offenses. The trial court shall also supplement the writ record to this Court with any notice of the State's intent to seek enhanced punishments, such as notices made pursuant to *Brooks v. State*, 957 S.W.2d 30 (Tex. Crim. App. 1997).

To provide this Court with the information discussed above, the trial court may use any means set out in TEX. CODE CRIM. PROC. art. 11.07, § 3(d). The trial court shall also make any findings of fact and conclusions of law it deems relevant and appropriate. 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. TEX. CODE CRIM. PROC. art. 26.04.

These applications 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 and the supplements to the writ record discussed above, 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: September 11, 2013
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