



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-78,140-03 & -04

EX PARTE NATHANIEL DWIGHT WOOD, Applicant

ON APPLICATIONS FOR A WRIT OF HABEAS CORPUS
CAUSE NOS. 21854-B & 21855-B IN THE 181ST DISTRICT COURT
FROM RANDALL 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 these applications for a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of harassment of a public servant and assault on a public servant and sentenced to seven years' imprisonment on each count. He did not appeal his convictions.

Applicant contends that he has been diagnosed with bipolar disorder and autism and is mildly mentally retarded. He also contends that trial counsel lied to him and failed to follow the trial judge's orders.

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 claims. Trial counsel shall state whether: he investigated Applicant's mental history and, if so, what he investigated; he believed insanity was a viable defense; he believed Applicant was competent to stand trial; and he believed Applicant's guilty pleas were knowing and intelligent. 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 and conclusions of law as to whether insanity was a viable defense and whether Applicant was competent to stand trial. The trial court shall also determine whether trial counsel's conduct was deficient and, if so, whether Applicant's guilty pleas were rendered involuntary. *Hill v. Lockhart*, 474 U.S. 52 (1985). 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.

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, shall be forwarded to this Court within 120 days of the date of this order. The reporter's record of

Applicant's guilty pleas, if it exists, shall also be forwarded with the supplemental record. Any extensions of time shall be obtained from this Court.

Filed: September 26, 2012
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