



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-78,421-01

**EX PARTE ROSS BREWER, Applicant**

ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 38239A  
IN THE 33RD DISTRICT COURT FROM BURNET 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 writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex.Crim.App. 1967). Applicant was convicted of the offense of possession of a firearm by a felon and sentenced to imprisonment for twenty years.

On September 18, 2012, an “order for hearing on Defendant’s application for writ of habeas corpus” was signed by the trial court. That order states that the issues raised in the application “will be determined on the basis of trial counsel’s affidavit and a transcript of the plea proceeding.” The habeas record does not contain either of those documents, nor does it contain any findings of fact

from the trial court. The habeas record has been forwarded to this Court prematurely. We remand this application to Burnet County to allow the trial judge to complete an evidentiary investigation and enter findings of fact and conclusions of law.

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.

Filed: October 10, 2012

Do not publish