



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-78,664-01

**EX PARTE RAYMOND JOSEPH JARAMILLO, JR, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 56256-01-D IN THE 320TH DISTRICT COURT  
FROM POTTER 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 aggravated assault and sentenced to fifteen years' imprisonment. The Seventh Court of Appeals affirmed his conviction. *Jaramillo v. State*, 07-08-0148-CR (Tex. App. – Amarillo, March 13, 2009).

On February 13, 2013, this Court remanded to the trial court to obtain affidavits and findings of fact addressing Applicant's allegations of ineffective assistance of trial counsel and denial of access to testing of exculpatory evidence. On April 22, 2013, this Court received a supplemental record from Potter County, consisting of the trial court's findings of fact and conclusions of law.

The trial court noted that it had appointed counsel to represent Applicant and had conducted a live habeas hearing on April 8, 2013. Apparently, evidence presented at the habeas hearing included testimony from Applicant and from Applicant's trial counsel. However, despite the trial court's order to the District Clerk to file a supplemental clerk's record containing the court reporter's notes from the habeas hearing along with the findings of fact and conclusions of law with this Court, no reporter's notes or transcript of the habeas hearing was included in the supplemental record.

Without a transcript of the habeas hearing, the trial court's findings of fact and conclusions of law are not supported by the record. Therefore, the District Clerk of Potter County is ordered to prepare a transcript of the habeas hearing conducted on April 8, 2013, and to transmit it to this Court. This application will be held in abeyance until the habeas hearing transcript has been received by this Court. A supplemental transcript containing all affidavits and the transcription of the court reporter's notes from any hearing or deposition shall be forwarded to this Court within 30 days of the date of this order. Any extensions of time shall be obtained from this Court.

Filed: October 30, 2013  
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