



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-79,005-01, -02, -03, -04, -05, -06, -07 & -08

EX PARTE BRANDON HUTCHISON, Applicant

**ON APPLICATIONS FOR A WRIT OF HABEAS CORPUS
CAUSE NOS. D-1-DC-09-301217, D-1-DC-09-301218, D-1-DC-09-301219,
D-1-DC-09-301220, D-1-DC-09-301221, D-1-DC-09-301222,
D-1-DC-09-301223 & D-1-DC-09-301224
IN THE 147TH DISTRICT COURT
FROM TRAVIS 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 eight counts of aggravated assault and sentenced to imprisonment for two terms of twenty years, one term of ten years, one term of seven years, two terms of four years, and two terms of two years. He did not appeal his convictions.

Applicant contends, among other things, that trial counsel failed to conduct an investigation

and review videos of the offenses.

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. In his response, counsel shall describe his investigation of Applicant's cases and state whether videos of the offenses were available and he reviewed him. 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 Applicant 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 the performance of Applicant's trial counsel was deficient and, if so, whether counsel's deficient performance prejudiced Applicant. 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 claim 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. Any extensions of time shall

be obtained from this Court.

Filed: February 13, 2013

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