



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-80,521-01

EX PARTE JENNIFER KAY ROBINSON, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. D-34529 IN THE 13TH DISTRICT COURT
FROM NAVARRO 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 possession of a controlled substance in a drug free zone and sentenced to five years' imprisonment. She did not appeal her conviction.

Applicant has alleged facts that, if true, might entitle her to relief. 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 may use any means set out in TEX. CODE CRIM. PROC. art. 11.07, § 3(d). In the appropriate case, the trial court

may rely on its personal recollection. *Id.*

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 street address in the surveyor's report is different from the street address where the offense occurred as provided in the police report. Further, the report does not provide how the distance was calculated or how the measurements were taken. The trial court shall determine whether the measurement was a straight line measurement or some other type of calculation and what tool was used to make the measurement. The report also fails to indicate whether the east corner of the Travis School tract is the boundary line of the school closest to the offense site. The trial court shall make findings of fact and conclusions of law as to the discrepancy in the address and the measurement determinations in the surveyor's report. 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.

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. 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.