



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-80,529-01 & WR-80,529-02

EX PARTE BRODRICK ANDRAE JACKSON, Applicant

ON APPLICATIONS FOR WRITS OF HABEAS CORPUS
CAUSE NOS A18586-1010 & A18611-1011
IN THE 64TH DISTRICT COURT FROM HALE 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 writs of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of manufacture of a controlled substance, sentenced to fifteen years' imprisonment, and tampering with physical evidence, sentenced to five years' imprisonment. He did not appeal either conviction.

Applicant contends that his due process rights were violated because the detective who signed the probable cause affidavit was subsequently convicted of felony theft. He alleges that the detective was falsifying information on search warrants, including Applicant's, for the purpose of stealing personal property while executing the warrants. Applicant has alleged facts that, if true,

might entitle him 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 trial court shall make findings of fact and conclusions of law in regard to Applicant's claims. The trial court shall determine whether the detective who signed the probable cause affidavit has since been convicted of theft and if so, whether that crime involved professional misconduct. If the trial court determines that the detective was convicted of a crime involving professional misconduct, then the court shall determine whether if that information had been known and raised by the defense in a motion to suppress prior to Applicant's plea, the trial court would have committed misconduct by denying the motion to suppress. 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: December 11, 2013
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