

**EXHIBIT # 1**

**COURT OF CRIMINAL APPEALS ORDER**

# EXHIBIT #1



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-92,067-03

**EX PARTE JAMES LOUIS LANGE II, Applicant**

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**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 16-2213-CR-B-A-B IN THE 25TH DISTRICT COURT  
FROM GUADALUPE COUNTY**

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*Per curiam.*

### ORDER

Applicant was convicted of two counts of aggravated sexual assault of a child and sentenced to fifty years' imprisonment. Applicant did not appeal his conviction. Applicant filed this application for a writ of habeas corpus in the county of conviction, and the district clerk forwarded it to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

Applicant contends, among other things, that his plea was involuntary because he was incompetent at the time he pleaded guilty. Applicant has alleged facts that, if true, might entitle him to relief. *Brady v. United States*, 397 U.S. 742 (1970). Accordingly, the record should be developed.

The trial court is the appropriate forum for findings of fact. TEX. CODE CRIM. PROC. art. 11.07, § 3(d). The trial court shall order trial counsel to respond to Applicant's claim. In developing the

record, the trial court may use any means set out in Article 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 wants to be represented by counsel, the trial court shall appoint counsel to represent him at the hearing.

*See TEX. CODE CRIM. PROC. art. 26.04.* If counsel is appointed or retained, the trial court shall immediately notify this Court of counsel's name.

The trial court shall make findings of fact and conclusions of law as to whether Applicant's plea was involuntary. The trial court shall also make specific findings as to whether Applicant was competent to plead guilty. The trial court may make any other findings and conclusions that it deems appropriate in response to Applicant's claim.

The trial court shall make findings of fact and conclusions of law within ninety days from the date of this order. The district clerk shall then immediately forward to this Court the trial court's findings and conclusions and the record developed on remand, including, among other things, affidavits, motions, objections, proposed findings and conclusions, orders, and transcripts from hearings and depositions. *See TEX. R. APP. P. 73.4(b)(4).* Any extensions of time must be requested by the trial court and obtained from this Court.

Filed: August 25, 2021

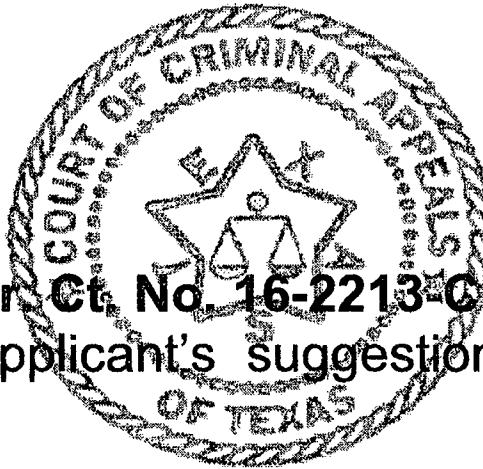
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10/23/2024

**LANGE, JAMES LOUIS II** Tr Ct. No. 16-2213-CR-B-A-B **WR-92,067-03**  
This is to advise that the applicant's suggestion for reconsideration has been  
denied without written order.



Deana Williamson, Clerk

JAMES LOUIS LANGE II  
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