



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-83,247-01

IN RE ARTHUR LAMAR MITCHELL, Relator

ON APPLICATION FOR A WRIT OF MANDAMUS
CAUSE NO. 695776 IN THE 185TH DISTRICT COURT
FROM HARRIS COUNTY

Per curiam.

OPINION

Relator has filed a motion for leave to file a writ of mandamus pursuant to the original jurisdiction of this Court. In it, he contends that he filed an application for a writ of habeas corpus in the 185th District Court of Harris County, that more than 35 days have elapsed, and that the application has not yet been forwarded to this Court.

On June 3, 2015, we held this application in abeyance and ordered Respondent, the Harris County District Clerk, to respond. He forwarded the record of the State's receipt of Relator's application in which it acknowledged receiving the application on August 5, 2014. He also forwarded an order designating issues (ODI) signed by the trial court on June 22, 2015.

Respondent has a ministerial duty to forward an Article 11.07 application to this Court within 181 days of the State's receipt of that application, unless this Court grants a trial court an extension. TEX. R. APP. P. 73.4(b)(5). In Relator's case, we have not granted the trial court an extension. The June 22, 2015 ODI Respondent forwarded is also untimely. A trial court has thirty-five days from the State's receipt of an Article 11.07 application to enter a timely ODI. TEX. CODE CRIM. PROC. art. 11.07, §3(c).

Accordingly, we conditionally grant mandamus relief and direct Respondent to immediately forward Relator's application to this Court. The writ of mandamus will issue only in the event that the Respondent fails to comply.

Filed: July 29, 2015

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