



**IN THE COURT OF CRIMINAL APPEALS
OF TEXAS**

NO. WR-77,456-01

THOMAS FRANK CHERRY, JR., Relator

v.

235th JUDICIAL DISTRICT COURT, Respondent

**ON APPLICATION FOR A WRIT OF MANDAMUS
CAUSE NO. CR07-221A
FROM COOKE COUNTY**

Per curiam.

ORDER

Relator has filed a motion for leave to file an application for 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 235th Judicial District Court of Cooke County, that more than 35 days have elapsed, and that the application has not yet been forwarded to this Court. Relator contends that the district court entered an order designating issues on March 4, 2011.

Respondent, the Judge of the 235th Court of Cooke County, shall file a response with this Court by having the District Clerk submit the record on such habeas corpus application. In the

alternative, the trial court may resolve the issues set out in its order and then have the District Clerk submit the record on such application. In either case, the trial court's response shall be submitted within 30 days of the date of this order. This application for leave to file a writ of mandamus will be held in abeyance until Respondent has submitted its response.

Filed: April 25, 2012

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