



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

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**NO. WR-78,110-01**

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**EX PARTE BARNEY FULLER**

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**ON APPLICATION FOR POST-CONVICTION WRIT OF HABEAS CORPUS  
CAUSE NO. 04-CR-027 IN THE 349<sup>TH</sup> DISTRICT COURT  
HOUSTON COUNTY**

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*Per Curiam.*

**ORDER**

In July 2004, a jury found applicant guilty of the offense of capital murder. The jury answered the statutory punishment questions in such a way that the trial court set applicant's punishment at death. On September 15, 2006, the State filed in this Court its brief on applicant's direct appeal. Pursuant to Article 11.071 §§ 4(a) and (b)<sup>1</sup>, applicant's

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<sup>1</sup> Unless otherwise indicated all references to Articles refer to the Code of Criminal Procedure.

initial application for a writ of habeas corpus was due to be filed in the trial court on or before January 29, 2007, assuming a motion for extension was timely filed and granted.

It has been more than five years since the application was due in the trial court.

Accordingly, we order the trial court to resolve any remaining issues within 90 days from the date of this order. The clerk shall then transmit the complete writ record to this Court within 120 days from the date of this order. Any extensions of time shall be obtained from this Court.

IT IS SO ORDERED THIS THE 1<sup>ST</sup> DAY OF AUGUST, 2012.

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