



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

NO. WR-78,248-01

IN RE THE STATE OF TEXAS, ex rel. JENNIFER A. THARP

**ON PETITION FOR A WRIT OF MANDAMUS
IN CAUSE NO. CR2011-325 IN THE 433RD DISTRICT COURT
FROM COMAL COUNTY**

Per curiam.

Meyers, J. would deny leave to file.

ORDER

Relator filed a petition for a writ of mandamus, pursuant to the original jurisdiction of this Court. The petition requests that we issue a writ of mandamus in the underlying case, ordering the district court to submit the issue of punishment to the jury after the defendant pleaded guilty to the jury.

This Court orders that the respondent, the Judge of the 433rd District Court of Comal County, file a response with this Court. The real party in interest, defendant Carey Eugene Faulkner, may also submit a response. The motion for leave to file a petition for a writ of mandamus will be held in

abeyance until the respondent has submitted the appropriate response. Such response shall be submitted within 30 days of the date of this order. The trial court's proceedings are hereby stayed pending further order of this Court.

Filed: August 17, 2012
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