



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NO. WR-58,749-03

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IN RE DARBY NATHANIEL DANIELS, Relator

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ON APPLICATION FOR A WRIT OF MANDAMUS  
CAUSE NO. 728606-B IN THE 185TH DISTRICT COURT  
FROM HARRIS COUNTY

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*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 May 14, 2014, we held this application in abeyance and ordered Respondent, the District Clerk of Harris County, to file a response. According to the response, the State received Relator's habeas application on December 3, 2013, and the trial court entered an order designating issues on January 30, 2014. This order was untimely. TEX. CODE CRIM. PROC. art. 11.07, § 3(b)(c); *Martin*

*v. Hamlin*, 25 S.W.3d 718 (Tex. Crim. App. 2000).

We conditionally grant mandamus relief and direct Respondent to immediately forward Relator's habeas application to this Court. The writ of mandamus will issue only if Respondent fails to comply with this opinion.

Delivered: July 23, 2014

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