



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-80,826-01**

**IN RE QUIRINO MACHIN SANCHEZ, Relator**

**ON APPLICATION FOR A WRIT OF MANDAMUS  
CAUSE NO. CR-1624-10-J IN THE 430<sup>TH</sup> DISTRICT COURT  
FROM HIDALGO COUNTY**

*Per curiam.*

### ORDER

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 430<sup>th</sup> District Court of Hidalgo County, that more than 35 days have elapsed, and that the application has not yet been forwarded to this Court.

On February 5, 2014, this Court held in abeyance and ordered the District Clerk of Hidalgo County to file a response as to why this Court had not yet received Relator's habeas application. This Court's abeyance order specifically advised the clerk that should the response include an order designating issues, proof of the date the district attorney's office was served with the habeas

application must also be submitted with the response.

On March 25, 2014, this Court received a response from the Hidalgo County District Clerk, consisting of an order designating issues signed by the trial court on February 26, 2014. Within the trial court's order designating issues was an order to the district clerk to transmit to this Court "a copy of the acknowledgments indicating that Assistant Criminal District Attorney Luis A. Gonzalez had, on February 9, 2014, accepted service of a copy of the Applicant for writ filed by Applicant Quirino Machin Sanchez." However, the supplemental record contains no copy of such acknowledgment. Furthermore, there is no explanation in the record for why Relator's habeas application was filed in December of 2012, but not served on the State until more than a year later.

This application for leave to file a writ of mandamus shall be held in abeyance until Respondent has submitted a copy of the acknowledgment indicating the date upon which Relator's habeas application was served on the State. In addition, the Hidalgo County District Clerk and the Hidalgo County District Attorney shall both submit affidavits, explaining how the process of filing and serving habeas applications is conducted in Hidalgo County, and explaining why there was a delay of more than a year between the date upon which Relator's habeas application was filed, and the date upon which the State acknowledged receipt of the application. Such responses shall be submitted within 30 days of the date of this order.

Filed: April 30, 2014  
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