



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-85,444-01

IN RE HUGO MORALES, Relator

ON APPLICATION FOR A WRIT OF MANDAMUS
CAUSE NOS. 1376072-A & 1376073-A
IN THE 208TH DISTRICT COURT
FROM HARRIS COUNTY

Per curiam.

OPINION

Relator 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 contended that he filed an application for a writ of habeas corpus in the 208th District Court of Harris County, that more than 35 days have elapsed, and that the application has not yet been forwarded to this Court. The District Clerk responded with proof of service and copies of orders designating issues.

The record now reflects that the State was served with the writ applications on December 7, 2015. The record also reflects that the district court entered orders designating issues on February 3, 2016. These orders designating issues were untimely. TEX. CODE CRIM. PROC. art. 11.07 § 3(d).

This Court has still not received these 11.07 applications for writs of habeas corpus and now grants this motion for leave to file an application for a writ of mandamus because the orders designating issues were untimely entered.

These untimely orders interfered with the district clerk's duty to transmit these applications to this Court and are therefore without effect. The district clerk has no authority to continue to hold Relator's applications for writs of habeas corpus and is under a ministerial duty to immediately forward the applications and related records in cause numbers 1376072-A and 1376073-A, filed in the 208th District Court of Harris County, to this Court. *DeJean v. Dist. Clerk*, 259 S.W.3d 183 (Tex. Crim. App. 2008).

We conditionally grant mandamus relief and direct the Respondent to comply with this opinion and forward to this Court Relator's writ applications. The writ of mandamus will issue only in the event the Respondent fails to comply within thirty days of the date of this opinion.

Filed: November 9, 2016
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