



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

NO. WR-76,984-01

In Re PATRICK McCANN, Movant

**ON MOTION FOR EMERGENCY TEMPORARY RELIEF FROM CAUSE NO.
10-DCR-54,233, ALBERT JAMES TURNER, APPLICANT,
IN THE 268TH JUDICIAL DISTRICT COURT
FORT BEND COUNTY**

Per Curiam.

ORDER

We have before us a motion for emergency temporary relief. The matter underlying this proceeding involves an order from the trial court ordering trial counsel to turn over his trial files so that habeas counsel can conduct a proper investigation before preparing an application for writ of habeas corpus on behalf of applicant, Albert James Turner. Apparently, trial counsel refused to turn over his files absent a release signed by his client (applicant), and applicant refused to sign the release.

According to movant, because of his refusal, the trial court has now held him in

contempt and ordered him to report to the Fort Bend County Sheriff's Office to be incarcerated until he has complied with the judge's order.

Because this situation raises some potentially far-reaching issues, we stay the enforcement of the contempt order and the order to disclose applicant's trial file. Movant has ten days to file the mandamus petition mentioned in his motion for emergency relief. If he fails to file the petition within that time, then the stay announced in this order will be automatically lifted. If he files the petition, then the matters will continue to be stayed until further order of this Court.

IT IS SO ORDERED THIS THE 7th DAY OF JANUARY, 2013.

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