



**IN THE
TENTH COURT OF APPEALS**

No. 10-19-00438-CR

IN RE SHANE MIX

Original Proceeding

OPINION

Shane Mix, a jail inmate, seeks a writ of mandamus to compel the trial court to rule on the relief requested by Mix in an application for writ of habeas corpus filed on November 7, 2019. Mix alleges that the habeas application was read to the trial court in open court on November 8, 2019 and that the trial court has not ruled on the application.

We asked for a response on December 9, 2019 from the Respondent or the Real-Party-in-Interest. In the request, we stated that if the application for writ of habeas corpus had been ruled on, a copy of the ruling would suffice in place of a response. To this date, no response or copy of the ruling has been filed.

This is not like cases where the trial court does not know about the document requesting relief. In this case, it appears the habeas application was read to the trial court

in open court more than 60 days ago. No reason has been given for the delay in ruling on the application or for a need for further consideration.

Accordingly, we conditionally grant the requested writ of mandamus. We are confident that the Respondent will promptly consider and rule on Mix's application for writ of habeas corpus filed on November 7, 2019. The writ will issue only if the Respondent fails to advise this Court within thirty days of the date of this opinion that he has ruled on the application.

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Neill
Pet. conditionally granted
Opinion delivered and filed January 22, 2020
Publish
[OT06]

