COURT OF APPEALS FOR THE
FIRST DISTRICT OF TEXAS AT HOUSTON

ORDER

Appellate case name: Ex Parte Matthew Ware

Appellate case number: 01-16-01015-CR

Trial court case number: N/A (Unfiled case)

Trial court: County Court of Chambers County

On December 30, 2016, this Court received a brief from counsel for appellant, Matthew Ware, who appeals from the trial court's order, signed on December 20, 2016, denying his pre-trial petition for a writ of habeas corpus. Appellant claims that after the State arrested him on a Class B misdemeanor accusation of theft of property, between $100-$750, on November 7, 2016, he remains in custody without any formal charge or a notice of transfer of court filed. *See* TEX. PENAL CODE ANN. § 31.03(a), (e)(2)(A) (West Supp. 2016). Thus, appellant claims that the trial court abused its discretion in denying his petition because Article 17.151 requires releasing him on a personal bond if the State is not ready for trial within the 15-day deadline for misdemeanors punishable up to 180 days in jail. *See* TEX. CODE CRIM. PROC. ANN. art. 17.151, § 1 (3) (West Supp. 2016).

Although no trial court cause number has been assigned yet, this is an accelerated appeal governed by Rule 31. *See* TEX. R. APP. P. 31.1. Accordingly, the Court **ORDERS** the county clerk to assign a cause number and file the clerk's record, and the trial court's certification of appellant's right of appeal, **within 10 days of the date of this order.** *See id.* 25.2(a)(2), (d), 34.5(a)(12), 31.1, 31.3, 37.1. The Court further **ORDERS** the court reporter to file the reporter's record, or an info sheet stating that no hearing was recorded, **within 10 days of the date of this order.** *See id.* 31.1, 31.3.

Finally, the Court **ORDERS** the State to file its appellee's brief, if any, **within 20 days of the date of this order.** *See* TEX. R. APP. P. 31.1, 31.3.

It is so **ORDERED**.

Judge's signature: /s/ Laura C. Higley

☑ Acting individually ☐ Acting for the Court

Date: January 3, 2017