IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-89,495-01

IN RE JAMES PRESTON BALES, Relator

ON APPLICATION FOR A WRIT OF MANDAMUS
CAUSE NO. 114-0680-15-A IN THE 114TH DISTRICT COURT
FROM SMITH COUNTY

***Per curiam*.**

O R D E R

Relator has filed a motion for leave to file an application for a writ of mandamus pursuant to the original jurisdiction of this Court. In it, Relator contends that he filed an application for a writ of habeas corpus in the 114th District Court of Smith County, the District Court entered a timely order designating issues on June 20, 2018, more than 180 days have passed since the date the State received the application, and the application has not been timely forwarded to this Court as mandated by Texas Rule of Appellate Procedure 73.4(b)(5).

Respondent, the District Clerk of Smith County, is ordered to file a response, which may be made by submitting the record on such habeas corpus application, submitting proof of the date of

receipt by the State showing 180 days has not yet elapsed, or stating that Relator has not filed an application for a writ of habeas corpus in Smith County. This application for leave to file a writ of mandamus shall be held in abeyance until Respondent has submitted the appropriate response. Such response shall be submitted within 30 days of the date of this order.

Filed: February 13, 2019
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