IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-86,113-03

IN RE RODYS A. SANCHEZ, Relator

ON APPLICATION FOR A WRIT OF MANDAMUS
CAUSE NO. 1400848-C IN THE 263RD DISTRICT COURT
FROM HARRIS 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, he contended that he filed an application and an amended application for a writ of habeas corpus in the 263rd District Court of Harris County, that more than 35 days had elapsed, and that the applications had not yet been forwarded to this Court.

On June 5, 2019, this Court held in abeyance and ordered the Harris County District Clerk to respond as to why this Court had nor received Relator's habeas applications.

On June 13, 2019, this Court received Relator's habeas application from Harris County. However, Relator's amended habeas application was not included in the record received by this

Court. Further inquiry revealed that the amended application, which was filed in the District Court in January of 2019, was treated as a separate application and that the District Court entered a timely order designating issues on February 4, 2019. However, 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 Harris 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 Harris 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: August 28, 2019

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