IN THE COURT OF CRIMINAL APPEALS
OF TEXAS

NO. WR-88,593-02

EX PARTE CHRISTOPHER CALVIN, Applicant

ON APPLICATION FOR A WRIT OF MANDAMUS
CAUSE NO. 17CR-125 IN THE 349TH DISTRICT COURT FROM HOUSTON COUNTY

***Per curiam*.**

OPINION

On Oct. 30, 2019, this Court ordered Respondent, the District Clerk of Houston County, to state whether Christopher Calvin had filed an application for a writ of habeas corpus on August 19, 2019, in cause number 17CR0125. On May 18, 2023, this Court received a response from the District Clerk in which she stated that she had received an Article 11.07 application from Applicant in 2019 but she returned it to him, along with a blank Article 11.07 form. We conditionally grant relief.

A district clerk has a ministerial duty under Art. 11.07 of the Texas Code of Criminal Procedure to receive, file, and timely forward to this Court applications for writs of habeas corpus. *Benson v. Dist. Clerk, Montgomery Cty.,* 331 S.W.3d 431, 432 (Tex. Crim. App. 2011).

We conditionally grant Relator's application for a writ of mandamus and direct the Houston County District Clerk to accept and file Relator's habeas application and to forward it to this Court under Article 11.07.

Following custom, we will withhold issuance of the writ and allow the District Clerk an opportunity to conform her actions to this opinion. Only if she refuses to file Relator's habeas application will the writ of mandamus issue. *State ex rel. Hill v. Pirtle,* 887 S.W.2d 921, 932 (Tex. Crim. App. 1994).

Relator shall file any supplemental information or habeas applications within 30 days of the issuance of this opinion.

Delivered: June 21, 2023

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