

**JOHN BRADLEY
District Attorney
Williamson County
Texas**



(512) 943-1234
Fax: (512) 943-1255
Hutto/Taylor line: 352-3661
Liberty Hill line: 259-2090

405 Martin Luther King St., No. 1
Georgetown, Texas 78626

FACSIMILE

TRANSMITTAL SHEET

TO: ATTORNEY

FROM:

Susan Orr, Gerry Goldstein

Kristen Jernigan

REFERENCE

DATE:

In re Michael Morton

October 12, 2011

FAX NUMBER: (210) 226-8367

**TOTAL NO. OF PAGES INCLUDING
COVER: 4**

**PHONE NUMBER: (210) 852-
2858**

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY

NOTES/COMMENTS:

The attached motion was filed this afternoon .

**IN THE COURT OF CRIMINAL APPEALS
OF TEXAS**

NO. AP-76,663

EX PARTE MICHAEL MORTON

**RECEIVED IN
COURT OF CRIMINAL APPEALS**

OCT 12 2011

Louise Pearson, Clerk

**ON APPLICATION FOR WRIT OF HABEAS CORPUS
FROM THE 26TH DISTRICT COURT
OF WILLIAMSON COUNTY, TEXAS IN
CAUSE NO. 86-452-K26**

STATE'S MOTION FOR MANDATE TO ISSUE

On October 12, 2011, this Court issued an opinion granting Applicant habeas corpus relief based on a claim of actual innocence which was agreed to by the parties. *Ex parte Morton*, No. AP-76,663 (Tex. Crim. App. Delivered October 12, 2011). Pursuant to Texas Rule of Appellate Procedure 18.1, the State now moves for expedited issuance of this Court's mandate.

Texas Rule of Appellate Procedure 18.1(b) provides that the time for issuing a mandate in The Court of Criminal Appeals or The Texas Supreme Court is "ten days after the time has expired for filing a motion to extend time to file a motion for rehearing if no timely filed motion for rehearing or motion to extend time is pending." TEX. R. APP. P. 18.1(b). However, Texas Rule of Appellate Procedure 18.1(c) provides that upon good cause, mandate can issue earlier on the motion of a party. TEX. R. APP. P. 18.1(c). In this

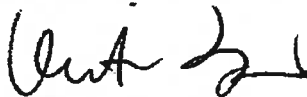
case, good cause exists for the mandate to issue immediately: (1) so that the Applicant may be free of any conditions of bond imposed pursuant to Texas Code of Criminal Procedure Article 11.65 and (2) so that Applicant may immediately pursue any compensation from the State.

Mandate should also immediately issue because the parties in this case agreed to the relief granted by this Court. Therefore, the State will not file a motion for rehearing, rendering any allotment for time to file such a motion unnecessary.

For the foregoing reasons, the State respectfully requests this Court to immediately issue the mandate in this case.

Respectfully submitted,

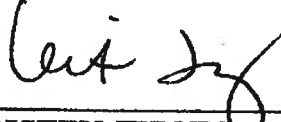
JOHN BRADLEY
District Attorney
Williamson County, Texas



KRISTEN JERNIGAN
State Bar No. 90001898
Assistant District Attorney
405 S. Martin Luther King, Box 1
Georgetown, Texas 78626
(512) 943-1234
(512) 943-1255 (fax)

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing instrument has been faxed to Applicant's Attorneys of Record on this date.



KRISTEN JERNIGAN