

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

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**NO. AP-76,663**

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**EX PARTE MICHAEL MORTON**

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

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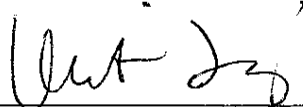
**STATE'S MOTION TO WITHDRAW  
MOTION FOR MANDATE TO ISSUE**

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On October 12, 2011, the State filed a Motion for Mandate to Issue pursuant to this Court's opinion issued the same date granting Applicant habeas corpus relief on a claim of actual innocence. *See Ex parte Morton*, No. AP-76,663 (Tex. Crim. App. Delivered October 12, 2011). On October 13, 2011, Applicant filed a motion in opposition of issuance of the mandate based on his desire to conduct discovery pursuant to an agreement of the parties. It appears there was a simple misunderstanding of the terms of the agreement. Therefore, the State hereby withdraws its Motion for Mandate to Issue.

Respectfully submitted,

**JOHN BRADLEY**  
District Attorney  
Williamson County, Texas



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**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)