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**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**

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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**

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**NO. AP-76,663**

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**EX PARTE MICHAEL MORTON**

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**RECEIVED IN  
COURT OF CRIMINAL APPEALS**

**OCT 12 2011**

**Louise Pearson, Clerk**

**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 FOR MANDATE TO ISSUE**

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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

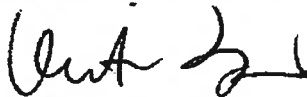
case, good cause exists for the mandate to issue immediately: (1) so that the Applicant may be free of any conditions of bond imposed pursuant to Texas Code of Criminal Procedure Article 11.65 and (2) so that Applicant may immediately pursue any compensation from the State.

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

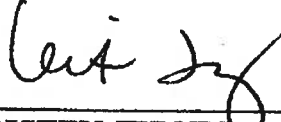


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**CERTIFICATE OF SERVICE**

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



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**KRISTEN JERNIGAN**