

A Guide to Article 11.07 Writs of Habeas Corpus and Other State Writs

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- ◆ Petitions for Discretionary Review
- ◆ Death Penalty Direct Appeals and Death Penalty Habeas
- ◆ Post-Conviction Writs (non-death penalty)

Filings – FY 2010

- ◆ 11.07 New Filings – 3,958
- ◆ 11.07 Disposed Filings – 3,808
- ◆ 11.07s Back from Remand - 317
- ◆ New Cert. Petitions – 2
- ◆ Original Habeas – 34
- ◆ Mandamus Actions – 598
- ◆ Mandamus, Back from Remand - 115
- ◆ Prohibition Actions – 6

Habeas Corpus applications fall under Chapter 11 of the Texas Code of Criminal Procedure

Article 11.01 defines the writ as follows:

The writ of habeas corpus is the remedy to be used when any person is restrained in his liberty. It is an order issued by a court or judge of competent jurisdiction, directed to any one having a person in his custody, or under his restraint, commanding him to produce such person, at a time and place named in the writ, and show why he is held in custody or under restraint.

Chapter 11 provides for different kinds of writs

- ◆ Article 11.071
- ◆ Article 11.072
- ◆ Article 11.08
- ◆ Article 11.09
- ◆ Article 11.07

Where Filed

Applications must be filed with the clerk of the convicting court. Tex. Code Crim. Proc. art. 11.07 § 3(b).

After Filing

- ◆ Clerk shall forward application to prosecutor
- ◆ Prosecutor shall answer not later than 15th day after the date the application is received
- ◆ Within 20 days of expiration of time to answer, the court shall decide whether there are controverted, previously unresolved facts material to the legality of the applicant's confinement

If No Controverted, Previously Unresolved Facts

Then the clerk must immediately forward the application and any answer filed by the State to the CCA. Tex. Code Crim. Proc. Art. 11.07 § 3(c).

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[A Guide to Article 1107 Writs of Habeas Corpus and Other State Writs](#)

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"A Guide to Article 1107 Writs of Habeas Corpus and Other State Writs"