

**TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 7: HABEAS CORPUS**

§ 7104. Show Cause Order.

A judge entertaining an application for a writ of habeas corpus shall issue an order directing the person against whom the writ is requested to show cause why the writ should not be granted, unless it appears from the application that the person detained is not entitled to the writ. The order to show cause shall be directed to the person having custody of the person detained. The order shall set the time and place for hearing, which shall be as early as the court or judge issuing the order deems practicable, preferably within three days. The person to whom the order is directed shall at or before the time set for hearing make a return certifying the true cause of the detention and, unless the application for the writ and the return present only issues of law, the person to whom the order is directed shall produce at the hearing the person detained, unless the person is so sick or so weak that this cannot with safety be done. The applicant, or the person detained may, under oath, deny any of the facts set forth in the return, or declare any other material facts. The application, the return, and any suggestions made against either of them may be amended by leave of the court. If the person to whom the order is directed does not make a return as above required, or does not appear at the time and place set for hearing, the court may proceed without that person.

Source: 9 TTC § 104.