



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

NO. AP-76,675

HENRY WATKINS SKINNER, Appellant

v.

THE STATE OF TEXAS

**ON DIRECT APPEAL FROM THE DENIAL OF DNA TESTING
IN CAUSE NO. 5216 IN THE 31ST DISTRICT COURT
GRAY COUNTY**

Per curiam.

OPINION

Appellant was convicted of capital murder and sentenced to death in 1995. This Court affirmed the conviction and sentence on direct appeal. *Skinner v. State*, 956 S.W.2d 532 (Tex. Crim. App. 1997).

In September 2011, appellant filed in the trial court his third motion for post-conviction DNA testing pursuant to Chapter 64 of the Texas Code of Criminal Procedure. The trial court denied the testing, and appellant filed an appeal which was

received by this Court in November 2011. On June 12, 2012, this Court received a document entitled “Joint Motion to Vacate and Remand for Submission of an Agreed Proposed Order for Forensic DNA Testing.” In this document, the parties note that they have reached an agreement to test the evidence listed in an exhibit attached to the motion. The agreement makes the resolution of this appeal regarding the denial of testing unnecessary.

Therefore, appellant’s appeal is dismissed with the understanding that the parties will file with the trial court their agreed Chapter 64 motion to engage in forensic testing.

Delivered: June 20, 2012
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