



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

NO. PD-0795-12

KEITHIAN LATODD BROWN, Appellant

v.

THE STATE OF TEXAS

**ON APPELLANT'S PETITION FOR DISCRETIONARY REVIEW
FROM THE FIFTH COURT OF APPEALS
DALLAS COUNTY**

Per curiam.

ORDER

The Dallas Court of Appeals affirmed Appellant's conviction for possession with intent to deliver cocaine. *Brown v. State*, No. 05-11-00003-CR (Dallas - delivered May 23, 2012). This Court has granted Appellant an extension of time to file a petition for discretionary review. Appellant filed a motion in this Court requesting that we order the District Clerk to sell Appellant copies of specified parts of the record that were used in the appeal of his case so that he may use them in preparing his petition for discretionary review.

We ordered the District Clerk to respond to Appellant's claim. The District Clerk responded that he does not have possession of the requested volume (Volume 5 of the reporter's record). He notes that the court reporter possesses that volume and suggests that Appellant obtain the volume from the reporter.

The District Clerk "has custody of and shall carefully maintain and arrange the records relating to or lawfully deposited in the clerk's office." V.T.C.A. Gov't Code, § 51.303. In accord with Tex.R.Crim.App. 34.6(g) and (h), the District Clerk is required to have custody of the original exhibits and a duplicate of the reporter's record which is filed with the clerk. Therefore, the District Clerk is ordered to comply with this provision. Further, the District Clerk shall then make available for sale the requested volume of the reporter's record to Appellant or his representative within 10 days of the date of this order.

IT IS SO ORDERED THIS THE 23rd DAY OF AUGUST, 2012.

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