



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

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**NO. WR-52,843-11**

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**GARY WAYNE WARNER, Relator**

**v.**

**DALLAS COUNTY DISTRICT CLERK, Respondent**

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**ON APPLICATION FOR A WRIT OF MANDAMUS  
CAUSE NO. F99-00096-MI IN THE CRIMINAL DISTRICT COURT NO. 2  
FROM DALLAS COUNTY**

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*Per curiam.*

**ORDER**

Relator has filed a motion for leave to file a writ of mandamus pursuant to the original jurisdiction of this Court. In it, he contends that he filed notice of appeal in the Criminal District Court No. 2 of Dallas County from that court's order denying post-conviction DNA testing on December 7, 2011, but that the notice of appeal has not been filed or forwarded to the court of appeals by the district clerk.

In these circumstances, additional facts are needed. The respondent, the District Clerk of Dallas County, is ordered to file a response, stating whether Relator's notice of appeal from the order denying DNA testing was timely received and filed, and if so, why the appellate record has not been forwarded to the court of appeals as required by Rule 35.2(a) of the Texas Rules of Appellate Procedure. This application for leave to file a writ of mandamus shall be held in abeyance until the respondent has submitted the appropriate response. Such response shall be submitted within 30 days of the date of this order.

Filed: March 28, 2012  
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