



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

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**NO. WR-56,955-03**

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**EX PARTE HONORABLE GARY FITZSIMMONS, DISTRICT CLERK OF  
DALLAS COUNTY, Respondent**

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**ORDER TO SHOW CAUSE AND TO FILE RESPONSE  
FROM DALLAS COUNTY**

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*Per curiam.*

### **ORDER**

On October 13, 2010, this Court issued an order requiring the Respondent, Dallas County District Clerk Gary Fitzsimmons, to respond within thirty days as to whether Andrie Smith had requested information concerning the cost of copies of trial documents and records in Dallas County Cause Number F00-02104-T on or about June 27, 2010 and, if so, to detail the nature of the District Clerk's response. On January 6, 2011, this Court mailed an inquiry to Respondent as to why no response to the October 13, 2010 order had yet been submitted. On June 29, 2011, this Court

ordered that the District Clerk answer within 30 days or face a show cause order answering why no appropriate response has been filed. On October 24, 2011, this Court received a filing styled “Supplemental” from the District Clerk containing records sent by Relator to the trial court requesting a free copy of his trial records along with the trial court’s order denying Relator’s pro-se request for trial records.

To date, the Dallas County District Clerk has not responded to this Court’s order for an answer as to whether he received a request from Relator concerning an estimate of the cost of trial records and, if so, what his response was, if any.

**NOW, THEREFORE IT IS ORDERED BY THE COURT OF CRIMINAL APPEALS,** that Honorable Gary Fitzsimmons shall file said response and show cause why Respondent should not be held in contempt of this Court for failing to file a responsive answer by the date it was due and be punished for failing to do so. Honorable Gary Fitzsimmons is ordered to file, with the Clerk of this Court, Respondent’s sworn affidavit and, if necessary, affidavits of other persons, on or before November 28, 2011. The affidavits shall state facts that deny or excuse Respondent’s contempt, if there are any such facts. Honorable Gary Fitzsimmons shall also file the response required by the June 29, 2011, order on or before that date, November 28, 2011.

It is further **ORDERED** by this Court that the Clerk of this Court shall issue **NOTICE TO SHOW CAUSE AND TO FILE RESPONSE** commanding Honorable Gary Fitzsimmons to file said response and to show cause, in the manner and within the time specified in this Order, why Respondent should not be held in contempt of this Court for failing to timely file the required response and be punished for Respondent’s failure to do so. A copy of this Order shall accompany

the Notice.

**IT IS SO ORDERED ON THIS THE 16<sup>TH</sup> DAY OF NOVEMBER 2011.**

Filed: November 16, 2011

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