



**IN THE
TENTH COURT OF APPEALS**

No. 10-21-00069-CR

IN RE WILLIAM CHARLES WEBB

**From the 54th District Court
McLennan County, Texas
Trial Court No. 2012-678-C2**

Original Proceeding

MEMORANDUM OPINION

In this original proceeding, relator, William Charles Webb, complains about the trial court's purported refusal to rule on his January 8, 2021 Chapter 64 motion for DNA testing.¹ Relator has filed two other matters that are related to this one—appellate cause

¹ Relator also appears to request that we order the trial court to grant his January 8, 2021 Chapter 64 motion for DNA testing. We cannot do so. See *State ex rel. Young v. Sixth Judicial Dist. Court of Appeals at Texarkana*, 236 S.W.3d 207, 210 (Tex. Crim. App. 2007) (stating that an appellate court can only compel a trial court to rule on a pending motion by writ of mandamus; it cannot compel the trial court to rule in a certain way).

numbers 10-18-00170-CR and 10-20-00292-CR. Both of these matters are still pending in this Court.

In any event, we abated and remanded appellate cause numbers 10-18-00170-CR and 10-20-00292-CR to the trial court to locate relator's prior Chapter 64 motion for DNA testing filed on May 2, 2018, among other things. In its order in response to our abatement order, the trial court indicated that relator's May 2, 2018 Chapter 64 motion for DNA testing has been lost, but that relator's January 8, 2021 Chapter 64 motion for DNA testing is an accurate copy of the May 2, 2018 motion. On May 7, 2018, the trial court originally denied relator's May 2, 2018 motion. Moreover, on March 5, 2021, the trial court adopted its prior May 7, 2018 order denying relator relief under Chapter 64. Accordingly, because the effect of the trial court's March 5, 2021 order was to deny relator's January 8, 2021 Chapter 64 motion for DNA testing, we dismiss relator's petition for writ of mandamus in this appellate cause number for want of jurisdiction.²

JOHN E. NEILL
Justice

² We further note that our holding in this case is limited to relator's complaint about the trial court's purported refusal to rule on his January 8, 2021 Chapter 64 motion for DNA testing. We do not address the propriety of the denial of relator's Chapter 64 motion in this proceeding. Moreover, in light of our disposition, we dismiss as moot all other pending motions in this matter.

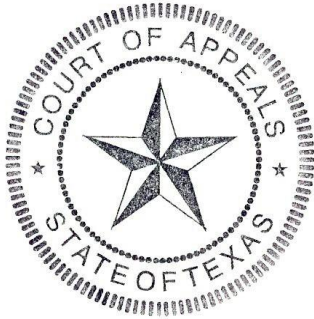
Before Chief Justice Gray
Justice Neill,
and Senior Justice Scoggins³

Petition dismissed

Opinion delivered and filed May 19, 2021

Do not publish

[OT06]



³ The Honorable Al Scoggins, Senior Justice of the Tenth Court of Appeals, sitting by assignment of the Chief Justice of the Texas Supreme Court. *See* TEX. GOV'T CODE ANN. §§ 74.003, 75.002, 75.003.