

NO. 12-11-00396-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN RE:

§

BRANDON JAYVORIS MAYFIELD,

§

ORIGINAL PROCEEDING

RELATOR

§

MEMORANDUM OPINION

In this original mandamus proceeding, Relator Brandon Jayvoris Mayfield complains that the trial court has failed to rule on his motion for postconviction DNA testing. The respondent is the Honorable David Scott Brabham, Judge of the 188th Judicial District Court, Gregg County, Texas. We deny the petition.

In a criminal case, mandamus relief is authorized only if the relator establishes that (1) he has no other adequate legal remedy and (2) under the facts and the law, the act sought to be compelled is purely ministerial. *State ex rel. Hill v. Fifth Court of Appeals*, 34 S.W.3d 924, 927 (Tex.Crim.App.2001). Moreover, a relator has the burden to provide a record establishing his right to mandamus relief. See TEX. R. APP. P. 52.7(a)(1) (relator must file with mandamus petition a copy of every document material to claim for relief). Relator's petition is not accompanied by a record. Therefore, we are unable to evaluate the merits of his claim. Accordingly, Relator's petition for writ of mandamus is *denied*. See TEX. R. APP. P. 52.8(a).

BRIAN HOYLE

Justice

Opinion delivered December 21, 2011.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(DO NOT PUBLISH)