

NO. 12-13-00023-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN RE:

§

RICHARD TERRANCE AYERS,

§

ORIGINAL PROCEEDING

RELATOR

§

***MEMORANDUM OPINION
PER CURIAM***

Relator Richard Terrance Ayers seeks a writ of mandamus requiring the trial court to sign an order finding that Relator did not receive notice of a September 28, 2012 dismissal order until October 26, 2012. *See* TEX. R. CIV. P. 306a(4), (5).

In an original proceeding, the relator is required to file an appendix as part of his petition and also a record. *See* TEX. R. APP. P. 52.3(k), 52.7. The appendix must contain (1) a certified or sworn copy of any order complained of, or any other document showing the matter complained of, and (2) unless voluminous or impracticable, the text of any rule, regulation, ordinance, statute, constitutional provision, or other law (excluding case law) on which the argument is based. TEX. R. APP. P. 52.3(k)(1)(A), (C). The record must contain (1) a certified or sworn copy of every document that is material to the relator's claim for relief and that was filed in any underlying proceeding and (2) a properly authenticated transcript of any relevant testimony from any underlying proceeding, including any exhibits offered in evidence, or a statement that no testimony was adduced in connection with the matter complained of. TEX. R. APP. P. 52.7.

Here, Ayers did not provide an appendix or a record. Consequently, we are unable to evaluate his request for mandamus relief. Accordingly, Relator's petition for writ of mandamus is ***denied.***

Opinion delivered May 31, 2013.

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

(PUBLISH)



COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT

MAY 31, 2013

NO. 12-13-00023-CR

RICHARD TERRANCE AYERS,
Relator
v.
HON. DEBORAH OAKES EVANS,
Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of mandamus filed by **RICHARD TERRANCE AYERS**, who is the relator in Cause No. 87-11668, pending on the docket of the 87th Judicial District Court of Anderson County, Texas. Said petition for writ of mandamus having been filed herein on January 22, 2013, and the same having been duly considered, because it is the opinion of this Court that a writ of mandamus should not issue, it is therefore **CONSIDERED, ADJUDGED and ORDERED** that the said petition for writ of mandamus be, and the same is, hereby **DENIED**.

By per curiam opinion.

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