



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

NO. WR-52,843-11

GARY WAYNE WARNER, Relator

v.

DALLAS COUNTY DISTRICT CLERK, Respondent

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

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 a notice of appeal from the denial of post-conviction DNA testing under Chapter 64 in the Criminal District Court No. 2 of Dallas County, but that the notice of appeal and appellate record have not yet been forwarded to the Court of Appeals.

In these circumstances, additional facts are needed. Respondent, the District Clerk of Dallas County, is ordered to file a response, which may be made by certifying that Relator's timely-filed

notice of appeal from the denial of post-conviction DNA testing has been forwarded to the Court of Appeals, with or without a certification of Relator's right to appeal. This application for leave to file a writ of mandamus shall be held in abeyance until Respondent has submitted the appropriate response. Such response shall be submitted within 15 days of the date of this order.

Filed: August 22, 2012
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