

**DENY; and Opinion Filed April 18, 2017.**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-17-00373-CV**

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**IN RE STEPHEN W. THOMASON, Relator**

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**Original Proceeding from the 330th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DF-15-23448**

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**MEMORANDUM OPINION**

Before Justices Lang-Miers, Myers, and Boatright  
Opinion by Justice Lang-Miers

Before the Court is relator's April 13, 2017 petition for writ of mandamus in which he complains of a verbal ruling requiring him to surrender his cellular phones for electronic imaging.

It is relator's burden to provide the Court with a sufficient mandamus record to establish his right to mandamus relief. *Lizcano v. Chatham*, 416 S.W.3d 862, 863 (Tex. Crim. App. 2011) (orig. proceeding) (Alcala, J. concurring); *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992) (orig. proceeding); *In re Chavez*, 62 S.W.3d 225, 228, 229 (Tex. App.—Amarillo 2001, orig. proceeding). Rule 52.3(k)(1)(A) requires the relator to file an appendix that includes a certified or sworn copy of the order complained of, "or any other document showing the matter complained of." TEX. R. APP. P. 52.3(k)(1)(A). Although an appellate court may issue a writ of mandamus based on a court's oral pronouncements, it may do so only if the trial court's ruling is a clear, specific, and enforceable order that is adequately shown by the record. *In re Penney*, No.

05–14–00503–CV, 2014 WL 2532307, at \* 2, n. 3 (Tex. App.—Dallas June 4, 2014, orig. proceeding) (mem. op.). An appellate court can determine whether an oral order meets these criteria by reviewing the reporter’s record from the hearing. *Id.* at \* 2; *see also In re Winters*, No. 05–08–01486–CV, 2008 WL 5177835, at \*1 n. 1 (Tex. App.—Dallas Dec.11, 2008, orig. proceeding) (mem. op.).

Here, the trial court has not signed a written order, and relator has not provided a reporter’s record of the hearing at which the oral ruling was made or any materials documenting the ruling or the events leading up to the ruling. Under these circumstances, the oral ruling is not subject to mandamus review and may not be stayed. *See, e.g. In re Cokinos*, No. 05-16-01331-CV, 2016 WL 7163968, at \*1 (Tex. App.—Dallas Nov. 16, 2016, orig. proceeding); *see also In re Bledsoe*, 41 S.W.3d 807, 812 (Tex. App.—Fort Worth 2001, orig. proceeding) (holding that an oral ruling is subject to mandamus review only if it is clear, specific, and enforceable). Accordingly, we deny relator’s petition for writ of mandamus without prejudice and deny relator’s motion for emergency stay.

/Elizabeth Lang-Miers/  
ELIZABETH LANG-MIERS  
JUSTICE

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