

Denied and Opinion Filed March 29, 2018



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-18-00185-CV

IN RE ARTHUR E. HENDERSON, Relator

Original Proceeding from the Criminal District Court No. 5
Dallas County, Texas
Trial Court Cause No. F-0958128-L

MEMORANDUM OPINION

Before Justices Lang, Myers, and Whitehill
Opinion by Justice Myers

Before the Court is relator's February 20, 2018 petition writ of mandamus in which relator asks this Court to direct the trial court to rule on relator's Chapter 64 motion for post-conviction forensic DNA testing. We requested a response to the petition. The State's response shows that the trial court issued its notification of pro se motion for post-conviction DNA testing and appointment of counsel in accordance with article 64.02 of the Texas Code of Criminal Procedure on March 6, 2018. Therefore, the issues presented in relator's petition are now moot. *See In re Kellogg Brown & Root, Inc.*, 166 S.W.3d 732, 737 (Tex. 2005) (orig. proceeding) ("A case becomes moot if a controversy ceases to exist between the parties at any stage of the legal proceedings."); *see also In re Johnson*, No. 05-16-01074-CV, 2016 WL 6024259, at *1 (Tex. App.—Dallas Oct. 14, 2016, orig. proceeding) (mem. op.) (denying petition as moot where trial court issued required article 64.02 notice).

Accordingly, we deny as moot relator's petition for writ of mandamus.

/Lana Myers/
LANA MYERS
JUSTICE

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