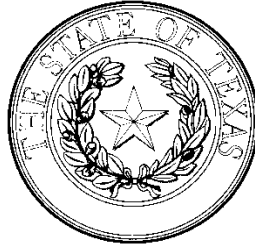


Opinion issued September 29, 2011.



In The
Court of Appeals
For The
First District of Texas

NO. 01-11-00657-CR

IN RE FRANK ALTON MILLER III, Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

By petition for writ of mandamus, relator, Frank Alton Miller III, seeks mandamus relief compelling the trial court to provide him with the police report in his case.¹

¹ Relator has identified the underlying case as Cause No. 1138732 in the 183rd District Court of Harris County, Texas.

A writ of mandamus will issue to correct a clear abuse of discretion or the violation of a duty imposed by law when there is no adequate remedy at law. *Canadian Helicopters Ltd. v. Wittig*, 876 S.W.2d 304, 305 (Tex. 1994) (orig. proceeding). If the respondent trial court has a legal duty to perform a nondiscretionary act, the relator must make a demand for performance that the respondent refuses. *Barnes v. State*, 832 S.W.2d 424, 426 (Tex. App.—Houston [1st Dist.] 1992, orig. proceeding). The relator must also provide this Court with a sufficient record to establish his right to mandamus relief. *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992) (orig. proceeding).

Relator has not provided us with a record that shows he filed any motions or otherwise requested relief from respondent, nor has he included a certified or sworn copy of any order complained of or any other document showing the matter complained of. *See* TEX. R. APP. P. 52.3(k)(1)(A).

Therefore, the petition for writ of mandamus is **denied**.

PER CURIAM

Panel consists of Chief Justice Radack and Justices Sharp and Brown.

Do not publish. TEX. R. APP. P. 47.2(b).