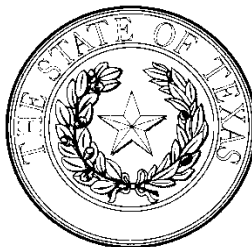


Opinion issued October 11, 2012



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-12-00731-CR

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**IN RE THOMAS FLORENCE, Relator**

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**Original Proceeding on Petition for Writ of Mandamus**

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**MEMORANDUM OPINION**

Relator, Thomas Florence, petitioned for writ of mandamus seeking to compel the trial court to rule on his motion for new trial and related motions.<sup>1</sup>

Florence's petition for writ of mandamus does not comply with the requirements of Texas Rule of Appellate Procedure 52.3. *See* TEX. R. APP. P. 52.3

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<sup>1</sup> The underlying case is *State of Texas v. Thomas Wayne Florence*, No. 10CR1217, (56th Dist. Ct., Galveston Cnty., Tex.), the Honorable Lonnie Cox, presiding.

(requiring, among other things, that petition include complete list of all parties, statement of case, statement regarding basis of this Court's exercise of jurisdiction, and appendix containing certified or sworn copy of any order complained of).

Moreover, motions for new trial are overruled by operation of law if the trial court does not rule on the motion within seventy-five days after imposing or suspending sentence in open court. *See* TEX. R. APP. P. 21.8. Therefore, even if Florence's petition complied with Rule 52.3, he is unable to show that he is entitled to mandamus relief on this ground.

We deny the petition for writ of mandamus. Any pending motions are dismissed as moot.

**PER CURIAM**

Panel consists of Justices Keyes, Massengale, and Brown.

Do not publish.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