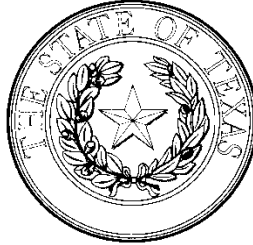


Opinion issued September 26, 2013



In The
Court of Appeals
For The
First District of Texas

NOS. 01-13-00418-CR & 01-13-00419-CR

IN RE GLEN TATE, Relator

Original Proceedings on Petition for Writ of Mandamus

MEMORANDUM OPINION

Relator Glen Tate filed a petition for writ of mandamus asking this Court to compel the trial court to rule on his “Motion for the Production of the Court

Reporter's Records" from the first trial of his offenses, conducted in the 179th District Court, which ended in a mistrial.¹

Before we may grant such relief, a relator must establish that the trial court had a legal duty to rule on the motion, the court received and was asked to rule on the motion, and the court failed to do so. *In re Keeter*, 134 S.W.3d 250, 252 (Tex. App.—Waco 2003, orig. proceeding). Tate has not established these elements.

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

PER CURIAM

Panel consists of Justices Keyes, Higley, and Massengale.

Do not publish.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

¹ The underlying proceedings are *State of Texas v. Tate*, Nos. 1309786 & 1309787 (209th District Court, Harris County, Texas), the Honorable Michael McSpadden presiding.