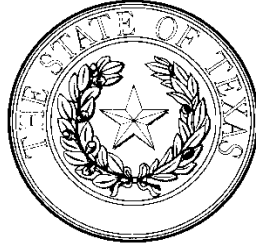


Opinion issued September 4, 2014



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

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NO. 01-14-00639-CR

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IN RE DONALD WAYNE HEROD, Relator

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Original Proceeding on Petition for Writ of Mandamus

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**MEMORANDUM OPINION**

Relator, Donald Wayne Herod, has filed a *pro se* petition for writ of mandamus, and motion for leave to file, seeking to compel the respondent trial court to rule on his “motion to discover the blood sample,” which he claims was filed under various statutes, including Texas Code of Criminal Procedure Article 11.073.<sup>1</sup>

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<sup>1</sup> Relator identifies the respondent only as the 339th District Court of Harris County, but lists the underlying cause number 1152281 which corresponds to *The State of*

We **deny** the petition for writ of mandamus. *See* TEX. R. APP. P. 52.8(a),  
(d). We dismiss all pending motions as moot.

**PER CURIAM**

Panel consists of Chief Justice Radack and Justices Jennings and Keyes.

Do not publish.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

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*Texas v. Donald Wayne Herod*, the Honorable Caprice Cospers presiding. We affirmed relator's conviction under that cause number for felony driving while intoxicated. *Donald Wayne Herod v. State*, No. 01-08-00908-CR, 2010 WL 1981577, at \*5 (Tex. App.—Houston [1st Dist.] May 13, 2010, pet. ref'd).