

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-18-00220-CR**

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**IN RE MELTON EUGENE KUHN**

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**Original Proceeding**  
**9th District Court of Montgomery County, Texas**  
**Trial Cause No. 08-07-06923-CR**

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**MEMORANDUM OPINION**

Relator Melton Eugene Kuhn filed a petition for writ of mandamus, in which he asked this Court to compel the trial judge to rule upon his post-conviction application for forensic DNA testing. The State’s response to Kuhn’s petition includes an appendix containing the trial court’s appealable order, dated July 12, 2018, denying Kuhn’s motion. *See* Tex. Code Crim. Proc. Ann. art. 64.05 (West 2018); *see also In re Johnston*, 79 S.W.3d 195, 197 (Tex. App.—Texarkana 2002, orig. proceeding) (stating that time to appeal commences when the trial court signs an order denying motion seeking DNA testing). We conclude that because the trial

court has now ruled upon Kuhn's post-conviction application for DNA testing, this original proceeding is moot. Accordingly, we dismiss the petition for writ of mandamus as moot.

PETITION DISMISSED.

PER CURIAM

Submitted on July 16, 2018  
Opinion Delivered July 25, 2018  
Do Not Publish

Before McKeithen, C.J., Horton and Johnson, JJ.