

NO. 07-08-0420-CV

IN THE COURT OF APPEALS

FOR THE SEVENTH DISTRICT OF TEXAS

AT AMARILLO

PANEL B

OCTOBER 21, 2008

In re BARRY DWAYNE MINNFEEL,

Relator

ON ORIGINAL PROCEEDING FOR WRIT OF MANDAMUS

Before QUINN, C.J., and CAMPBELL and HANCOCK, JJ.,

Pending before this court is the application of Barry Dwayne Minnfee for a writ of mandamus. He requests that we compel “[the] trial court to determine was [sic] indigent and if so appoint an attorney to represent [Minnfee] on this motion for forensic DNA testing,” among other things. We deny the application for the following reason.

Rules of procedure obligate one seeking mandamus relief to accompany his petition with an appendix. TEX. R. APP. P. 52.3(j). The latter must include, among other things, a certified or sworn copy of the document showing the matter complained of. In this case, the document showing the matter complained of would be the motion requesting DNA testing and the need for appointed counsel. This Minnfee failed to do.

Accordingly, the application for writ of mandamus pending before this court is denied.

Per Curiam