



IN THE
TENTH COURT OF APPEALS

No. 10-08-00279-CR

IN RE RICHARD FRANKLIN

Original Proceeding

MEMORANDUM OPINION

Richard Franklin's petition for writ of mandamus was filed in this Court on August 6, 2008. Franklin has not provided a proper proof of service or a certified or sworn copy of every document that is material to his claim for relief after being requested by letter to provide those items.¹ See TEX. R. APP. P. 9.5, 52.3. Therefore, Franklin's petition is denied.

Franklin's accompanying motion for leave to file the petition is dismissed as moot. The Rules of Appellate Procedure were amended in 1997 to eliminate the need for a motion for leave to file the petition. See TEX. R. APP. P. 52, Notes and Comments.

TOM GRAY
Chief Justice

¹ Instead of providing a proper proof of service, Franklin prepared and delivered a new petition for writ of mandamus with a proper proof of service. This petition was filed on August 29, 2008 as appellate number 10-08-00309-CR.

Before Chief Justice Gray,
Justice Vance, and
Justice Reyna
Petition denied
Motion dismissed
Opinion delivered and filed September 17, 2008
Do not publish
[OT06]