



**IN THE  
TENTH COURT OF APPEALS**

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**No. 10-17-00357-CR**

**IN RE RANDAL FRANKLIN**

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**Original Proceeding**

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**MEMORANDUM OPINION**

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We have received a letter from Randal Franklin stating that he sent “the Johnson [C]ounty courts and district clerk” a “Motion to Enter Order Nunc Pro Tunc” “several months ago.” Franklin states that he has enclosed “a copy” of the motion; however, the enclosed motion states that it was “executed on” October 23, 2017 – the same date that the letter was purportedly written. Franklin asserts that he has tried on several occasions to get a response from the Johnson County courts and district clerk regarding the motion and has also “hand written to the Judge before the Nunc Pro Tunc.” Franklin states that he has received no response from the judge or district clerk and requests that we “expedite this matter.”

We construe Franklin's letter as a petition for writ of mandamus to compel the trial judge to rule on his motion.<sup>1</sup> We deny the petition for writ of mandamus.

REX D. DAVIS  
Justice

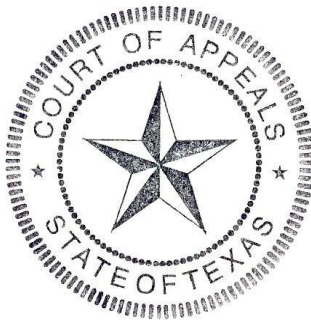
Before Chief Justice Gray,  
Justice Davis, and  
Justice Scoggins

Petition denied

Opinion delivered and filed November 15, 2017

Do not publish

[OT06]



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<sup>1</sup> The petition for writ of mandamus lacks proof of service. A copy of all documents presented to the Court must be served on all parties (*i.e.*, the trial court judge and the State through the district attorney in this proceeding) and must contain proof of service. TEX. R. APP. P. 9.5, 52.2. The petition also lacks most of the contents required by Rule of Appellate Procedure 52. *Id.* 52.3, 52.7. It does not include the certification required by Rule 52.3(j). *Id.* 52.3(j). It also lacks a record. *Id.* 52.7. To expedite this matter, we invoke Rule of Appellate Procedure 2 to suspend these requirements. *Id.* 2.