**IN THE
TENTH COURT OF APPEALS**

No. 10-20-00199-CR

IN RE DONALD KEELING

Original Proceeding

OPINION

Donald Keeling seeks a writ of mandamus to compel the trial court to rule on a motion for a free record which was filed with the trial court clerk on November 14, 2019. Keeling alleges that by letter dated January 20, 2020, he requested a ruling from the trial court, but the court has not yet ruled on the motion.[1]

We requested a response on August 3, 2020 from the Respondent, the trial court, or the Real-Party-in-Interest, the State. In the request, we stated that if the motion had been ruled on, a copy of the ruling would suffice in place of a response. To this date, no response or copy of a ruling has been filed, and we know of no reason for the delay in ruling on the motion.
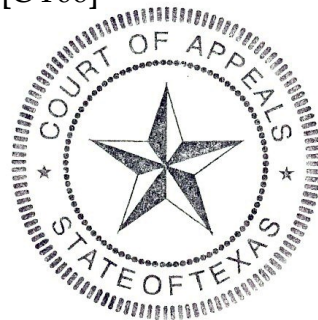
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[1] Keeling has provided file-marked copies of his motion and letter to the trial court.

Mandamus may issue to compel a trial court to rule on a motion which has been pending before the court for a reasonable period of time. *In re Sarkissian*, 243 S.W.3d 860, 861 (Tex. App.—Waco 2008, orig. proceeding). In this case, the Respondent has had a reasonable time to rule on Keeling's motion.

Accordingly, we conditionally grant the requested writ of mandamus. We are confident that the Respondent will promptly consider and rule on Keeling's "Defendant's Motion for Free Copies of the Trial Record with Alternatives and Brief in Support," filed on November 14, 2019. The writ will issue only if the Respondent fails to advise this Court within 30 days from the date of this opinion that the Respondent has ruled on the motion.

TOM GRAY
Chief Justice

Before Chief Justice Gray,
    Justice Davis, and
    Justice Scoggins[2]
Mandamus conditionally granted
Opinion delivered and filed August 21, 2020
Publish
[OT06]

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[2] The Honorable Al Scoggins, Senior Justice of the Tenth Court of Appeals, sitting by assignment of the Chief Justice of the Texas Supreme Court. *See* TEX. GOV'T CODE §§ 74.003, 75.002, 75.003.