



**IN THE  
TENTH COURT OF APPEALS**

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**No. 10-20-00215-CR**

**IN RE ALLAN LATOI STORY**

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**Original Proceeding**

**From the 19th District Court  
McLennan County, Texas  
Trial Court No. 2011-2499-C1**

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**MEMORANDUM OPINION**

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Relator Allan Latoi Story filed a petition for writ of mandamus seeking to compel the respondent, the Judge of the 19th Judicial District Court of McLennan County, to rule on his motion requesting a copy of the clerk's and reporter's records that have been filed in appellate cause no. 10-20-00034-CR, Story's pending appeal from an order denying his motion for post-conviction DNA testing under Chapter 64 of the Code of Criminal Procedure.<sup>1</sup> The Court subsequently received a copy of the trial court's order, ordering

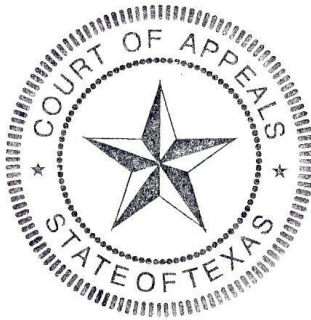
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<sup>1</sup> The petition for writ of mandamus has several procedural deficiencies. *See* TEX. R. APP. P. 52.3. It also lacks a proper proof of service. *See id.* R. 9.5. Story, however, has simultaneously filed a "Motion for Suspension of Rules," requesting that we implement Rule of Appellate Procedure 2 to suspend Rule of

the district clerk to send Story a copy of the clerk's and reporter's records that have been filed in appellate cause no. 10-20-00034-CR. Because a ruling has been made on Story's motion, Story's petition for writ of mandamus is dismissed as moot. *See Nat'l Collegiate Athletic Ass'n v. Jones*, 1 S.W.3d 83, 86 (Tex. 1999) ("Appellate courts are prohibited from deciding moot controversies.").

MATT JOHNSON  
Justice

Before Chief Justice Gray,  
Justice Neill, and  
Justice Johnson  
Petition dismissed  
Opinion delivered and filed March 17, 2021  
Do not publish  
[OT06]



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Appellate Procedure 9.5's proof-of-service requirement for the petition. *See id.* R. 2, 9.5. Because of our disposition and to expedite it, we grant Story's motion and implement Rule 2 to suspend the rules in this proceeding only. *See id.* R. 2.