

NO. 12-12-00209-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN RE:

§

WELDON BOYCE BRIDGES,

§

ORIGINAL PROCEEDING

RELATOR

§

***MEMORANDUM OPINION
PER CURIAM***

Relator Weldon Bridges requests a writ of mandamus requiring the trial court to grant Relator's postconviction motion for DNA testing filed pursuant to Chapter 64 of the Texas Code of Criminal Procedure. We deny the petition.

Relator alleges that, on January 5, 2012, he filed a postconviction motion for forensic DNA testing of evidence containing biological material. *See* TEX. CODE CRIM. PROC. ANN. art. 64.01(a-1) (West Supp. 2011). He alleges further that he received a denial of his motion on June 1, 2012. He contends that the trial court abused its discretion in denying his motion because the court could have reasonably reached only one conclusion.

Mandamus relief is authorized in a criminal case only if the relator establishes that (1) he has no other adequate legal remedy to redress his alleged harm and that (2) what he seeks to compel is a ministerial act, not involving a discretionary or judicial decision. *State ex rel. Young v. Sixth Judicial Dist. Court of Appeals*, 236 S.W.3d 207, 210 (Tex. Crim. App. 2007) (orig. proceeding). An order denying a postconviction motion for forensic DNA testing is an appealable order. *Id.* art. 64.04 (West Supp. 2011); *see also Swearingen v. State*, 189 S.W.3d 779, 781 (Tex. Crim. App. 2006). Therefore, Relator has an adequate legal remedy to redress his alleged harm. *See State ex rel. Young*, 236 S.W.3d at 210. Because Relator has an adequate legal remedy by appeal, he cannot satisfy one of the prerequisites for mandamus. *See id.* Accordingly, Relator's petition for writ of mandamus is *denied*.

Opinion delivered June 20, 2012.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(DO NOT PUBLISH)



COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT

JUNE 20, 2012

NO. 12-12-00209-CR

WELDON BOYCE BRIDGES,
Relator
v.
HON. PAUL WHITE,
Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of mandamus filed by **WELDON BOYCE BRIDGES**, who is the relator in Cause No. CR-27979, pending on the docket of the 159th Judicial District Court of Angelina County, Texas. Said petition for writ of mandamus having been filed herein on June 11, 2012, and the same having been duly considered, because it is the opinion of this Court that a writ of mandamus should not issue, it is therefore **CONSIDERED, ADJUDGED and ORDERED** that the said petition for writ of mandamus be, and the same is, hereby **DENIED**.

By *per curiam* opinion.
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.