In The

Court of Appeals

Ninth District of Texas at Beaumont

NO. 09-14-00455-CR

IN RE THOMAS DARRELL CROSS

Original Proceeding

MEMORANDUM OPINION

In this original proceeding, Thomas Darrell Cross complains that the trial court has failed to rule on a motion for DNA testing. We requested a response from the State. After reviewing the petition for writ of mandamus, the State's response, and the appendices to the petition and the response, we conclude that the relator has not demonstrated that the trial court failed to consider and rule upon a properly filed motion that has awaited disposition for an unreasonable amount of time. *See Ex parte Bates*, 65 S.W.3d 133 (Tex. App.—Amarillo 2001, orig. proceeding). The petition for writ of mandamus is denied without prejudice.

PETITION DENIED.

PER CURIAM

Submitted on November 10, 2014
Opinion Delivered December 10, 2014
Do Not Publish

Before McKeithen, C.J., Kreger and Johnson, JJ.