

COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

§
IN RE: SAMUEL FERTIC, § No. 08-10-00066-CR
Relator. § AN ORIGINAL PROCEEDING
§ IN MANDAMUS

MEMORANDUM OPINION ON PETITION FOR WRIT OF MANDAMUS

Samuel Fertic, *pro se*, has filed a petition for writ of mandamus requesting this Court compel the Judge the 41st Judicial District Court of El Paso County, Texas to send “Clarification Order’s” [sic] to the Texas Department of Criminal Justice, stating that Relator did not cause the death of an individual in the commission of the offense for which he is now imprisoned.

In order to obtain relief through a writ of mandamus, a relator must establish: (1) no other adequate remedy at law is available and (2) that the act he seeks to compel is ministerial. *State ex rel. Young v. Sixth Judicial Dist. Court of Appeals At Texarkana*, 236 S.W.3d 207, 210 (Tex.Crim.App. 2007). An act is ministerial if it does not involve the exercise of any discretion. *State ex rel. Hill v. Court of Appeals for the Fifth District*, 34 S.W.3d 924, 927 (Tex.Crim.App. 2001). Based on the petition and record provided, Relator has not demonstrated he is entitled to mandamus relief. *See* TEX.R.APP.P. 52.8. We therefore deny the petition.

March 17, 2010

ANN CRAWFORD McCLURE, Justice

Before Chew, C.J., McClure, and Rivera, JJ.

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