

COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

§  
§  
IN RE: JOSE MANUEL BEJARANO, No. 08-10-00086-CR  
§  
AN ORIGINAL PROCEEDING  
Relator. §  
IN MANDAMUS  
§  
§

**MEMORANDUM OPINION ON PETITION FOR WRIT OF MANDAMUS**

Jose Manuel Bejarano, *pro se*, has filed a petition for writ of mandamus requesting this Court to direct the Judge the 112th Judicial District Court of Pecos County, Texas to conduct a “double jeopardy hearing,” and to dismiss the criminal case pending against Relator.

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. The mandamus relief requested is therefore DENIED.

June 23, 2010

\_\_\_\_\_  
ANN CRAWFORD McCLURE, Justice

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

(Do Not Publish)