



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

IN RE:	§	No. 08-16-00217-CR
WILLIAM BROWDER,	§	AN ORIGINAL PROCEEDING
Relator.	§	IN MANDAMUS
	§	

MEMORANDUM OPINION

Relator, William Browder, has filed a mandamus petition asking that we order the 109th District Court of Andrews County, Texas, to rule on a motion for judgment nunc pro tunc in cause number 2496. We deny mandamus relief.

To obtain mandamus relief, Relator must demonstrate that he does not have an adequate remedy at law and that the act he seeks to compel is ministerial. *State ex rel. Young v. Sixth Judicial District Court of Appeals*, 236 S.W.3d 207, 210 (Tex.Crim.App. 2007). To be entitled to a writ of mandamus compelling a trial court to consider and rule on a properly filed motion, Relator must establish that the trial court: (1) had a legal duty to rule on the motion; (2) was asked to rule on the motion; and (3) failed or refused to rule on the motion within a reasonable time. *In re Molina*, 94 S.W.3d 885, 886 (Tex.App.--San Antonio 2003, orig. proceeding); *see In re Layton*, 257 S.W.3d 794, 795 (Tex.App.--Amarillo 2008, orig. proceeding). Relator has attached what appears to be a carbon copy of his motion for judgment nunc pro tunc in which he asserts he is entitled to time credit for two periods of incarceration on pre-revocation warrants.

The motion is not file-stamped and Relator has not provided any evidence of the filing date. Further, there is no evidence that Relator asked Respondent to rule on the motion or that Respondent has failed or refused to rule on the motion. Finding that Relator has failed to establish his entitlement to mandamus relief, we deny the petition for writ of mandamus.

STEVEN L. HUGHES, Justice

August 31, 2016

Before McClure, C.J., Rodriguez, and Hughes, JJ.

(Do Not Publish)