



IN THE
TENTH COURT OF APPEALS

—————
No. 10-10-00361-CR

IN RE ROBERT JENKINS

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Original Proceeding

MEMORANDUM OPINION

Robert Jenkins asks this Court to issue a mandamus ordering the trial court to either rule on his motion nunc pro tunc or explain why the trial court will not respond to the motion. Jenkins's entire petition is a single page. There are numerous procedural problems with Jenkins's petition. First, Jenkins did not follow the rule regarding the form and content of a petition for writ of mandamus. *See* TEX. R. APP. P. 52.3. He very briefly explained what he had filed in the trial court and the relief he requested. Second, Jenkins did not certify that he reviewed the petition and concluded that every factual statement in the petition is supported by competent evidence included in the appendix or record. *Id.* at (j). Third, Jenkins failed to include an appendix or record of the motion and letter he sent to the trial court and upon which he asserts he is entitled to relief. *Id.* at (k); 52.7. Fourth, Jenkins failed to provide proof of service of his petition on the parties to the proceeding. TEX. R. APP. P. 9.5; 52.2. This list of deficiencies is not

exclusive. However, we use Rule 2 to look past these and the other deficiencies. TEX. R. APP. P. 2.

Given the length of time Jenkins's motion has been on file, 60 days, we cannot say that, even if Jenkins properly brought the motion nunc pro tunc and letter requesting a ruling to the trial court's attention, the trial court has had a reasonable amount of time to rule on the motion. *See In re Chavez*, 62 S.W.3d 225, 228 (Tex. App.—Amarillo 2001, orig. proceeding). Jenkins's petition is denied.

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Reyna, and
Justice Davis

Petition denied

Opinion delivered and filed October 20, 2010

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