

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-23-00798-CV

In re Jose Mendez

ORIGINAL PROCEEDING FROM COMAL COUNTY

MEMORANDUM OPINION

Relator, defendant in the underlying criminal matter, has filed a submission with this Court entitled “De Novo Review,” complaining of the trial court’s alleged substitution of appointed counsel for his retained counsel and asserting that the appointment violates his right to the counsel of his choice under the Sixth Amendment. We deny the submission, which we are reviewing as a petition for writ of mandamus.

It is Relator’s burden to request and properly establish entitlement to extraordinary relief, including by providing this Court with a sufficient record from which to evaluate his claims. *See Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992); *In re Smith*, No. 03-14-00478-CV, 2014 WL 4079922, at *2 (Tex. App.—Austin Aug. 13, 2014, orig. proceeding) (mem. op.) (denying mandamus relief when relator failed to provide sufficient record); *see also* Tex. R. App. P. 52.7(a) (requiring relator to file record containing sworn copies “of every document that is material to [his] claim for relief and that was filed in any underlying proceeding”).

Relator has not provided us with a record, hearing transcripts, a certified or file-stamped copy of the complained-of order or any related motion, or any material from which we may determine that he raised a proper objection to the substitution. On this record, we conclude that relator has failed to show entitlement to relief. Accordingly, his petition for writ of mandamus must be and is denied. *See* Tex. R. App. P. 52.8(a). The pending motion is dismissed as moot.

Thomas J. Baker, Justice

Before Justices Baker, Triana, and Smith

Filed: December 29, 2023