



NUMBERS 13-17-00145-CR & 13-17-00146-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN RE REGINALD ANDRE CALLIS

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

**Before Justices Contreras, Benavides, and Longoria
Memorandum Opinion by Justice Contreras¹**

Relator Reginald Andre Callis, proceeding pro se, filed a petition for writ of mandamus in the above causes on March 15, 2017, through which he contends that his judgments of conviction in trial court cause numbers 08-4-7851 and 08-3-7806 in the 24th District Court of Jackson County, Texas are void. Relator previously appealed his convictions in both of these matters. See *Callis v. State*, No. 13-08-00388-CR, 2008 Tex.

¹ See TEX. R. APP. P. 52.8(d) ("When denying relief, the court may hand down an opinion but is not required to do so."); TEX. R. APP. P. 47.4 (distinguishing opinions and memorandum opinions).

App. LEXIS 7948, at **1-2 (Tex. App.—Corpus Christi Oct. 16, 2008, no pet.) (mem. op. per curiam, not designated for publication) (dismissing appeal of conviction in trial court cause number 08-4-7851 for possession with intent to deliver cocaine where the trial court’s certification showed that appellant had waived the right to appeal and appellant’s counsel failed to show that the trial court’s certification was incorrect); *Callis v. State*, No. 13-08-00387-CR, 2008 Tex. App. LEXIS 7896, at **1-2 (Tex. App.—Corpus Christi Oct. 16, 2008, no pet.) (mem. op. per curiam, not designated for publication) (dismissing appeal of conviction in trial court cause number 08-3-7806 for possession with intent to deliver cocaine where the trial court’s certification showed that it was a plea bargain case with no right of appeal and appellant’s counsel failed to show that the certification was incorrect); see also *In re Callis*, Nos. 13-11-00121-CR & 13-11-00122-CR, 2011 WL 1877673, at *1 (Tex. App.—Corpus Christi Mar. 14, 2011, orig. proceeding) (mem. op. per curiam, not designated for publication).

To be entitled to mandamus relief, the relator must establish both that he has no adequate remedy at law to redress his alleged harm, and that what he seeks to compel is a purely ministerial act not involving a discretionary or judicial decision. *In re Harris*, 491 S.W.3d 332, 334 (Tex. Crim. App. 2016) (orig. proceeding); *In re McCann*, 422 S.W.3d 701, 704 (Tex. Crim. App. 2013) (orig. proceeding). If the relator fails to meet both of these requirements, then the petition for writ of mandamus should be denied. *State ex rel. Young v. Sixth Jud. Dist. Ct. of Apps. at Texarkana*, 236 S.W.3d 207, 210 (Tex. Crim. App. 2007). It is the relator’s burden to properly request and show entitlement to mandamus relief. *Barnes v. State*, 832 S.W.2d 424, 426 (Tex. App.—Houston [1st Dist.] 1992, orig. proceeding) (“Even a pro se applicant for a writ of mandamus must show

himself entitled to the extraordinary relief he seeks.”). In addition to other requirements, the relator must include a statement of facts supported by citations to “competent evidence included in the appendix or record,” and must also provide “a clear and concise argument for the contentions made, with appropriate citations to authorities and to the appendix or record.” See *generally* TEX. R. APP. P. 52.3. The relator must furnish an appendix or record sufficient to support the claim for mandamus relief. See *id.* R. 52.3(k) (specifying the required contents for the appendix); R. 52.7(a) (specifying the required contents for the record).

Examining the pleadings before us, relator’s petition for writ of mandamus constitutes a collateral attack on relator’s convictions and falls within the scope of a post-conviction writ of habeas corpus. Article 11.07 vests jurisdiction over post-conviction relief from otherwise final felony convictions in the Texas Court of Criminal Appeals. See TEX. CODE CRIM. PROC. ANN. art. 11.07 (West, Westlaw through 2015 R.S.); *Board of Pardons & Paroles ex rel. Keene v. Ct. of Apps. for Eighth Dist.*, 910 S.W.2d 481, 483 (Tex. Crim. App. 1995); *In re Watson*, 253 S.W.3d 319, 320 (Tex. App.—Amarillo 2008, orig. proceeding). The courts of appeals have no role in criminal law matters pertaining to proceedings under article 11.07 and have no authority to issue writs of mandamus in connection with such proceedings. See TEX. CODE CRIM. PROC. ANN. art. 11.07, §§ 3; 5; *Ater v. Eighth Ct. of Apps.*, 802 S.W.2d 241, 242 (Tex. Crim. App. 1991) (orig. proceeding); *In re Briscoe*, 230 S.W.3d 196 (Tex. App.—Houston [14th Dist.] 2006, orig. proceeding); *In re McAfee*, 53 S.W.3d 715, 718 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding). We do not have jurisdiction over relator’s requested relief. Accordingly,

we dismiss relator's petition for writ of mandamus in each of these causes for lack of jurisdiction.

DORI CONTRERAS
Justice

Do not publish.
See TEX. R. APP. P. 47.2(b).

Delivered and filed the
17th day of March, 2017.