



NUMBER 13-22-00255-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 Benavides, Hinojosa, and Silva
Memorandum Opinion by Justice Benavides¹

Relator Reginald Andre Callis has filed a pro se petition for writ of mandamus seeking to compel the trial court “to perform his duty and grant or issue the writ of habeas corpus as the law provides without delay.”² Alternatively, relator requests that we issue

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. When granting relief, the court must hand down an opinion as in any other case.”); *id.* R. 47.4 (distinguishing opinions and memorandum opinions).

² This original proceeding arises from trial court cause number 08-3-7806C in the 24th District Court of Jackson County, Texas. Relator has filed other appeals and original proceedings arising from the same or related trial court cause numbers. See, e.g., *Callis v. State*, No. 13-19-00408-CR, 2019 WL 4546530, at *1 (Tex. App.—Corpus Christi—Edinburg Sept. 19, 2019, no pet.) (mem. op., not designated for publication); *In re Callis*, Nos. 13-17-00145-CR & 13-17-00146-CR, 2017 WL 1089682, at *1 (Tex. App.—Corpus Christi—Edinburg Mar. 17, 2017, orig. proceeding) (mem. op., not designated for publication);

an order of contempt against the trial court. Relator alleges that the trial court had a mandatory, ministerial duty to grant relator's application for writ of habeas corpus.

In a criminal case, to be entitled to mandamus relief, the relator must establish both that the act sought to be compelled is a ministerial act not involving a discretionary or judicial decision and that there is no adequate remedy at law to redress the alleged harm. See *In re Meza*, 611 S.W.3d 383, 388 (Tex. Crim. App. 2020) (orig. proceeding); *In re Harris*, 491 S.W.3d 332, 334 (Tex. Crim. App. 2016) (orig. proceeding) (per curiam); *In re McCann*, 422 S.W.3d 701, 704 (Tex. Crim. App. 2013) (orig. proceeding). If the relator fails to meet both 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) (orig. proceeding).

It is the relator's burden to properly request and show entitlement to mandamus relief. See *State ex rel. Young*, 236 S.W.3d at 210; *In re Pena*, 619 S.W.3d 837, 839 (Tex. App.—Houston [14th Dist.] 2021, orig. proceeding); see also *Barnes v. State*, 832 S.W.2d 424, 426 (Tex. App.—Houston [1st Dist.] 1992, orig. proceeding) (per curiam) (“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 and 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

In re Callis, Nos. 13-11-00121-CR & 13-11-00122-CR, 2011 WL 1877673, at *1 (Tex. App.—Corpus Christi—Edinburg Mar. 14, 2011, orig. proceeding) (mem. op. per curiam, not designated for publication), *Callis v. State*, No. 13-08-00387-CR (Tex. App.—Corpus Christi—Edinburg Oct. 16, 2008, no pet.) (mem. op. per curiam, not designated for publication), available at <https://search.txcourts.gov/SearchMedia.aspx?MediaVersionID=8af760fc-9751-434b-bd6f-2d6cc14e69b6&coa=coa13&DT=Opinion&MedialD=374d3a5c-2ad8-4f22-9b97-04d48a8f0827>.

(governing the form and contents for a petition). Further, the relator must file an appendix and 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).

The Court, having examined and fully considered the petition for writ of mandamus and the applicable law, is of the opinion that relator has not met his burden to obtain relief. First, the petition for writ of mandamus fails to meet the requirements of the appellate rules. See *generally* TEX. R. APP. P. 52.7(a), 52.3. Second, relator has not shown that the trial court had a ministerial duty to grant his application for writ of habeas corpus. Accordingly, we deny the petition for writ of mandamus and all relief sought therein.

GINA M. BENAVIDES
Justice

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

Delivered and filed on the
3rd day of June, 2022.