

NO. 12-08-00164-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***IN RE: MICHAEL KENNEDY,
RELATOR***

§

§ ***ORIGINAL PROCEEDING***

§

MEMORANDUM OPINION

Michael Kennedy seeks a writ of mandamus compelling the trial court to conduct a pretrial hearing and dismiss his counsel. We deny the petition.

In a criminal case, mandamus is appropriate when (1) the relator has no adequate remedy at law and (2) the act sought to be compelled is ministerial rather than discretionary. *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App.1991). Kennedy has not alleged facts in his petition that show an abuse of discretion by the trial court. Accordingly, his petition for writ of mandamus is *denied*.

SAM GRIFFITH

Justice

Opinion delivered May 21, 2008.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(DO NOT PUBLISH)