

COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

IN RE: ERIC FLORES, §
§ No. 08-08-00353-CR
§ AN ORIGINAL PROCEEDING
Relator. § IN MANDAMUS
§
§
§

MEMORANDUM OPINION ON PETITION FOR WRIT OF MANDAMUS

Relator, Eric Flores, seeks a writ of mandamus to compel the Honorable Maria Salas-Mendoza, Judge of the 120th Judicial District Court, to acknowledge a prior court's order regarding his competency to stand trial.

In order to obtain relief through a writ of mandamus, a relator must establish: (1) no other adequate remedy at law is available; and (2) that the act he seeks to compel is ministerial. *State ex rel. Young v. Sixth Judicial Dist. Court of Appeals At Texarkana*, 236 S.W.3d 207, 210 (Tex.Crim.App. 2007). An act is ministerial if it does not involve the exercise of any discretion. *State ex rel. Hill v. Court of Appeals for the Fifth District*, 34 S.W.3d 924, 927 (Tex.Crim.App. 2001). Based on the petition and record provided, Mr. Flores has not demonstrated he is entitled to mandamus relief. *See* TEX.R.APP.P. 52.8. We therefore deny relator's request.

January 15, 2009

DAVID WELLINGTON CHEW, Chief Justice

Before Chew, C.J., McClure, and Rivera, JJ.

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