

COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

§
IN RE: SHANNON MARK DOUTHIT, § No. 08-10-00164-CR
Relator. § AN ORIGINAL PROCEEDING
§ IN MANDAMUS
§
§

MEMORANDUM OPINION ON PETITION FOR WRIT OF MANDAMUS

Shannon Mark Douthit has filed a *pro se* petition for writ of mandamus requesting this Court to order the Judge of the 394th Judicial District Court to grant his “Motion for Nunc Pro Tunc Order to Set Aside Unauthorized Judgment of Conviction,” and to hold a new punishment hearing.

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, Relator has not demonstrated he is entitled to mandamus relief. *See* TEX. R. APP. P. 52.8. We therefore deny Relator’s request.

GUADALUPE RIVERA, Justice

July 7, 2010

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

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