



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

IN RE: SERGIO PEREZ,
Relator.

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No. 08-15-00188-CR
AN ORIGINAL PROCEEDING
IN MANDAMUS

MEMORANDUM OPINION

Relator, Sergio Perez, has filed a petition for writ of mandamus against the Honorable Alejandro Gonzalez, Judge of the County Court at Law No. 4 of El Paso County, Texas, challenging an order denying Relator's pretrial application for writ of habeas corpus. Relator has also filed an emergency motion requesting a stay of the trial set for June 23, 2015. We deny the relief sought in the emergency motion and the mandamus petition.

To establish a right to mandamus relief in a criminal case, the relator must show that he has no adequate remedy at law and that what he seeks to compel is a ministerial act. *In re State ex rel. Weeks*, 391 S.W.3d 117, 122 (Tex.Crim.App. 2013)(orig. proceeding). With regard to the first requirement, a remedy at law may be deemed inadequate even though it technically exists if the remedy is uncertain, tedious, burdensome, slow, inconvenient, inappropriate, or ineffective. *Id.* The ministerial act requirement is satisfied if the relator can show a clear right to the relief sought. *Id.* A clear right to relief is shown when the facts and circumstances dictate but one rational decision "under unequivocal, well-settled (i.e., from extant statutory, constitutional, or

case law sources), and clearly controlling legal principles.” *Id.*, quoting *Bowen v. Carnes*, 343 S.W.3d 805, 810 (Tex.Crim.App. 2011). Based on the record before us, we conclude that Relator has failed to establish he is entitled to mandamus relief. Accordingly, we deny Relator’s emergency motion for stay of the trial and the petition for writ of mandamus.

July 1, 2015

ANN CRAWFORD McCLURE, Chief Justice

Before McClure, C.J., Rodriguez, and Hughes, JJ.

(Do Not Publish)