



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

IN RE	§	No. 08-15-00320-CR
JORGE GONZALEZ,	§	ORIGINAL PROCEEDING
RELATOR.	§	ON PETITION FOR WRIT OF
	§	MANDAMUS

MEMORANDUM OPINION

Relator, Jorge Gonzalez, has filed a petition for writ of mandamus against the Honorable Annabell Perez, Judge of the 41st District Court of El Paso County, Texas. He challenges an order which rescinded a prior order disqualifying Assistant District Attorney Lori Swopes Hughes from prosecuting a criminal case against him¹ and which denied Relator's motion to disqualify the entire 34th District Attorney's Office from the case. We deny the petition for writ of mandamus.

Mandamus relief is appropriate only when a relator establishes (1) that he has no adequate remedy at law to redress his alleged harm, and (2) that what he seeks to compel is a ministerial act, not a discretionary or judicial decision. *In re Allen*, 462 S.W.3d 47, 49 (Tex.Crim.App. 2015). The ministerial-act component is satisfied when the relator shows that he has a clear right to the relief sought. *Id.* This showing is made when the facts and circumstances dictate but one rational decision under unequivocal, well-settled, and clearly controlling legal

¹ The criminal case is styled *The State of Texas v. Jorge Gonzalez* (cause number 20110D03080) and it is currently pending in the 41st District Court of El Paso County.

principles. *In re Allen*, 462 S.W.3d at 49. A ministerial act, by its nature, does not involve the use of judicial discretion. *Id.* Relator has failed to establish that he is entitled to mandamus relief. Accordingly, we deny the petition for writ of mandamus.

December 16, 2015

YVONNE T. RODRIGUEZ, Justice

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

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