



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

IN RE:	§	No. 08-17-00171-CR
JAMES RANDALL DOWNS,	§	ORIGINAL PROCEEDING ON
RELATOR.	§	PETITION FOR WRIT OF
	§	MANDAMUS

MEMORANDUM OPINION

Relator, James Randall Downs, a Texas inmate, has filed a petition for writ of mandamus against the 143rd District Court of Ward County, Texas, alleging that the court has not ruled on a motion to recuse, a motion to dismiss indictment, a motion for new trial, a motion for a bench warrant, and an application for writ of habeas corpus filed pursuant to Article 11.07. The petition alleges that these documents were filed on June 15, 2017.

To obtain mandamus relief, Relator must demonstrate that he does not have an adequate remedy at law and that the act he seeks to compel is ministerial. *State ex rel. Young v. Sixth Judicial District Court of Appeals*, 236 S.W.3d 207, 210 (Tex.Crim.App. 2007). To be entitled to a writ of mandamus compelling a trial court to consider and rule on a properly filed motion, Relator must establish that the trial court: (1) had a legal duty to rule on the motion; (2) was asked to rule on the motion; and (3) failed or refused to rule on the motion within a reasonable time. *In re Molina*, 94 S.W.3d 885, 886 (Tex.App.--San Antonio 2003, orig. proceeding); *see In re Layton*,

257 S.W.3d 794, 795 (Tex.App.--Amarillo 2008, orig. proceeding). Relator has not presented sufficient evidence to establish he is entitled to mandamus relief. Accordingly, the petition for writ of mandamus is denied.

August 9, 2017

YVONNE T. RODRIGUEZ, Justice

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

(Do Not Publish)