



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

§
§ No. 08-19-00150-CR
IN RE: DANIEL MICHAEL ATHENS, § AN ORIGINAL PROCEEDING
Relator. § IN MANDAMUS
§

MEMORANDUM OPINION

Relator, Daniel Michael Athens, filed a petition for writ of mandamus against the Honorable Angie Juarez Barill, Judge of the 346th District Court of El Paso County, Texas. Relator asks that the Court order Respondent to withdraw or vacate her order requiring him to provide to the attorney for the State a copy of documents obtained from Walmart pursuant to a subpoena duces tecum. Relator also filed an emergency motion asking that the Court stay all proceedings in cause number 20150D01963, styled *The State of Texas v. Daniel Michael Athens*. On June 7, 2019, the Court issued an order denying the motion to stay. The petition for writ of mandamus is denied.

To be entitled to mandamus relief, a relator must meet two requirements. The relator must establish (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). After reviewing the mandamus petition and the

attachments, we conclude that Relator has failed to establish he is entitled to mandamus relief.
The petition for writ of mandamus is denied.

July 30, 2019

ANN CRAWFORD McCLURE, Chief Justice

Before McClure, C.J., Rodriguez, and Palafox, JJ.
Rodriguez, J., not participating

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