

Opinion filed August 4, 2022



In The

# Eleventh Court of Appeals

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No. 11-22-00103-CR

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IN RE LUIS ORTIZ

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Original Mandamus Proceeding

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## MEMORANDUM OPINION

This proceeding involves a request by Luis Ortiz, Relator, for a nunc pro tunc judgment reforming Relator's presentence jail-time credit. After Relator filed a motion for a nunc pro tunc judgment in the convicting court, the 32nd District Court of Nolan County, Texas, in trial court cause no. 8752, Relator filed a petition for writ of mandamus in this court. He first requested that we require the trial court to rule on Relator's motion. The trial court has now done so; it denied Relator's motion. Relator next requested that we issue mandamus to require the trial court to grant Appellant's motion for nunc pro tunc judgment and reform the amount of jail-time credit to show 568 days. We decline to do so.

To be entitled to mandamus relief, a relator must show (1) that he has no adequate remedy at law for obtaining the relief he seeks and (2) that he has a clear right to the relief he seeks. *In re Powell*, 516 S.W.3d 488, 494–95 (Tex. Crim. App. 2017); *see also In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding); *Walker v. Packer*, 827 S.W.2d 833, 839 (Tex. 1992) (orig. proceeding). Relator has not shown that he has a clear right to have the trial court grant Relator’s motion for nunc pro tunc judgment. As pointed out by the trial court, Relator did not provide enough information to show that the time credited to Relator on the June 3, 1998 judgment of conviction for aggravated assault was inaccurate.

Having previously conditionally granted in part Relator’s petition for writ of mandamus and directed the trial court to rule on Relator’s motion, we now deny Relator’s petition for writ of mandamus in all other respects.

PER CURIAM

August 4, 2022

Do not publish. *See* TEX. R. APP. P. 47.2(b).

Panel consists of: Bailey, C.J.,  
Trotter, J., and Williams, J.