

Petition for Writ of Mandamus is DENIED; Opinion Filed March 19, 2013.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

**No. 05-13-00192-CV
No. 05-13-00193-CV**

IN RE JOHN CLOUD, Relator

**On Appeal from the 195th Judicial District Court
Dallas County, Texas
Trial Court Cause Nos. F93-61603 and F93-61604**

MEMORANDUM OPINION

Before Justices Moseley, Francis, and Fillmore
Opinion by Justice Moseley

The Court has before it an “appellant’s brief” and a “petition for judicial notice.” Because no notice of appeal was filed in this Court or in the trial court, there is no appeal pending for which this brief may be filed. Under the circumstances, we will treat the brief as a petition for writ of mandamus. However, relator had an adequate remedy at law—via the appeal he did not file. *See* TEX. CODE CRIM. PROC. ANN. art. 64.05 (West 2006). Therefore, based on the record before us, we conclude relator has not shown he is entitled to the relief requested. *See* TEX. R. APP. P. 52.8(a); *Simon v. Levario*, 306 S.W.3d 318, 320-21 (Tex. Crim. App. 2009) (orig. proceeding). We therefore **DENY** relator’s petition for writ of mandamus and petition for judicial notice.

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/Jim Moseley/

**JIM MOSELEY
JUSTICE**