

DENIED and Opinion Filed March 15, 2016.



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

No. 05-16-00278-CV

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IN RE DONALD GENE BLANTON, Relator

**Original Proceeding from the 86th Judicial District Court
Kaufman County, Texas
Trial Court Cause Nos. 23078-86, 23592-86**

MEMORANDUM OPINION

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

In this petition for writ of mandamus, relator requests that we order the trial court to rule on his “Motion for State Production of Evidence Relied Upon for Defendant Conviction In Question to Defendant Actually Innocence.” As we noted in our opinion concerning relator’s “Motion for State Production Indictment to the State’s Sworn Affidavit Evidence Relied on To Defendant's Conviction Defendant Actually Innocent,” the trial court’s general jurisdiction has expired and no proceeding is pending that would give it special jurisdiction. *See In re Blanton*, No. 05-15-01412-CV, 2015 WL 9257033, at *1 (Tex. App.—Dallas Dec. 11, 2015, orig. proceeding).

Mandamus relief is appropriate in a criminal case 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) (orig. proceeding). Because the trial court does not have jurisdiction to rule on relator's motions, it logically follows that it does not have a ministerial duty to do so. *In re Smith*, 366 S.W.3d 268, 270–71 (Tex. App.—Tyler 2012, orig. proceeding).

We deny the petition for writ of mandamus.

/Craig Stoddart/

CRAIG STODDART
JUSTICE

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