

Denied and Opinion Filed October 3, 2016



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

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No. 05-16-01119-CV

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**IN RE: BOBBY DUNCAN, Relator**

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**Original Proceeding from the 296th Judicial District Court**  
**Collin County, Texas**  
**Trial Court Cause No. 296-53157-2014**

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**MEMORANDUM OPINION**

Before Justices Bridges, Myers, and Whitehill  
Opinion by Justice Whitehill

Before the Court is relator's September 20, 2016 petition for writ of mandamus. To be entitled to mandamus relief, a relator must show both that the trial court has clearly abused its discretion and that relator has no adequate appellate remedy. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). 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); *Walker v. Packer*, 827 S.W.2d 833, 839-40 (Tex. 1992) (orig. proceeding).

To the extent relator complains that the trial court was without authority or jurisdiction to modify the terms of a Rule 11 agreement, relator has an adequate remedy by appeal to seek review of such orders. To the extent relator asks the Court to answer legal questions in order to guide the trial court in making future rulings, he seeks an advisory opinion that we are not authorized to issue. TEX. CONST. art. V, § 6; *City of Garland v. Louton*, 691 S.W.2d 603, 605

(Tex. 1985) (“A court has no jurisdiction to render an opinion on a controversy that is not yet ripe.”); *In re Kuster*, 363 S.W.3d 287, 290–91 (Tex. App.—Amarillo 2012, no pet.) (appellate courts are “prohibited from issuing advisory opinions by way of writ of mandamus or otherwise.”).

Accordingly, we **DENY** relator’s September 20, 2016 petition for writ of mandamus.

/Bill Whitehill/  
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BILL WHITEHILL  
JUSTICE

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