

Denied and Opinion Filed December 5, 2016



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-16-01383-CV

IN RE ANTONIO H. PADILLA, Relator

Original Proceeding from the 265th Judicial District Court
Dallas County, Texas
Trial Court Cause No. F-004-7293-R

MEMORANDUM OPINION

Before Justices Lang, Evans, and Brown
Opinion by Justice Evans

Before the Court is relator's November 15, 2016 petition for writ of mandamus. In October 2000, relator plead guilty to aggravated sexual assault and is serving a thirty-year sentence. In his petition for writ of mandamus, relator contends the trial court has failed to rule on certain unspecified, post-conviction motions and an article "11.07 habeas corpus appeal."

To establish a right to mandamus relief in a criminal case, the relator must show that the trial court violated a ministerial duty and there is no adequate remedy at law. *In re State ex rel. Weeks*, 391 S.W.3d 117, 122 (Tex. Crim. App. 2013) (orig. proceeding). Further, as the party seeking relief, the relator has the burden of providing the Court with a sufficient mandamus record to establish his right to mandamus relief. *Lizcano v. Chatham*, 416 S.W.3d 862, 863 (Tex. Crim. App. 2011) (orig. proceeding) (Alcala, J. concurring); *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992) (orig. proceeding). Relator has not met this burden here. The mandamus record does not include a certified or sworn copy of the trial court's docket sheet or other proof

to establish what motions relator filed or that the trial court has failed to rule on relator's motions. TEX. R. APP. P. 52.3(k)(1)(a); 52.7(a). Absent such a record, we cannot conduct a meaningful review of relator's claims. *Lizcano*, 416 S.W.3d at 863 (Alcala, J. concurring). Accordingly, we deny the petition for writ of mandamus.

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/s/David Evans/

DAVID EVANS
JUSTICE