

Opinion issued September 1, 2020.



In The
Court of Appeals
For The
First District of Texas

NO. 01-20-00270-CR

IN RE ROBERT JAMES CAMPBELL, Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

Robert James Campbell has filed a petition for writ of mandamus, alleging that the trial court failed to rule on his motions for nunc pro tunc judgment.¹

Campbell bears the burden of showing his entitlement to mandamus relief. *See Barnes v. State*, 832 S.W.2d 424, 426 (Tex. App.—Houston [1st Dist.] 1992,

¹ The underlying case is *The State of Texas v. Robert James Campbell*, cause number 05861900101F - 3, in the 232nd District Court of Harris County, Texas, the Honorable Josh Hill presiding.

orig. proceeding). To be entitled to relief in a criminal case, a relator must show that he has no adequate remedy at law and that the act he seeks to compel is ministerial. *See In re Mendoza*, 467 S.W.3d 76, 78 (Tex. App.—Houston [1st Dist.] 2015, orig. proceeding). To establish his entitlement to mandamus relief for the trial court’s alleged failure to rule, Campbell must establish a legal duty to perform a nondiscretionary act, that he demanded performance, and that the trial court refused the request. *See id.*

Campbell has not provided a record sufficient to show his entitlement to relief. The attachment to his petition appears to be a copy of a request for a nunc pro tunc, but it contains no file stamp establishing that it was filed in the trial court. Absent proof of a properly-filed motion, a demand for performance, and a refusal by the trial court, Campbell has not established his entitlement to relief for the failure to rule. *See id.*; TEX. R. APP. P. 52.3(k); 52.7(a).

We deny the petition. *See* TEX. R. APP. P. 52.8(a). Any pending motions are dismissed as moot.

PER CURIAM

Panel consists of Justices Kelly, Goodman, and Countiss.

Do not publish.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