

Opinion issued April 21, 2022



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-21-00461-CR

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**IN RE ROBERT JAMES CAMPBELL, Relator**

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**Original Proceeding on Petition for Writ of Mandamus**

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**MEMORANDUM OPINION**

Relator, Robert James Campbell, has filed a pro se petition for writ of mandamus, complaining of the trial court's failure to rule on several motions seeking nunc pro tunc judgment which relator claims to have filed in 2019.<sup>1</sup> This is the second petition for writ of mandamus filed by relator challenging the trial court's

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<sup>1</sup> The underlying case is *The State of Texas v. Robert James Campbell*, cause number 586190, pending in the 232nd District Court of Harris County, Texas, the Honorable Josh Hill presiding.

alleged failure to rule on motions for nunc pro tunc judgment. This Court denied the first petition in appellate case number 01-20-00270-CR on the ground that relator had not included any documents and thus, failed to provide a sufficient record. *See In re Campbell*, No. 01-20-00270-CR, 2020 WL 6589333 (Tex. App.—Houston [1st Dist.] Sept. 1, 2020, orig. proceeding) (mem. op.).

To be entitled to mandamus relief, a relator must show that the act he seeks to compel is a ministerial one and that he has no adequate remedy at law for obtaining the relief he seeks. *See In re Powell*, 516 S.W.3d 488, 494 (Tex. Crim. App. 2017). If a party properly files a motion with the trial court in a criminal case, the court has a ministerial duty to rule on that motion within a reasonable time after the motion has been submitted to the court or after the party requested a ruling. *See In re Flanigan*, 578 S.W.3d 634, 635–36 (Tex. App.—Houston [14th Dist.] 2019, orig. proceeding). To establish that he is entitled to mandamus relief for the trial court’s failure to rule on a motion, the relator must present a record showing that “(1) the motion was filed and brought to the attention of the respondent judge for a ruling, and (2) the respondent judge has not ruled on the motion within a reasonable time after the motion was submitted to the trial court for a ruling or after the party requested a ruling.” *In re Gomez*, 602 S.W.3d 71, 73 (Tex. App.—Houston [14th Dist.] 2020, orig. proceeding).

Relator has attached a certified mail receipt, but he has not included any of the motions he claims to have filed with the trial court. Moreover, relator has not established that he brought the motions to the trial judge's attention. Accordingly, relator has not established his entitlement to mandamus relief. *See id.*

We deny the petition. Any pending motions are dismissed as moot.

**PER CURIAM**

Panel consists of Justices Kelly, Goodman, and Guerra.

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