

Petition for Writ of Mandamus Denied and Memorandum Opinion filed October 18, 2012.



In The

Fourteenth Court of Appeals

NO. 14-12-00942-CR

NO. 14-12-00943-CR

NO. 14-12-00944-CR

IN RE ROBERT RANDALL LONG, Relator

ORIGINAL PROCEEDING

WRIT OF MANDAMUS

177th District Court

Harris County, Texas

Trial Court Cause Nos. 1216882, 1235282, & 1273161

MEMORANDUM OPINION

On October 11, 2012, relator Robert Randall Long filed a document titled “petition for writ of habeas corpus” in this court. Because he is seeking rulings on documents filed in the trial court, we will treat his filing as a petition for writ of

mandamus. *See Ex parte Florence*, 319 S.W.3d 695, 696 (Tex. Crim. App. 2010) (if the trial court denies a motion or fails to respond, relief may be sought by filing an application for writ of mandamus in a court of appeals.). In the petition, relator asks this court to compel the Honorable Ryan Patrick, presiding judge of the 177th District Court of Harris County to rule on motions and petitions filed by relator.

Consideration of a motion that is properly filed and before the court is a ministerial act. *State ex rel. Curry v. Gray*, 726 S.W.2d 125, 128 (Tex. Crim. App.1987) (orig. proceeding). A relator must establish the trial court (1) had a legal duty to rule on the motion; (2) was asked to rule on the motion; and (3) failed to do so. *In re Keeter*, 134 S.W.3d 250, 252 (Tex. App.—Waco 2003, orig. proceeding). A relator must show that the trial court received, was aware of, and asked to rule on the motion. *In re Villarreal*, 96 S.W.3d 708, 710 (Tex. App.—Amarillo 2003, orig. proceeding). Relator did not attach any documents to his petition demonstrating that he has pending motions and petitions in the trial court.

Relator has not established entitlement to the extraordinary relief of a writ of mandamus. Accordingly, we deny relator's petition for writ of mandamus.

PER CURIAM

Panel consists of Justices Seymore, Boyce, and McCally.

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