



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-17-00651-CR

IN RE ANDREW ARROYO

Original Mandamus Proceeding¹

Opinion by: Sandee Bryan Marion, Chief Justice

Sitting: Sandee Bryan Marion, Chief Justice
Karen Angelini, Justice
Patricia O. Alvarez, Justice

Delivered and Filed: October 25, 2017

PETITION FOR WRIT OF MANDAMUS DENIED
MOTION FOR LEAVE DENIED AS MOOT

Relator Andrew Arroyo filed a pro se petition for writ of mandamus complaining the trial court improperly denied his motion for judgment nunc pro tunc. Relator asserts the trial court erred because he is entitled to credit for time served on his sentence. A defendant is entitled to mandamus relief upon denial of a motion for judgment nunc pro tunc when he can show he is “indisputably” entitled to the requested jail-time credit. *See In re Brown*, 343 S.W.3d 803, 804 (Tex. Crim. App. 2011).

Relator has not provided this court with a copy of his motion for judgment nunc pro tunc, the judgment of conviction, or any record supporting his claim for relief. Based on the insufficient record before us, we cannot determine whether it is “absolutely indisputable” that relator is entitled

¹ This proceeding arises out of Cause No. 528679, styled *The State of Texas v. Andrew Arroyo*, pending in the County Court at Law No. 6, Bexar County, Texas, the Honorable Wayne A. Christian presiding.

to the jail-time credit he seeks. Therefore, relator has not established he is entitled to mandamus relief. Accordingly, we deny the petition for writ of mandamus.

Relator also filed a pro se motion for leave to file the petition for writ of mandamus. Relator is not required to seek leave of court to file a petition for writ of mandamus; therefore, the motion for leave is denied as moot.

Sandee Bryan Marion, Chief Justice

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