



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-20-00353-CR

IN RE James STRIBLIN

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice
Rebeca C. Martinez, Justice
Beth Watkins, Justice

Delivered and Filed: July 29, 2020

PETITION FOR WRIT OF MANDAMUS DENIED

On July 15, 2020, relator filed a pro se petition for writ of mandamus in which he asserts the trial court has failed to rule on two motions in his underlying 2016 criminal case. For the reasons stated below, we deny the petition.

A trial court clearly abuses its discretion when it fails to rule within a reasonable time on a properly-presented motion. *See Safety-Kleen Corp. v. Garcia*, 945 S.W.2d 268, 269 (Tex. App.—San Antonio 1997, orig. proceeding). However, a relator has the burden of providing this court with a record sufficient to establish his right to mandamus relief. *See* TEX. R. APP. P. 52.7(a)(1) (requiring relator to file “a certified or sworn copy of every document that is material to the relator’s claim for relief and that was filed in any underlying proceeding”). In a case such as this

¹ This proceeding arises out of Cause No. 2016-CR-8935, styled *The State of Texas v. James Striblin*, pending in the 186th Judicial District Court, Bexar County, Texas, the Honorable Jefferson Moore presiding.

one, a relator has the burden to provide the court of appeals with a record showing the motion at issue was properly filed, the trial court was made aware of the motion, and the motion has not been ruled on by the trial court for an unreasonable period of time. *See In re Mendoza*, 131 S.W.3d 167, 167-68 (Tex. App.—San Antonio 2004, orig. proceeding).

Here, relator provided this court with copies of his motions, one file-stamped April 16, 2020 and the other on or about May 8, 2020. However, relator has not provided proof indicating the trial court is aware of the motions or a record establishing his motions have awaited disposition for an unreasonable time. Because relator did not provide this court with a sufficient record, relator has not shown himself entitled to mandamus relief. Accordingly, the petition for writ of mandamus is denied.

PER CURIAM

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