

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-11-00139-CV**

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**IN RE LESLIE SHILLINGS**

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**Original Proceeding**

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**MEMORANDUM OPINION**

Leslie Shillings<sup>1</sup> filed a petition for writ of mandamus, in which he complains that the trial court abused its discretion by refusing to amend its certification in Shillings’s criminal case to reflect that Shillings has the right of appeal. Specifically, Shillings contends that he raised a speedy trial issue in a written motion that was ruled upon prior to trial, and that he may therefore appeal that issue.

A defendant in a non-capital case may waive any rights secured to him by law. Tex. Code Crim. Proc. Ann. art. 1.14 (West 2005). The record in Shillings’s underlying criminal case, cause number 09-11-00066-CR, reflects that Shillings acknowledged having waived his right to appeal by signing written plea admonishments and by signing

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<sup>1</sup>In the related criminal proceeding, cause number 09-11-00066-CR, Shillings’s first name is spelled “Lesley.”

the trial court's certification. The written plea admonishments contain a section entitled "Defendant's Post Conviction Waivers" and in it, Shillings waived his right to file a notice of appeal. Additionally, the trial court's certification states that Shillings's case is a plea-bargain case and the defendant has "NO" right of appeal, and then states, in bold print, "**The defendant has waived the right of appeal.**" Shillings signed the certification acknowledging his receipt of it. Moreover, during the sentencing hearing, the trial court informed Shillings that he had waived his right of appeal and that he had no right of appeal. Shillings failed to indicate that he understood otherwise. We conclude the trial court has not abused its discretion by determining on this record that Shillings waived his right to appeal any complaints about not receiving a speedy trial. Therefore, Shillings has not demonstrated that he is clearly entitled to mandamus relief from this Court. *See State ex rel. Hill v. Court of Appeals for the Fifth Dist.*, 34 S.W.3d 924, 927 (Tex. Crim. App. 2001) (To demonstrate entitlement to a writ of mandamus, a relator must establish that the trial court failed to perform a ministerial duty, and that the relator has no other adequate legal remedy.).

Accordingly, we deny relief on the petition for writ of mandamus.

PETITION DENIED.

PER CURIAM

Submitted on April 1, 2011  
Opinion Delivered April 14, 2011  
Before Gaultney, Kreger, and Horton, JJ.