

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-11-00163-CV

IN RE CHARLES JOSEPH CHURAN

Original Proceeding

MEMORANDUM OPINION

Charles Joseph Churan filed a petition for writ of mandamus. He complains that the trial court failed to conduct a new punishment hearing in accordance with this Court's opinion. *See Churan v. State*, Nos. 09-10-00071-CR, 09-10-00072-CR, 2010 WL 3724749, at *3 (Tex. App.—Beaumont Sept. 22, 2010, no pet.) (not designated for publication) (finding that counsel was ineffective for failing to object to cumulation of Churan's sentences and ordering the trial court to conduct a new punishment hearing). Churan asserts that the trial court instead signed a reformed judgment that deleted the cumulation order.

Churan has not demonstrated 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 in a criminal case, a relator must establish that the trial court failed to perform a purely 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

Opinion Delivered April 7, 2011

Before McKeithen, C.J., Gaultney and Horton, JJ.