

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-16-00023-CR

IN RE RICHARD BENJAMIN STANG

Original Proceeding
411th District Court of Polk County, Texas
Trial Cause No. 23726

MEMORANDUM OPINION

Richard Benjamin Stang filed a petition for writ of mandamus seeking a judgment nunc pro tunc for pre-sentence jail time credit. To be entitled to mandamus relief, the relator must demonstrate that he is indisputably entitled to relief. *In re Brown*, 343 S.W.3d 803, 805 (Tex. Crim. App. 2011) (orig. proceeding). To be entitled to jail time credit for the time a person is incarcerated before conviction, he must have been incarcerated for the case in which he is ultimately tried and convicted. *Collins v. State*, 318 S.W.3d 471, 473 (Tex. App.—Amarillo 2010, pet. ref'd). The records that Stang included in his mandamus record

do not show that the trial court failed to award jail time credit for time that Stang spent in jail for the case. *See generally* Tex. Code Crim. Proc. Ann. art. 42.03, § 2(a) (West Supp. 2015). Accordingly, we deny the petition for a writ of mandamus.

PETITION DENIED.

PER CURIAM

Submitted on February 9, 2016
Opinion Delivered February 10, 2016
Do Not Publish

Before Kreger, Horton, and Johnson, JJ.