

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-19-00156-CR

IN RE MICHAEL CORBELLO

Original Proceeding
128th District Court of Orange County, Texas
Trial Cause No. A130634-R

MEMORANDUM OPINION

In this mandamus proceeding, Michael Corbello asks this Court to require the trial court to allow Corbello to withdraw his guilty plea long after the expiration of the trial court's plenary power over the case.¹ To obtain mandamus relief in a criminal case, the relator must show that he has a clear and indisputable right to the relief sought. *State ex rel. Rosenthal v. Poe*, 98 S.W.3d 194, 198 (Tex. Crim. App.

¹ In 2018, we dismissed Corbello's untimely appeal of his 2014 conviction in Trial Court Case Number A130634-R. *See generally Corbello v. State*, No. 09-18-00404-CR, 2018 WL 6186125, at *1 (Tex. App.—Beaumont Nov. 28, 2018, no pet.) (mem. op., not designated for publication).

2003). Corbello's mandamus petition fails to establish that he has a clear and indisputable right to relief. *See In re Cash*, No. 06-04-00045-CV, 2004 WL 769473, at *1 (Tex. App.—Texarkana Apr. 13, 2004, orig. proceeding) (mem. op.) (A trial court has no jurisdiction to rule on a motion when it has no plenary jurisdiction coming from an associated case). We deny the petition for a writ of mandamus. *See* Tex. R. App. P. 52.8(a).

PETITION DENIED.

PER CURIAM

Submitted on May 28, 2019
Opinion Delivered May 29, 2019
Do Not Publish

Before Kreger, Horton and Johnson, JJ.