

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-20-00256-CR

IN RE CHARLES MATULA

Original Proceeding
9th District Court of Montgomery County, Texas

MEMORANDUM OPINION

Through a petition for a writ of mandamus and a motion for temporary relief, Charles Matula seeks to stay execution on a search warrant issued by the judge of the 9th District Court of Montgomery County, Texas, on October 2, 2020, and to compel the trial judge to (1) withdraw his order of November 6, 2020, which denied Matula's motion to quash a search warrant for all stored files in a certain Yahoo account, and (2) quash the search warrant.

To be entitled to mandamus relief, a relator must show that he has no adequate remedy at law available and that he seeks to compel a ministerial act. *State ex rel.*

Healey v. McMeans, 884 S.W.2d 772, 774 (Tex. Crim. App. 1994) (orig. proceeding). An act is ministerial when the law clearly spells out the duty to be performed with such certainty that nothing is left to the exercise of discretion or judgment. *Id.* A person must establish that he has standing to complain of a search warrant or its execution. *McInnis v. State*, 657 S.W.2d 113, 114 (Tex. Crim. App. 1983).

Relator has not shown that he has a clear and indisputable right to the relief sought. *State ex rel. Rosenthal v. Poe*, 98 S.W.3d 194, 199 (Tex. Crim. App. 2003). Accordingly, we deny the petition for writ of mandamus and motion for temporary relief. *See* Tex. R. App. P. 52.8(a).

PETITION DENIED.

PER CURIAM

Submitted on November 24, 2020
Opinion Delivered November 25, 2020
Do Not Publish

Before McKeithen, C.J., Kreger and Johnson, JJ.