



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

Nos. 07-17-00319-CV
07-17-00321-CV

IN RE STEVEN EDWARD VILLNAVE, RELATOR

OPINION ON ORIGINAL PROCEEDING FOR WRIT OF MANDAMUS

September 12, 2017

MEMORANDUM OPINION

Before QUINN, C.J., and CAMPBELL and PARKER, JJ.

Pending before the court are two petitions for writs of mandamus filed by Steven Edward Villnave (relator). He asks that we “order the 316th Judicial District Court to grant his filed motion[s] for new trial.” We deny them for several reasons.

First, Relator did not include the aforesaid motions for new trial in his petition or an appendix. Per the controlling rules of procedure, a certified or sworn copy of any document showing the matter complained of must be included in an appendix. TEX. R. APP. P. 52.3(k)(1)(A); *In re Chavez*, 62 S.W.3d 225, 227 (Tex. App.—Amarillo 2001, orig. proceeding). In this case, the document showing the matter complained of would

be the motions for new trial allegedly filed with the trial court. None, however, were provided to us via an appendix or otherwise.

Second, an appellate court cannot use its authority to issue writs of mandamus as a way to compel a trial court to rule in a particular manner. *In re Toombs*, No. 07-17-00154-CV, 2017 Tex. App. LEXIS 6535, at *2 (Tex. App.—Amarillo July 14, 2017, orig. proceeding) (per curiam). Thus, we cannot grant the relief sought by relator and order the trial court to grant him a new trial.

Accordingly, the petitions for writs of mandamus are denied.

Per Curiam