



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

No. 07-21-00291-CR
No. 07-21-00292-CR

IN RE ERIC YARBROUGH, RELATOR

ORIGINAL PROCEEDING

February 25, 2022

MEMORANDUM OPINION

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

Relator, Eric Yarbrough, has filed a petition for writ of mandamus with this Court.¹ By his petition, Yarbrough asks this Court to direct respondent, the Honorable Titiana D. Frausto, to rule on Yarbrough's "motion[s] of nunc pro tunc of judgement." We deny the petition.

Texas Rule of Appellate Procedure 52.3 identifies the requirements for a petition for writ of mandamus filed in this Court. Yarbrough's petition fails to comply with these

¹ Yarbrough's petition identifies that it is brought in relation to two criminal district court cases, cause numbers 21508B and 21509B.

requirements. While the petition fails to comply with nearly every requirement of the rule, we specifically note that the petition fails to contain a “clear and concise argument for the contentions made” with citations to law and the appendix or record,² see TEX. R. APP. P. 52.3(h), and does not include an appendix to the petition that contains “a certified or sworn copy of any order complained of, or any other document showing the matter complained of,”³ see TEX. R. APP. P. 52.3(k)(1)(A) (“Necessary Contents”).

Because his petition fails to comply with the requirements of the rule, we deny Yarbrough’s petition for writ of mandamus.

Judy C. Parker
Justice

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² Yarbrough’s petition contains no citations to the record and cites a single case for the general proposition that a trial court is required to consider and rule on a motion within a reasonable amount of time.

³ Yarbrough’s petition did not include an appendix containing any documents. It would appear that, at a minimum, Yarbrough was required to append a certified or sworn copy of his motions for nunc pro tunc judgment establishing the date upon which the motions were filed.