



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-11-00198-CR

IN RE: STEPHEN CLAY JOHNSTON

Original Mandamus Proceeding

Before Morriss, C.J., Carter and Moseley, JJ.
Memorandum Opinion by Justice Carter

MEMORANDUM OPINION

Stephen Clay Johnston filed this petition for writ of mandamus for the purpose of “stat[ing] that he is innocent of the charges for which he is incarcerated.” He complains that the trial court has had “86 days . . . to answer these motions.”

Mandamus is an extraordinary remedy that issues only to correct a clear abuse of discretion or violation of a duty imposed by law when no other adequate remedy by law is available. *State v. Walker*, 679 S.W.2d 484, 485 (Tex. 1984) (orig. proceeding). Due to the nature of this remedy, it is Johnston’s burden to properly request and show entitlement to the mandamus relief. *See generally Johnson v. Fourth Dist. Court of Appeals*, 700 S.W.2d 916, 917 (Tex. 1985) (orig. proceeding); *Barnes v. State*, 832 S.W.2d 424, 426 (Tex. App.—Houston [1st Dist.] 1992, orig. proceeding) (“Even a pro se applicant for a writ of mandamus must show himself entitled to the extraordinary relief he seeks.”).

The title or substance of the motions allegedly sent to the trial court, and the respondent of Johnston’s complaints are not indentified in this unintelligible petition for writ of mandamus.

We deny Johnston’s petition for writ of mandamus.

Jack Carter
Justice

Date Submitted: October 3, 2011
Date Decided: October 4, 2011

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