



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

No. 06-16-00022-CR

IN RE REGINALD D. REECE

Original Mandamus Proceeding

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

MEMORANDUM OPINION

Relator, Reginald D. Reece, proceeding pro se, has filed a petition for writ of mandamus against the Honorable Leon Pesek, Jr., presiding judge of the 202nd Judicial District Court of Bowie County, Texas. Reece seeks time credit, as he states it, “for the time spent (16 mos) in the Constructive Custody of Another on A different charge with A Bowie County hold placed on him 8/21/11 while in the Constructive Custody of CASS County, pending disposition of charges (ie, Traffic Tickets, theft charges).” Because we do not have jurisdiction over post-conviction writ matters in felony cases, we dismiss Reece’s petition for lack of jurisdiction.

Reece’s petition for writ of mandamus asserts that he was arrested in this case June 7, 2011. While on bail, Reece was stopped while driving in Atlanta, Texas, on August 21, 2011, and was arrested on an outstanding warrant for unpaid traffic tickets. Reece argues that he is entitled to credit for time served on charges brought by Cass County because “a hold was placed on him for Bowie County, pending disposition of the Cass County charge.” He filed an application for writ of habeas corpus on this basis, which the trial court forwarded to the Texas Court of Criminal Appeals with an order recommending its denial. *See* TEX. CODE CRIM. PROC. ANN. art. 11.07, § 3(b) (West 2015). The August 25, 2015, order recommending denial of Reece’s requested habeas relief contained the trial court’s finding that Reece was released from confinement on December 21, 2012. In addressing this finding, Reece contends, again, as he states it, that he was not released and, alternatively, that “due to no fault of his own- on 12/21/12 Relator was erroneously ‘Release to the Streets’. . . and arrested on the streets in Bowie County, TX in this cause on 1/2/13 And is

therefore, entitled to this street time from 12/21/12 to 1/2/13.” Reece’s petition suggests methods by which we can confirm his dates of confinement.

With respect to this request for mandamus relief, Reece must show that he has no adequate remedy at law to redress his alleged harm and that what he seeks to compel is a ministerial act not involving a discretionary or judicial decision. *State ex rel. Young v. Sixth Judicial Dist. Court of Appeals at Texarkana*, 236 S.W.3d 207, 210 (Tex. Crim. App. 2007) (orig. proceeding). Further, it is his burden to properly request and show his entitlement to mandamus relief. *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.”).

Reece cannot demonstrate his entitlement to mandamus relief. Reece argues that he is entitled to time credit, a matter that is (and was) properly brought by an application for writ of habeas corpus. Essentially, Reece’s petition for writ of mandamus seeks to appeal the trial court’s order recommending denial of his application for writ of habeas corpus. *See Evans v. State*, 964 S.W.2d 643, 648 (Tex. Crim. App. 1998). However, only the Texas Court of Criminal Appeals has post-conviction habeas corpus jurisdiction in felony cases. *See TEX. CODE CRIM. PROC. ANN.* art. 11.07, § 3 (West 2015). Thus, this Court lacks authority to grant the relief that Reece seeks.

We dismiss Reece's petition for a writ of mandamus relief for lack of jurisdiction.

Josh R. Morriss, III
Chief Justice

Date Submitted: February 29, 2016

Date Decided: March 1, 2016

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