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

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No. 06-16-00029-CR
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IN RE JAMIE LEE BLEDSOE

Original Mandamus Proceeding

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

M E M O R A N D U M   O P I N I O N

Jamie Lee Bledsoe, a prisoner in Harrison County, Texas, proceeding pro se, filed a petition for writ of mandamus against the 71st Judicial District Court asking this Court to order the trial court to hold his punishment hearing "without any more unnecessary delay."

As an extraordinary remedy, mandamus issues only when the record shows (1) a clear abuse of discretion by the trial court or the failure of the trial court to perform a ministerial act or duty, and (2) the absence of an adequate remedy at law. *In re McAllen Med. Ctr., Inc.*, 275 S.W.3d 458 (Tex. 2008); *Walker v. Packer*, 827 S.W.2d 833, 839–40 (Tex. 1992) (orig. proceeding); *In re Ingram*, 433 S.W.3d 769, 771 (Tex. App.—Texarkana 2014, orig. proceeding). It is the relator's burden to provide this Court with a record sufficient to establish his right to mandamus relief. *Walker*, 827 S.W.2d at 837; *In re Pilgrim's Pride Corp.*, 187 S.W.3d 197, 198–99 (Tex. App.—Texarkana 2006, orig. proceeding); *see* TEX. R. APP. P. 52.3, 52.7(a).

"[A] party's right to mandamus relief generally requires a predicate request for some action and a refusal of that request." *In re Perritt*, 992 S.W.2d 444, 446 (Tex. 1999) (orig. proceeding). However, neither the petition nor the record before us shows that Bledsoe requested that the trial court set his punishment hearing or that the trial court refused any such request. *See Walker*, 827 S.W.2d at 837. Bledsoe essentially asks this Court to order what he has not yet requested. Therefore, based on the record presented, he has not shown that the trial court has either abused its discretion or violated a duty imposed by law.

We deny the petition for writ of mandamus.

Ralph K. Burgess
Justice

Date Submitted: March 21, 2016
Date Decided: March 22, 2016

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