



**IN THE
TENTH COURT OF APPEALS**

No. 10-19-00002-CR

IN RE CHRISTOPHER ROLAND FENNER

Original Proceeding

MEMORANDUM OPINION

As part of a plea bargain, Christopher Roland Fenner was convicted of aggravated sexual assault and sentenced to 5 years in prison; and, after initially being placed on deferred adjudication community supervision, he was later adjudicated guilty of indecency with a child and sentenced to 20 years in prison. Acting pro se, he requests a mandamus from this Court alleging constitutional violations in the trial court regarding those same convictions. Fenner is represented by counsel in an appeal pending in this Court to review his indecency conviction. And notwithstanding that his plea and sentence was part of a plea agreement and he waived his right to appeal, the time in which to appeal his conviction for aggravated sexual assault has long since expired.

Additionally, based upon the content of his petition for writ of mandamus, Fenner

appears to be asserting some type of double jeopardy violation. His specific complaint, however, is difficult to ascertain. It is difficult to even determine in which of his cases the complaint is raised or what trial court action he asserts is properly reviewed in this type of proceeding.

Moreover, there are procedural problems with Fenner's petition, including that it does not appear the petition has been served on the State as the real party in interest. *See* TEX. R. APP. P. 9.5; 52.2. He also did not provide any record. *Id.* 52.7. We use Rule 2, however, to look beyond these deficiencies to reach an expeditious result. TEX. R. APP. P. 2.

Fenner's petition for writ of mandamus is denied.

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins

Petition denied

Opinion delivered and filed January 9, 2019

[OT06]

