



**IN THE  
TENTH COURT OF APPEALS**

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**No. 10-20-00302-CR**

**IN RE ROY DON WASHBURN**

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**Original Proceeding**

**From the 19th District Court  
McLennan County, Texas  
Trial Court No. 2009-194-C1**

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**MEMORANDUM OPINION**

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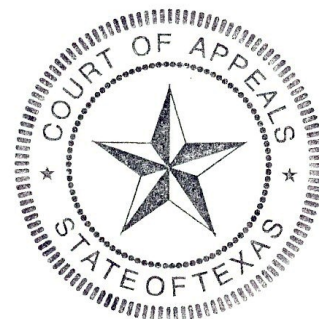
Relator, Roy Don Washburn, a prison inmate, asks this Court in a petition for writ of mandamus filed on November 19, 2020, to order the trial court to delete an order of reimbursement for court-appointed attorneys' and investigators' fees and to return to Relator any funds already paid toward those fees.

There are some basic and fundamental legal principles that apply before this Court may become involved in a proceeding. When a party asks for relief from this Court, the party must serve the request for relief on the other parties/sides that are likely to resist the requested relief (notice). Moreover, when a party complains to this Court about an action by or in the trial court, the party must be able to show us that the trial court was

asked to fix the problem before asking this Court to find that the trial court erred in not providing the requested relief (opportunity to cure/be heard/exhaustion of remedies). Finally, when a party wants this Court to grant relief, the party not only has to ask for the type of relief this Court has jurisdiction to order, but the person asking for relief must also file a record, or cause a record to be filed, that supports their request for relief (evidence/entitlement/preservation).

In this proceeding, Relator has not provided a copy of his request for relief to the other parties to this proceeding, has not sworn to facts or shown with an adequate record that he has asked the trial court to correct the problem, and has not filed a record or attempted to cause a record to be filed that demonstrates the described actions have been taken and supports his arguments about why he thinks he is entitled to the relief requested from this Court. Accordingly, “Relator’s Petition for a Writ of Mandamus” is denied.<sup>1</sup>

TOM GRAY  
Chief Justice



Before Chief Justice Gray,  
Justice Davis, and  
Justice Neill

Petition denied

Opinion delivered and filed December 16, 2020

Do not publish

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<sup>1</sup> The irony of the situation as alleged, that the trial court did not give Washburn notice, opportunity to be heard, or require the State to show that the fees could properly be withheld from his inmate account, is not lost on this Court. But the failure, if any, of the trial court or the State to utilize the proper procedures, does not authorize this Court to circumvent those same procedural protections.