

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

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NO. 03-17-00569-CV

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In re Steven Edward Villnave

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ORIGINAL PROCEEDING FROM TRAVIS COUNTY

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MEMORANDUM OPINION

Relator Steven Edward Villnave has filed a pro se petition for writ of mandamus asking this Court to compel the trial court to grant a motion for new trial and sentencing. *See* Tex. Gov't Code Ann. § 22.221; *see also* Tex. R. App. P. 52.1. Villnave asserts that he filed a motion for new trial and sentencing on July 14, 2017, challenging his conviction of February 18, 1994. Based on this record, we deny the petition for writ of mandamus. *See* Tex. R. App. P. 52.8; *see also* Tex. R. App. P. 52.7(a)(1) (relator must file with petition “a certified or sworn copy of every document that is material to the relator’s claim for relief and that was filed in any underlying proceeding); *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992) (relator bears burden of providing court with sufficient record to establish right to mandamus relief); *Barnes v. State*, 832 S.W.2d 424, 426 (Tex. App.—Houston [1st Dist.] 1992, orig. proceeding) (“The trial court’s judicial discretion extends . . . to its decision how to rule after it considers a motion properly before it, and an appeals court may not issue a writ of mandamus to compel a trial court to rule a certain way on that motion.” (citing *Womack v. Berry*, 291 S.W.2d 677, 682 (1956))).

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Cindy Olson Bourland, Justice

Before Justices Puryear, Field, and Bourland

Filed: August 31, 2017