



NUMBER 13-10-00485-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN RE: NOAH GARZA

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

**Before Justices Rodriguez, Benavides, and Vela
Memorandum Opinion Per Curiam**

Relator, Noah Garza, pro se, filed a petition for writ of mandamus in the above cause on August 30, 2010, seeking to compel the trial court to issue a nunc pro tunc order modifying its original judgment to reflect pre-sentence back time jail credit. The Court requested and received a response to the petition for writ of mandamus from the real party in interest, the State of Texas, acting by and through the Criminal District Attorney in and for Matagorda County, Texas.

Mandamus relief may be granted if the relator shows that: (1) the act sought to be compelled is purely ministerial; and (2) there is no adequate remedy at law. See

Deleon v. Dist. Clerk, 187 S.W.3d 473, 474 (Tex. Crim. App. 2006) (orig. proceeding). The relator must have a “clear right” to the relief sought and the merits of the relief sought must be “beyond dispute.” See *id.* “The requirement of a clear legal right necessitates that the law plainly describes the duty to be performed such that there is no room for the exercise of discretion.” See *id.*

The Court, having examined and fully considered the petition for writ of mandamus and the response thereto, is of the opinion that relator has not shown himself entitled to the relief sought. Accordingly, the petition for writ of mandamus is DENIED. See TEX. R. APP. P. 52.8(a).

PER CURIAM

Do not publish.
See Tex. R. App. P. 47.2(b).

Delivered and filed this the
17th day of September, 2010.