



**NUMBER 13-16-00589-CR**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**IN RE STANLEY EUGENE CLARK**

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**On Petition for Writ of Mandamus.**

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**MEMORANDUM OPINION**

**Before Justices Garza, Perkes, and Longoria  
Memorandum Opinion Per Curiam<sup>1</sup>**

Relator Stanley Eugene Clark filed a pro se petition for writ of mandamus in the above cause on October 26, 2016, seeking to compel the trial court to grant his motion for the appointment of counsel and to hold an evidentiary hearing on an “unresolved issue.” This Court previously affirmed relator’s conviction for aggravated sexual assault of a child after relator’s appeal was transferred to this Court from the Fourteenth Court of Appeals. See *Clark v. State*, No. 13-05-713-CR, 2006 WL 1844791, at \*1 (Tex. App.—

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<sup>1</sup> See TEX. R. APP. P. 52.8(d) (“When denying relief, the court may hand down an opinion but is not required to do so.”); TEX. R. APP. P. 47.4 (distinguishing opinions and memorandum opinions).

Corpus Christi July 6, 2006, pet. ref'd) (not designated for publication); see *also* TEX. GOV'T CODE ANN. § 73.001 (West, Westlaw through 2015 R.S.). The relator did not furnish an appendix or record to support his request for relief.

To be entitled to mandamus relief, the relator must establish both that he has no adequate remedy at law to redress his alleged harm, and that what he seeks to compel is a purely ministerial act not involving a discretionary or judicial decision. *In re Harris*, 491 S.W.3d 332, 334 (Tex. Crim. App. 2016) (orig. proceeding); *In re McCann*, 422 S.W.3d 701, 704 (Tex. Crim. App. 2013) (orig. proceeding). If the relator fails to meet both of these requirements, then the petition for writ of mandamus should be denied. *State ex rel. Young v. Sixth Jud. Dist. Ct. of Apps. at Texarkana*, 236 S.W.3d 207, 210 (Tex. Crim. App. 2007). It is the relator's burden to properly request and show entitlement to mandamus relief. *Barnes v. State*, 832 S.W.2d 424, 426 (Tex. App.—Houston [1st Dist.] 1992, orig. proceeding) (“Even a pro se applicant for a writ of mandamus must show himself entitled to the extraordinary relief he seeks.”).

This Court's original jurisdiction is governed by section 22.221 of the Texas Government Code. See TEX. GOV'T CODE ANN. § 22.221 (West, Westlaw through 2015 R.S.). Section 22.221(b) expressly limits the mandamus jurisdiction of the courts of appeals to writs of mandamus issued against “a judge of a district or county court in the court of appeals' district” or against a “judge of a district court who is acting as a magistrate at a court of inquiry . . . in the court of appeals district.” See *id.* § 22.221(b). The cause of action referenced in this original proceeding arose from Galveston County. Galveston County is not located within the territorial jurisdiction of this Court. See TEX. GOV'T CODE ANN. § 22.201(n) (West, Westlaw through 2015 R.S.).

We further have the statutory authority to issue “a writ of mandamus and all other writs necessary to enforce the jurisdiction” of this Court. See *id.* § 22.221(a); *In re Richardson*, 327 S.W.3d 848, 851 (Tex. App.—Fort Worth 2010, orig. proceeding); *In re Phillips*, 296 S.W.3d 682, 684 (Tex. App.—El Paso 2009, orig. proceeding). In this case, relator is seeking the appointment of counsel for the purposes of obtaining habeas corpus review. It is unclear whether, or to what extent, the actions complained of in this original proceeding are ancillary to or related to the appeal that was affirmed by this Court. See generally *In re Richardson*, 252 S.W.3d 822, 830 (Tex. App.—Texarkana 2008, orig. proceeding). Accordingly, relator has not shown that his requested relief is necessary to enforce the jurisdiction of this Court insofar as it pertains to his appeal. See *id.* § 22.221(a).

The Court, having examined and fully considered the petition for writ of mandamus and the applicable law, is of the opinion that this Court lacks jurisdiction over this original proceeding. See *State ex rel. Young*, 236 S.W.3d at 210. Accordingly, we DISMISS relator’s petition for writ of mandamus. See TEX. R. APP. P. 52.8(a).

PER CURIAM

Do not publish.  
TEX. R. APP. P. 47.2(b).

Delivered and filed the  
28th day of October, 2016.