



**NUMBER 13-19-00060-CR**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**IN RE HILARY SHEARD**

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**On Petition for Writ of Mandamus.**

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**MEMORANDUM OPINION**

**Before Justices Benavides, Longoria, and Hinojosa  
Memorandum Opinion by Justice Longoria<sup>1</sup>**

Relator Hilary Sheard filed a petition for writ of mandamus contending that the trial court erred by failing to award her the full amount of attorney's fees she sought for her representation of Humberto Garza as appointed counsel in a post-conviction writ of habeas corpus arising from trial court cause number CR-3175-04-G(1) in the 370th District Court of Hidalgo County, Texas. This Court requested that the real parties in interest, or any others whose interest would be directly affected by the relief sought, file

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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."); *id.* R. 47.4 (distinguishing opinions and memorandum opinions).

a response to the petition for writ of mandamus. See TEX. R. APP. P. 52.2, 52.4, 52.8(b). We have received a response to the petition from the State, acting by and through the District Attorney for Hidalgo County, Texas, and a response from the respondent, acting by and through the Office of the Attorney General of Texas.

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 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).

The Court, having examined and fully considered the petition for writ of mandamus, the responses filed by the State and the respondent, and the applicable law, is of the opinion that the relator has failed to meet her burden to obtain relief. Accordingly, we deny the petition for writ of mandamus. In terms of pending motions, attorney O. Rene Flores has filed a motion to withdraw as counsel. Given our disposition of this original proceeding, we dismiss this motion as moot.

NORA L. LONGORIA  
Justice

Do not publish.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

Delivered and filed the  
27th day of February, 2019.