

NO. 12-10-00201-CR
NO. 12-10-00202-CR
NO. 12-10-00203-CR
NO. 12-10-00204-CR
NO. 12-10-00205-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN RE: TIMOTHY CARNEL RAINEY,
RELATOR

§

§ *ORIGINAL PROCEEDING*

§

MEMORANDUM OPINION

Relator Timothy Carnel Rainey complains of a standing order issued by the Honorable Christi J. Kennedy, Judge of the 114th Judicial District Court, Smith County, Texas, and the Honorable Kerry L. Russell, Judge of the 7th Judicial District Court, also in Smith County. Rainey contends that the order was issued “from the Smith County Court Collections to order the Texas Department of Criminal Justice to collect from [his] account trust fund without due process.” He seeks a writ of mandamus compelling either judge “to have its findings of fact and conclusions of law filed with the courts clerk, separate and apart from its [judgment], and cause its findings and conclusions to be served on all the parties.”

A party seeking mandamus relief must generally bring forward all that is necessary to establish the claim for relief. *See Walker*, 827 S.W.2d at 837; *In re Pena*, 104 S.W.3d 719, 719 (Tex. App.-Tyler 2003, orig. proceeding); *see also* TEX. R. APP. P. 52. Therefore, it is Rainey’s burden to provide this court with a sufficient record to establish his right to mandamus relief. *See Walker*, 827 S.W.2d at 837; *In re Pena*, 104 S.W.3d 719.

When a petition for writ of mandamus is filed, Texas Rule of Appellate Procedure 52.4 requires that it be accompanied by an appendix that includes a certified or sworn

copy of any order complained of, or any other document showing the matter complained of. *See* TEX. R. APP. P. 52.4(k)(1)(A). Unless voluminous or impracticable, the appendix must also include the text or any statute or other law (excluding case law) on which the argument is based. *See* TEX. R. APP. P. 52.4(k)(1)(C). Here, Rainey did not file the required appendix along with his mandamus petition. Therefore, we are unable to determine whether he is entitled to mandamus relief. Accordingly, Rainey's petition for writ of mandamus is *denied*.

JAMES T. WORTHEN
Chief Justice

Opinion delivered June 30, 2010.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(DO NOT PUBLISH)