

NO. 12-13-00063-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN RE:

§

ORLANDO CASTILLO,

§

ORIGINAL PROCEEDING

RELATOR

§

***MEMORANDUM OPINION
PER CURIAM***

Relator Orlando Castillo filed a petition for writ of mandamus complaining of the trial court's failure to "act upon his motion for bench warrant in order to post an appeal bond."

To be entitled to a writ of mandamus in a criminal case, the relator must show that (1) he has no other adequate legal remedy to redress his alleged harm and that (2) what he seeks to compel is a ministerial act, not involving a discretionary or judicial decision. *State ex rel. Young v. Sixth Jud. Dist. Ct. of App.*, 236 S.W.3d 207, 210 (Tex. Crim. App.2007) (orig. proceeding). The relator also must provide the court with a record sufficient to establish its right to mandamus relief. TEX. R. APP. P. 52.7(a).

In an original proceeding, a relator is required to file an appendix as part of his petition and also a record. *See* TEX. R. APP. P. 52.3(k); 52.7. The appendix must contain (1) a certified or sworn copy of any order complained of, or any other document showing the matter complained of, and (2) unless voluminous or impracticable, the text of any rule, regulation, ordinance, statute, constitutional provision, or other law (excluding case law) on which the argument is based. TEX. R. APP. P. 52.3(k)(1)(A), (C). The record must contain (1) 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 and (2) a properly authenticated transcript of any relevant testimony from any underlying proceeding, including any exhibits offered in evidence, or a

statement that no testimony was adduced in connection with the matter complained of. TEX. R. APP. P. 52.7.

Here, Relator did not provide an appendix or a record. Consequently, we are unable to evaluate his request for mandamus relief. Accordingly, Relator's petition for writ of mandamus is *denied*.

Opinion delivered April 24, 2013.

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

(DO NOT PUBLISH)



**COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT**

APRIL 24, 2012

NO. 12-13-00063-CR

ORLANDO CASTILLO,
Relator
v.
HON. PAM FLETCHER,
Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of mandamus filed by **ORLANDO CASTILLO**, who is the relator in Cause No.30453, pending on the docket of the 3rd Judicial District Court of Anderson County, Texas. Said petition for writ of mandamus having been filed herein on February 26, 2012, and the same having been duly considered, because it is the opinion of this Court that a writ of mandamus should not issue, it is therefore **CONSIDERED, ADJUDGED and ORDERED** that the said petition for writ of mandamus be, and the same is, hereby **DENIED**.

*By per curiam opinion.
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*