

**NOS. 12-22-00290-CR
12-22-00291-CR
12-22-00292-CR**

**IN THE COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT
TYLER, TEXAS**

IN RE: §
RAYMOND LEE BURNS, JR., § *ORIGINAL PROCEEDING*
RELATOR §

***MEMORANDUM OPINION
PER CURIAM***

Raymond Lee Burns, Jr., acting pro se, filed this original proceeding in which he appears to seek an order requiring Respondent to conduct an evidentiary hearing.¹ On November 3, 2022, the Clerk of this Court notified Relator that his petition for writ of mandamus fails to comply with Texas Rules of Appellate Procedure 52.7 and 52.3(a)-(h) and (j)-(k). *See* TEX. R. APP. P. 52.7 (record); *see also* TEX. R. APP. P. 52.3 (form and contents of petition). The notice further informed Relator that his petition would be referred to the Court for dismissal unless he corrected the defects on or before November 14. This deadline expired without an amended petition, the record, or any other response from Relator.²

Texas Rule of Appellate Procedure 52.7 requires the relator to file a record as part of his petition in an original proceeding. *See* TEX. R. APP. P. 52.7. Specifically, a relator must file (1) a certified or sworn copy of every document that is material to his claim for relief and that was filed in any underlying proceeding; and (2) “a properly authenticated transcript of any relevant

¹ Respondent is the Honorable Edwin A. Klein, Judge of the 420th District Court in Nacogdoches County, Texas. The State of Texas is the Real Party in Interest.

² Pro se litigants are held to the same standards as licensed attorneys and must comply with all applicable rules of procedure; otherwise, pro se litigants would benefit from an unfair advantage over parties represented by counsel. *In re Guerrero*, No. 12-21-00100-CR, 2021 WL 3412558, at *1 n.3 (Tex. App.—Tyler Aug. 4, 2021, no pet.) (mem. op., not designated for publication).

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.” TEX. R. APP. P. 52.7(a). The relator must also furnish an appendix, the necessary contents of which include, in pertinent part, a certified or sworn copy of any order complained of, or any other document showing the matter complained of and, 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).

It is a relator’s burden to provide this court with a sufficient record to establish the right to mandamus relief. *In re Daisy*, No. 12-13-00266-CR, 2014 WL 5577068, at *2 (Tex. App.—Tyler Aug. 29, 2014, orig. proceeding) (mem. op., not designated for publication). In this case, Relator did not provide the record in accordance with Rule 52.7. Absent a record, this Court cannot determine whether Relator is entitled to mandamus relief. See *In re McCreary*, No. 12-15-00067-CR, 2015 WL 1395783 (Tex. App.—Tyler Mar. 25, 2015, orig. proceeding) (mem. op., not designated for publication). Thus, we *deny* Relator’s petition for writ of mandamus.

Opinion delivered November 30, 2022.

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

(DO NOT PUBLISH)



COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT

NOVEMBER 30, 2022

NO. 12-22-00290-CR

RAYMOND LEE BURNS, JR.,
Relator
V.

HON. EDWIN A. KLEIN,
Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of mandamus filed by Raymond Lee Burns, Jr.; who is the relator in appellate cause number 12-22-00290-CR and the defendant in trial court cause number F1219203, formerly pending on the docket of the 420th Judicial District Court of Nacogdoches County, Texas. Said petition for writ of mandamus having been filed herein on November 3, 2022, and the same having been duly considered, because it is the opinion of this Court that the writ 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., Hoyle, J. and Neeley, J.



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HON. EDWIN A. KLEIN,

Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of mandamus filed by Raymond Lee Burns, Jr.; who is the relator in appellate cause number 12-22-00291-CR and the defendant in trial court cause number F1219204, formerly pending on the docket of the 420th Judicial District Court of Nacogdoches County, Texas. Said petition for writ of mandamus having been filed herein on November 3, 2022, and the same having been duly considered, because it is the opinion of this Court that the writ 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., Hoyle, J. and Neeley, J.



COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
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NOVEMBER 30, 2022

NO. 12-22-00292-CR

RAYMOND LEE BURNS, JR.,

Relator

V.

HON. EDWIN A. KLEIN,

Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of mandamus filed by Raymond Lee Burns, Jr.; who is the relator in appellate cause number 12-22-00292-CR and the defendant in trial court cause number F1219205, formerly pending on the docket of the 420th Judicial District Court of Nacogdoches County, Texas. Said petition for writ of mandamus having been filed herein on November 3, 2022, and the same having been duly considered, because it is the opinion of this Court that the writ 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., Hoyle, J. and Neeley, J.