

TEXAS COURT OF CRIMINAL APPEALS

Felix Cisneros v. The State of Texas

Cisneros · No. F11-60536-U · Decided December 7, 2015

SUMMARY

This document is a pro se petition for writ of mandamus filed by Felix H. Cisneros in the Texas Court of Criminal Appeals. The petitioner asks the court to order the 291st Judicial District Court and the State to comply with the procedures for answering and processing his Texas Code of Criminal Procedure article 11.07 habeas corpus application.

CASE DETAILS

COURT	Texas Court of Criminal Appeals
JURISDICTION	Texas
DECIDED	December 7, 2015
DOCKET	F11-60536-U
PROCEDURAL POSTURE	Petition for writ of mandamus seeking an order directing the convicting court to require the State to answer a post-conviction application for writ of habeas corpus under Texas Code of Criminal Procedure article 11.07, section 3(b).
STANDARD OF REVIEW	Mandamus requires a clear abuse of discretion or failure to perform a ministerial duty and an inadequate remedy by appeal. A clear right to mandamus relief must be clear and indisputable.
PRECEDENTIAL VALUE	Unclear from the document; the text appears to be a pro se mandamus petition rather than a disposition resolving the merits.
PARTIES	Felix H. Cisneros v. The State of Texas

TOPICS

- state post-conviction relief
- habeas corpus
- appellate procedure
- remedies
- criminal procedure

PRACTICE AREAS

- post-conviction habeas corpus
- criminal procedure
- mandamus

QUESTIONS PRESENTED

1. Whether the convicting court or responsible officials failed to perform a ministerial duty under Texas Code of Criminal Procedure article 11.07, section 3(b), by failing to ensure that the State answered Cisneros's habeas application.
2. Whether mandamus was an available remedy for the alleged failure to perform that ministerial duty.

FACTUAL BACKGROUND

Cisneros was convicted of aggravated sexual assault with a deadly weapon and sentenced to life imprisonment in the Texas Department of Criminal Justice. After his direct appeal became final, he filed an article 11.07 post-conviction habeas application in the convicting court. He alleged that the State failed to file the answer required by article 11.07, section 3(b), and that he received no notice concerning the status of his application.

PROCEDURAL HISTORY

Cisneros was convicted in the 291st Judicial District Court of aggravated sexual assault with a deadly weapon and received a life sentence on October 25, 2012. His direct appeal was mandated on June 25, 2014. He filed an article 11.07 application for writ of habeas corpus in the convicting court on April 7, 2015, and later sought an order requiring the State to answer, alleging that no answer or notice had been provided. He then filed this mandamus petition in the Texas Court of Criminal Appeals.

CASES CITED

- In re H.E. Butt Grocery Co., 17 S.W.3d 360 (Tex. 2000)
- Walker v. Packer, 827 S.W.2d 833 (Tex. 1992)
- In re Piper, 105 S.W.3d 107 (Tex. 2003)
- In re Schmitz, 285 S.W.3d 451 (Tex. 2009)
- In re Paso Del Norte Surgical Center, 281 S.W.3d 521 (Tex. 2008)