

COURT OF APPEALS FOR THE THIRTEENTH DISTRICT OF TEXAS

In re Michael Anthony Mayes

In re Mayes · No. 13-26-00171-CR; 13-26-00172-CR · Decided February 23, 2026

SUMMARY

The Thirteenth Court of Appeals of Texas construed Michael Anthony Mayes’s pro se pleading as a petition for writ of mandamus concerning jail-time credit, a judgment nunc pro tunc, and an examining trial. The court denied relief in both appellate cause numbers because the petition did not satisfy the Texas Rules of Appellate Procedure and lacked sufficient argument, authority, and supporting documentation.

CASE DETAILS

COURT	Court of Appeals for the Thirteenth District of Texas
WRITING FOR THE COURT	Ysmael D. Fonseca; Justice Silva; Justice Cron; Justice Fonseca
JURISDICTION	Court of Appeals for the Thirteenth District of Texas
DECIDED	February 23, 2026
DOCKET	13-26-00171-CR; 13-26-00172-CR
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Mayes filed a pro se pleading seeking jail-time credit, a judgment nunc pro tunc, and an examining trial. Because he had no pending appeal in the court, the court liberally construed the pleading as a petition for writ of mandamus and denied relief.
STANDARD OF REVIEW	Mandamus relief requires the relator to establish that the requested act is ministerial and does not involve a discretionary or judicial decision, and that the relator lacks an adequate remedy at law. The relator also bears the burden to properly request relief and provide a sufficient record.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Michael Anthony Mayes, relator v. State of Texas, respondent

TOPICS

- writ of certiorari
- appellate procedure
- criminal procedure
- remedies

PRACTICE AREAS

criminal procedure

appellate procedure

mandamus

QUESTIONS PRESENTED

1. Whether Mayes's pro se pleading should be construed as a petition for writ of mandamus despite the absence of a pending appeal.
2. Whether Mayes established entitlement to mandamus relief by showing a ministerial act, the absence of an adequate remedy at law, and compliance with the procedural and record requirements for an original proceeding.

HOLDINGS

1. When a criminal defendant has no pending appeal in the court, a pro se pleading seeking extraordinary relief may be liberally construed as a petition for writ of mandamus.
2. A relator seeking mandamus relief in a criminal case must establish both that the requested act is ministerial and not discretionary or judicial and that there is no adequate remedy at law.
3. The relator bears the burden to properly request and demonstrate entitlement to mandamus relief, including by presenting the required argument, authorities, and a sufficient record.

KEY QUOTATIONS

“The petition must contain a clear and concise argument for the contentions made, with appropriate citations to authorities and to the appendix or record.” (at 2)

FACTUAL BACKGROUND

Michael Anthony Mayes, proceeding pro se, asserted that he was entitled to jail-time credit and a judgment nunc pro tunc and requested an examining trial. His complaints arose from two criminal causes in Texas district courts. The petition did not include sufficient argument, authority, or supporting documentation for the appellate court to determine the merits of his requests.

PROCEDURAL HISTORY

The petition concerned two underlying criminal causes: cause number 2019-CR-8237-DC in the 24th District Court of Calhoun County and cause number 20FC-3781-A in the 28th District Court of Nueces County. The Texas Court of Appeals for the Thirteenth District consolidated its consideration of the two related appellate causes in a single memorandum opinion and denied mandamus relief.

DISPOSITION

writ_denied

CASES CITED

- In re Castle Tex. Prod. Ltd. P'ship, 189 S.W.3d 400, 403 (Tex. App.—Tyler 2006, orig. proceeding [mand. denied])
- In re Meza, 611 S.W.3d 383, 388 (Tex. Crim. App. 2020) (orig. proceeding)
- In re Harris, 491 S.W.3d 332, 334 (Tex. Crim. App. 2016) (orig. proceeding) (per curiam)
- In re McCann, 422 S.W.3d 701, 704 (Tex. Crim. App. 2013) (orig. proceeding)
- State ex rel. Young v. Sixth Jud. Dist. Ct. of Apps. at Texarkana, 236 S.W.3d 207, 210 (Tex. Crim. App. 2007) (orig. proceeding)
- In re Pena, 619 S.W.3d 837, 839 (Tex. App.—Houston [14th Dist.] 2021) (orig. proceeding)
- In re Schreck, 642 S.W.3d 925, 927 (Tex. App.—Amarillo 2022) (orig. proceeding)

OPINION

PER CURIAM.

NUMBERS 13-26-00171-CR, 13-26-00172-CR COURT OF APPEALS THIRTEENTH DISTRICT OF TEXAS CORPUS CHRISTI – EDINBURG IN RE MICHAEL ANTHONY MAYES ON PETITION FOR WRIT OF MANDAMUS MEMORANDUM OPINION Before Justices Silva, Cron, and Fonseca Memorandum Opinion by Justice Fonseca1 Michael Anthony Mayes filed a pro se pleading in this Court asserting that he is entitled to jail time credit and a judgment nunc pro tunc, and he further requests an examining trial.

Because Mayes does not have a pending appeal in this Court, we liberally construe this pleading as a petition for writ of mandamus. See generally TEX. R. APP. P. 25.2 (governing the perfection of appeal in criminal cases), R. 52 (describing the 1 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.

When granting relief, the court must hand down an opinion as in any other case.”); id. R. 47.4 (distinguishing opinions and memorandum opinions). requirements for filing original proceedings); In re Castle Tex. Prod. Ltd. P’ship, 189 S.W.3d 400, 403 (Tex. App.—Tyler 2006, orig. proceeding [mand. denied]) (“The function of the writ of mandamus is to compel action by those who by virtue of their official or quasi-official positions are charged with a positive duty to act.”).

Mayes’s complaints arise from trial court cause number 2019-CR-8237-DC in the 24th District Court of Calhoun County, Texas, docketed in our appellate cause number 13-26-00171-CR, and trial court cause number 20FC-3781-A in the 28th District Court of Nueces County, Texas, docketed in our appellate cause number 13-26-00172-CR.

We address both causes in a single memorandum opinion in the interests of judicial efficiency and economy. In a criminal case, to be entitled to mandamus relief, the relator must establish both that the act sought to be compelled is a ministerial act not involving a discretionary or judicial decision and that there is no adequate remedy at law to redress the alleged harm.

See *In re Meza*, 611 S.W.3d 383, 388 (Tex. Crim. App. 2020) (orig. proceeding); *In re Harris*, 491 S.W.3d 332, 334 (Tex. Crim. App. 2016) (orig. proceeding) (per curiam); *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. See *State ex rel.*

Young v. Sixth Jud. Dist. Ct. of Apps. at Texarkana, 236 S.W.3d 207, 210 (Tex. Crim. App. 2007) (orig. proceeding). It is the relator's burden to properly request and show entitlement to mandamus relief. See *id.*; *In re Pena*, 619 S.W.3d 837, 839 (Tex. App.—Houston [14th Dist.] 2021, orig. proceeding). “The petition must contain a clear and concise argument for the contentions made, with appropriate citations to authorities and to the appendix or record.” 2 TEX. R. APP.

P. 52.3(i). Relator's burden includes providing a sufficient record to establish the right to mandamus relief. *In re Schreck*, 642 S.W.3d 925, 927 (Tex. App.—Amarillo 2022, orig. proceeding); *In re Pena*, 619 S.W.3d at 839; see generally TEX. R. APP. P. 52.3 (delineating the required form and contents of a petition in an original proceeding), R. 52.7(a) (providing that the relator “must file” a record including specific matters).

The Court, having examined and fully considered the pleading at issue, and having construed it as a petition for writ of mandamus, is of the opinion that Mayes has not met his burden to obtain relief. Mayes's petition fails to meet the requirements of the Texas Rules of Appellate Procedure, and without argument, authority, or supporting documentation, we cannot ascertain the merits of his requests for relief.

Accordingly, we deny the petition for writ of mandamus in each of these cause numbers. YSMAEL D. FONSECA Justice Do not publish. TEX. R. APP. P. 47.2 (b). Delivered and filed on the 23rd day of February, 2026. 3