

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PRECEDENTIAL VALUE	nonprecedential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)

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