

COURT OF APPEALS OF THE THIRTEENTH DISTRICT OF TEXAS

In re Amber Aimee Moreno

No. 13-25-00683-CR · No. 13-25-00683-CR · Decided December 29, 2025

SUMMARY

The Thirteenth Court of Appeals of Texas considered Amber Aimee Moreno’s petition for writ of mandamus challenging the trial court’s jurisdiction and alleged failure to perform ministerial duties. The court held that Moreno did not meet her burden to establish entitlement to mandamus relief and denied both her request for temporary relief and her petition.

CASE DETAILS

COURT	Court of Appeals of the Thirteenth District of Texas
WRITING FOR THE COURT	Jon West; Chief Justice Tijerina; Justice Peña; Justice West
JURISDICTION	Court of Appeals of the Thirteenth District of Texas
DECIDED	December 29, 2025
DOCKET	13-25-00683-CR
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Petition for writ of mandamus in a criminal case, with a request for temporary relief.
STANDARD OF REVIEW	To obtain mandamus relief in a criminal case, the relator must establish that the act sought to be compelled is ministerial and does not involve a discretionary or judicial decision, and that there is no adequate remedy at law.
PRECEDENTIAL VALUE	Nonprecedential; designated not for publication.
PARTIES	Amber Aimee Moreno, 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 Moreno established entitlement to a writ of mandamus by showing both that the requested act was ministerial and that she lacked an adequate remedy at law.
2. Whether Moreno was entitled to temporary relief while her mandamus petition was pending.

HOLDINGS

1. A criminal-case relator is entitled to mandamus relief only by establishing both that the act sought to be compelled is ministerial and does not involve a discretionary or judicial decision, and that there is no adequate remedy at law.
2. A relator who has not established entitlement to mandamus relief is not entitled to temporary relief in connection with the petition.

KEY QUOTATIONS

“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.”

“The Court, having examined and fully considered the petition for writ of mandamus and the applicable law, is of the opinion that relator has not met her burden to obtain relief.”

FACTUAL BACKGROUND

Moreno alleged that the trial court lacked jurisdiction and failed to comply with ministerial duties. She presented seven issues in support of her mandamus petition and requested temporary relief. The appellate court concluded that she had not met her burden to establish entitlement to mandamus relief.

PROCEDURAL HISTORY

Amber Aimee Moreno filed a petition for writ of mandamus asserting that the trial court lacked jurisdiction and failed to perform ministerial duties. She also sought temporary relief. The Thirteenth Court of Appeals denied both the request for temporary relief and the petition.

DISPOSITION

writ_denied

CASES CITED

- 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)

OPINION

In Re Amber Aimee Moreno v. the State of Texas

PER CURIAM.

NUMBER 13-25-00683-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

IN RE AMBER AIMEE MORENO

ON PETITION FOR WRIT OF MANDAMUS

MEMORANDUM OPINION

Before Chief Justice Tijerina and Justices Peña and West Memorandum Opinion by Justice West1 Relator Amber Aimee Moreno has filed a petition for writ of mandamus asserting by seven issues that the trial court lacks jurisdiction and that it failed to comply with its ministerial duties. Relator requests temporary relief in conjunction with her petition for writ of mandamus. 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). 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 Court, having examined and fully considered the petition for writ of mandamus and the applicable law, is of the opinion that relator has not met her burden to obtain relief. Accordingly, we deny relator’s request for temporary relief and her petition for writ of mandamus.

JON WEST

Justice Do not publish. TEX. R. APP. P. 47.2 (b). Delivered and filed on the 29th day of December, 2025. 2