

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

In re Paul A. Propes, Jr.

No. 05-22-01217-CV (Tex. App.—Dallas Nov. 17, 2022) (mem. op.) · No. No. 05-22-01217-CV · Decided
November 17, 2022

OPINION

in Re: Paul A. Propes, Jr.

PER CURIAM.

DENIED and Opinion Filed November 17, 2022 S In The Court of Appeals Fifth District of Texas at Dallas No. 05-22-01217-CV IN RE PAUL A. PROPES, JR., Relator Original Proceeding from the 199th Judicial District Court Collin County, Texas Trial Court Cause No. 199-82537-08

MEMORANDUM OPINION

Before Justices Myers, Nowell, and Goldstein Opinion by Justice Nowell Before the Court is relator's November 14, 2022 petition seeking a writ of mandamus compelling the trial court to respond to, hold a hearing on, and rule on relator's motion for "Coram Nobis." To establish a right to mandamus relief in a criminal case, the relator must show that the trial court violated a ministerial duty and there is no adequate remedy at law. In re State ex rel. Weeks, 391 S.W.3d 117, 122 (Tex. Crim. App. 2013) (orig. proceeding). Relator bears the burden of providing the Court with a sufficient record to show he is entitled to relief. Walker v. Packer, 827 S.W.2d 833, 837 (Tex. 1992) (orig. proceeding). Relator's petition does not comply with the Texas Rules of Appellate Procedure in numerous respects. See, e.g., TEX. R. APP. P. 52.3(a)–(h), (j)–(k), 52.7(a). For instance, relator's petition is not properly certified. See TEX. R. APP. P. 52.3(j); In re Phillips, No. 05-21-01068-CV, 2022 WL 278240, at *1 (Tex. App.—Dallas Jan. 31, 2022, orig. proceeding) (mem. op.); In re Butler, 270 S.W.3d 757, 758 (Tex. App.—Dallas 2008, orig. proceeding). Relator's petition is also not supported by an appendix or record. See TEX. R. APP. P. 52.3(k)(1)(A), 52.7(a)(1); Butler, 270 S.W.3d at 759. Without a certified petition and appendix or record, relator has not carried his burden. See In re Jones, No. 05-22-01113-CV, 2022 WL 12338493, at *1 (Tex. App.—Dallas Oct. 21, 2022, orig. proceeding) (mem. op.); Butler, 270 S.W.3d at 758–59. Accordingly, we deny relator's petition for writ of mandamus. /Erin A. Nowell/
ERIN A. NOWELL

JUSTICE

221217F.P05 –2–