

DENY and Opinion Filed April 15, 2021



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-21-00198-CV

IN RE PAUL A. PROPEL, JR., Relator

**Original Proceeding from the 199th Judicial District Court
Collin County, Texas
Trial Court Cause No. 199-82537-08**

MEMORANDUM OPINION

**Before Justices Molberg, Reichel, and Smith
Opinion by Justice Smith**

In this petition for writ of mandamus, Paul A. Propes, Jr., asks this Court to compel the trial court to rule on his “bill of review under article 42.01” of the Texas Code of Criminal Procedure. We deny relator’s requested relief.

A petition seeking mandamus relief must contain a certification stating that the relator “has reviewed the petition and concluded that every factual statement in the petition is supported by competent evidence included in the appendix or record.” TEX. R. APP. P. 52.3(j). The Court requires relator’s certification to state substantially what is written in rule 52.3(j). *See In re Butler*, 270 S.W.3d 757, 758 (Tex. App.—Dallas 2008, orig. proceeding); *see also In re Hughes*, 607 S.W.3d 136, 137 (Tex.

App.—Houston [14th Dist.] orig. proceeding) (dismissing case for deficiencies in mandamus petition).

Furthermore, to obtain mandamus relief, relator must file with his petition a sufficient record to establish his right to mandamus relief. *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992) (orig. proceeding). Specifically, rule 52.3(k)(1)(A) requires he file an appendix with his petition that contains “a certified or sworn copy of any order complained of, or any other document showing the matter complained of.” TEX. R. APP. P. 52.3(k)(1)(A). And rule 52.7(a)(1) requires the relator to file with the petition “a certified or sworn copy of every document that is material to the relator’s claim for relief that was filed in any underlying proceeding.” TEX. R. APP. P. 52.7(a)(1). Relator’s status as an incarcerated person does not relieve him of the obligation to file a sufficient record. *In re Gomez*, 602 S.W.3d 71, 73 (Tex. App.—Houston [14th Dist.] 2020, orig. proceeding).

As the party seeking mandamus relief, relator has the burden of filing a proper petition and providing this Court with a sufficient record to establish his right to mandamus relief. *See id.* Because he has not done so, we deny relator’s petition for writ of mandamus.

/Craig Smith/

CRAIG SMITH
JUSTICE