

DENIED and Opinion Filed November 21, 2023



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

No. 05-23-01067-CV

IN RE MARLO MCDONALD DAVIS, Relator

**Original Proceeding from the 417th Judicial District Court
Collin County, Texas
Trial Court Cause No. 417-50692-2023**

MEMORANDUM OPINION

Before Justices Molberg, Goldstein, and Breedlove
Opinion by Justice Breedlove

In her October 26, 2023, petition for writ of mandamus, relator challenges a portion of the trial court's August 1, 2023, Order of Enforcement by Contempt and Suspension of Commitment (Possession or Access). The order found relator in criminal contempt, assessed attorney's fees against her, ordered as punishment her commitment to the county jail, and suspended her commitment and placed her on community supervision subject to certain terms and conditions. Relator challenges as void the condition that she pay the attorney's fees assessed against her.

Entitlement to mandamus relief requires a relator to show that the trial court clearly abused its discretion and that the relator lacks an adequate appellate remedy.

In re Prudential Ins. Co. of Am., 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). After reviewing relator’s petition and the record before us, we conclude that relator has failed to demonstrate entitlement to mandamus relief.

Accordingly, we deny the petition for writ of mandamus. *See* TEX. R. APP. P. 52.8(a).

We also lift the stay issued by this Court’s October 27, 2023, Order.

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/Maricela Breedlove/

MARICELA BREEDLOVE
JUSTICE

Molberg, J., dissenting without opinion, would have granted relator’s petition for writ of mandamus.