

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-09-00393-CV

IN RE LONNIE EDWARD SIMONS

Original Proceeding

MEMORANDUM OPINION

On September 9, 2009, Lonnie Edward Simons filed a petition for writ of mandamus in which he complained that the trial court failed to have a hearing and rule on his petition for writ of habeas corpus. The habeas application sought a reduction in the amount of bond set in a criminal case. On October 2, 2009, the trial court reduced Simons's bond from \$10,000 to \$2,000. Mandamus relief may be granted if the relator shows that the act sought to be compelled is purely ministerial and that there is no adequate remedy at law. *Winters v. Presiding Judge of Criminal Dist. Court Number Three of Tarrant County*, 118 S.W.3d 773, 775 (Tex. Crim. App. 2003). In addition, the merits of the relief sought must be beyond dispute for the relator to show that he has a clear right to relief. *Id.* In this case, the trial

court granted Simons the relief he sought in his habeas application without issuing the writ of habeas corpus. Thus, Simons has not shown that the trial court clearly abused its discretion by failing to issue the writ. Accordingly, we deny the petition for writ of mandamus.

PETITION DENIED.

PER CURIAM

Opinion Delivered October 29, 2009

Before McKeithen, C.J., Gaultney and Kreger, JJ.