

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-11-00565-CR**

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**IN RE JOHN E. COLLIER, JR.**

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**Original Proceeding**

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**MEMORANDUM OPINION**

John E. Collier, Jr. filed a petition for mandamus relief through which he seeks to compel the convicting court to rule on motions filed by Collier after the expiration of the trial court's plenary power over the case. *See generally Collier v. State*, No. 09-08-00505-CR, 2009 WL 2617645, at \*1 (Tex. App.—Beaumont Aug. 30, 2009, pet. ref'd) (mem. op.) (not designated for publication). To obtain mandamus relief in a criminal case, the relator must show that he has a clear and indisputable right to the relief sought. *State ex rel. Rosenthal v. Poe*, 98 S.W.3d 194, 198 (Tex. Crim. App. 2003). Generally, the trial court has a duty to rule on a properly and timely filed motion within a reasonable time. *See State ex rel. Curry v. Gray*, 726 S.W.2d 125, 128 (Tex. Crim. App. 1987). But a trial court “does not have a duty to rule on free-floating motions unrelated to currently pending actions. In fact, it has no jurisdiction to rule on a motion when it has no plenary

jurisdiction coming from an associated case.” *In re Cash*, No. 06-04-00045-CV, 2004 WL 769473, at \*1 (Tex. App.—Texarkana Apr. 13, 2004, orig. proceeding) (mem. op.).

Collier has neither shown that he has a clear and indisputable right to have the trial court consider and rule upon his motions at this time, nor has Collier shown that he is presently entitled to mandamus relief from this Court. Accordingly, we deny the petition for writ of mandamus.

PETITION DENIED.

PER CURIAM

Opinion Delivered November 9, 2011  
Do Not Publish

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