

**DISMISS; and Opinion Filed April 3, 2013.**



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

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**No. 05-13-00417-CV**

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**IN RE LESTER JON RUSTON, Relator**

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**On Appeal from the 194th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. F04-21379-M**

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**MEMORANDUM OPINION**

**Before Justices O'Neill, Lang-Miers, and Evans  
Opinion by Justice Lang-Miers**

Before the Court is relator's petition for writ of prohibition seeking to prevent the state from commencing or continuing any prosecution against him. The facts and issues are well known to the parties, so we need not recount them herein. This Court does not have jurisdiction to enter a writ of prohibition to prevent criminal prosecution. TEX. CODE CRIM. PROC. ANN. art. 4.04 (West 2005); *Allen v. Guarino*, 635 S.W.2d 129, 129 (Tex. App.—Houston [1st Dist.] 1981, orig. proceeding). Accordingly, we **DISMISS** relator's petition for a writ of mandamus for want of jurisdiction.

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**/Elizabeth Lang-Miers/  
ELIZABETH LANG-MIERS  
JUSTICE**