

Denied and Opinion Filed April 15, 2016.



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-16-00411-CV

IN RE DARA RHEW, Relator

Original Proceeding from the 86th Judicial District Court
Kaufman County, Texas
Trial Court Cause No. 93920-86

MEMORANDUM OPINION

Before Chief Justice Wright, Justice Lang, and Justice Brown
Opinion by Justice Lang

In this petition for writ of mandamus, relator requests that the Court order the trial court to withdraw its oral ruling of April 4, 2016 concerning the temporary conservatorship of the children who are the subject of this suit affecting the parent–child relationship, or alternatively, that the Court require the trial court to modify its ruling to require the children to remain in their current educational programs until the end of the 2015–2016 calendar year. Mandamus actions based upon a court’s oral pronouncements are generally discouraged. *In re Bledsoe*, 41 S.W.3d 807, 811 (Tex. App.—Fort Worth 2001, orig. proceeding). An oral order by a trial judge may be considered on mandamus only if it is adequately shown by the trial court record. *In re Winters*, No. 05–08–01419–CV, 2008 WL 4816379, at *1 (Tex. App.—Dallas Nov. 6, 2008, orig. proceeding). An oral ruling is subject to mandamus review only if it is clear, specific, and enforceable. *Bledsoe*, 41 S.W.3d at 811; *see also In re Kelton*, No. 12–11–00355–CR, 2011 WL 5595219, at *1 (Tex. App.—Tyler Nov. 17, 2011, orig. proceeding) (mem. op.) (oral ruling is not

subject to mandamus review unless the ruling is clear, specific, enforceable, and adequately shown by the record).

An appellate court can determine whether an oral order meets these criteria by reviewing the reporter's record from the hearing. *Bledsoe*, 41 S.W.3d at 811; *see also In re Winters*, No. 05–08–01486–CV, 2008 WL 5177835, at *1 n.1 (Tex. App.—Dallas Dec. 11, 2008, orig. proceeding) (mem. op.). Based on our review of the reporter’s record of the April 4, 2016 temporary orders hearing, we conclude that the trial court’s oral ruling does not meet the requirements to permit mandamus review. The trial court’s decision is articulated over the course of several pages in the reporter’s record and is made in the context of considerable discussion with counsel seeking to clarify the contours of the trial court’s decision. The trial court’s ruling is obscured by discussion of a number of contingencies concerning relator’s possible relocation to Kaufman County. Under these circumstances, we cannot appropriately review the ruling. We deny the petition.

/Douglas S. Lang/

DOUGLAS S. LANG
JUSTICE

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