

DENIED and Opinion Filed August 28, 2020



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

No. 05-20-00662-CV

No. 05-20-00689-CV

IN RE RODNEY DEAN BETHANY, Relator

**Original Proceeding from the 363rd Judicial District Court
Dallas County, Texas
Trial Court Cause Nos. W04-00122-W(C) & W04-00123-W(C)**

MEMORANDUM OPINION

Before Justices Myers, Molberg, and Evans
Opinion by Justice Molberg

In these original proceedings, relator Rodney Dean Bethany filed a July 7, 2020 notice of petition for writ of mandamus and a July 20, 2020 petition for writ of mandamus. In both filings, relator seeks the Court's assistance to compel the trial court to complete tasks assigned to it by the court of criminal appeals in a remand of an article 11.07 habeas writ proceeding. We deny relief.

The court of criminal appeals remanded to the trial court relator's 11.07 habeas applications "to allow the trial judge to complete an evidentiary investigation and enter findings of fact and conclusions of law." *See Ex parte Bethany*, No. WR-69,480-07, 2019 WL 2362007, at *1 (Tex. Crim. App. June 5, 2019) (order). Relator

complains that the trial court's deliberations are taking too long despite receiving numerous reminders from the court of criminal appeals.

Our mandamus jurisdiction does not extend to ordering a trial court to rule on matters associated with a pending article 11.07 writ application. *Padieu v. Court of Appeals of Tex., Fifth Dist.*, 392 S.W.3d 115, 117–18 (Tex. Crim. App. 2013); *see also In re Ward*, No. 12-15-00142-CR, 2015 WL 3505189, at *1 (Tex App.—Tyler June 3, 2015, orig. proceeding) (mem. op., not designated for publication); *In re Hamilton*, No. 03-13-00384-CV, 2013 WL 3336839, at *1 (Tex. App.—Austin June 26, 2013, orig. proceeding) (mem. op).

Because we lack jurisdiction over the habeas proceeding for which relator seeks our assistance, we deny his notice of petition for writ of mandamus and his petition for writ of mandamus.

/Ken Molberg//
KEN MOLBERG
JUSTICE

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