

DENY and Opinion Filed August 10, 2022



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

No. 05-22-00783-CV

IN RE WESLEY JONES, Relator

**Original Proceeding from the Criminal District Court No. 7
Dallas County, Texas
Trial Court Cause No. F22-18807**

MEMORANDUM OPINION

Before Justices Myers, Nowell, and Goldstein
Opinion by Justice Nowell

Before the Court is relator's August 9, 2022 petition for writ of mandamus in which he challenges the trial court's finding of probable cause to bind him over for action by the grand jury.¹ Relator complains that the trial court abused its discretion by denying him the opportunity to present a witness at the examining trial before rendering the probable cause determination.

Entitlement to mandamus relief requires relator to show that the trial court violated a ministerial duty and there is no adequate remedy at law. *In re State ex rel.*

¹ This is the second original proceeding filed by relator seeking the same relief. On August 8, 2022, this Court denied relator's first mandamus petition because the petition did not comply with Texas Rule of Appellate Procedure 52 (Cause No. 05-22-00757-CV). Relator re-filed this petition after curing the Rule 52 deficiencies.

Weeks, 391 S.W.3d 117, 122 (Tex. Crim. App. 2013) (orig. proceeding). Based on our review of the petition and record before us, we conclude that relator has failed to demonstrate the trial court violated a ministerial duty. Accordingly, we deny mandamus relief. *See* TEX. R. APP. P. 52.8(a).

/Erin A. Nowell/

ERIN A. NOWELL
JUSTICE

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