

Opinion issued December 9, 2021



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-21-00650-CR

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**IN RE WILLIAM THOMAS WEBB, Relator**

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**Original Proceeding on Petition for Writ of Mandamus**

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**MEMORANDUM OPINION**

Relator, William Thomas Webb, appearing pro se, has filed a petition for writ of mandamus, in which he asserts that his “[c]onstitutional [r]ights to [l]iberty, [d]ue [p]rocess, and [a]ccess to the [c]ourts [were] violated” by the trial court’s failure to

afford him the right to “an examining trial prior to an indictment being filed,” which occurred on May 16, 2019.<sup>1</sup>

An examining trial puts “the State to its burden of proving that probable cause exists to believe the accused committed the offense charged against him.” *State ex rel. Holmes v. Salinas*, 784 S.W.2d 421, 425 (Tex. Crim. App. 1990). However, once the grand jury has returned its own probable cause determination by an indictment, the purpose and justification for an examining trial is satisfied and the defendant is no longer entitled to an examining trial. *See id.* In his mandamus petition, relator admits that the Galveston County grand jury returned an indictment in his criminal court case on May 16, 2019. Accordingly, relator has failed to establish his entitlement to mandamus relief.

We deny relator’s petition for writ of mandamus. *See* TEX. R. APP. P. 52.8.

All pending motions are dismissed as moot.

**PER CURIAM**

Panel consists of Justices Hightower, Countiss, and Guerra.

Do not publish. TEX. R. APP. P. 47.2(b).

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<sup>1</sup> The underlying case is *The State of Texas v. William Thomas Webb*, Cause No. 19-CR-0656, in the 122nd District Court of Galveston County, Texas, the Honorable John Ellisor presiding.