

Opinion issued March 29, 2022



In The
Court of Appeals
For The
First District of Texas

NO. 01-21-00601-CR

IN RE ANTHONY EVERETT PEDLEY, Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

Relator, Anthony Everett Pedley, has filed a petition for writ of mandamus challenging the trial court's failure to provide him with an examining trial prior to his indictment in October.¹

¹ The underlying case is *State of Texas v. Anthony Everett Pedley*, cause number 21-CR-3065, pending in the 122nd District Court of Galveston County, Texas, the Honorable John Ellisor presiding.

To be entitled to mandamus relief, a relator must show that the act he seeks to compel is a ministerial one and that he has no adequate remedy at law for obtaining the relief he seeks. *See In re Powell*, 516 S.W.3d 488, 494–95 (Tex. Crim. App. 2017). Section 16.01 of the Code of Criminal Procedure states that an accused in a felony case “shall have the right to an examining trial before indictment” TEX. CRIM. PROC. CODE § 16.01. But the right to an examining trial is terminated by the return of an indictment. *See State ex rel. Holmes v. Salinas*, 784 S.W.2d 421, 424 (Tex. Crim. App. 1990). Because relator admits in his petition that he has already been indicted, he no longer has the right to an examining trial. Thus, relator has not established his entitlement to mandamus relief.

We deny the petition. *See* TEX. R. APP. P. 52.8. Any pending motions are dismissed as moot.

PER CURIAM

Panel consists of Justices Kelly, Goodman, and Guerra.

Do not publish.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