

Petition for Writ of Mandamus Denied and Opinion filed May 3, 2016.



In The

Fourteenth Court of Appeals

NO. 14-16-00317-CV

**IN RE ONE THOUSAND SIX HUNDRED FOUR DOLLARS AND NINE
CENTS (QUINCY D. BUTLER), Relator**

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
506th Judicial District Court
Waller County, Texas
Trial Court Cause No. 11-06-20924**

MEMORANDUM OPINION

On April 14, 2016, relator Quincy D. Butler filed a petition for writ of mandamus in this court. *See* Tex. Gov't Code Ann. § 22.221 (West 2004); *see also* Tex. R. App. P. 52. In the petition, relator asks this court to compel the Honorable Albert M. McCaig, Jr., presiding judge of the 506th Judicial District Court of

Waller County, Texas to disburse to relator the \$1,604.09 that is at issue in the civil forfeiture action brought by the State of Texas that is pending in the trial court below.

To obtain mandamus relief, a relator must show both that the trial court clearly abused its discretion and that relator has no adequate remedy by appeal. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding).

Relator argues that the trial court is required disburse the \$1,604.09 to relator based on this court’s decision in *One Thousand Six Hundred Four Dollars & Nine Cents (\$1,604.09) In U.S. Currency v. State*, 14-14-00904-CV, 2015 WL 9311500 (Tex. App.—Houston [14th Dist.] Dec. 22, 2015, no pet.). That argument is incorrect. In Cause No. 14-14-00904-CV, our court did not render judgment for relator for the \$1,604.09, but reversed the trial court’s summary judgment in favor of the State and remanded the forfeiture action for trial, which will ultimately determine whether relator or the State is entitled to the \$1,604.09.

Relator has not established that the trial court clearly abused its discretion. Accordingly, we deny relator’s petition for writ of mandamus.

PER CURIAM

Panel consists of Justices Busby, Donovan, and Wise.