

**Petition for Writ of Prohibition Dismissed and Memorandum Opinion
filed May 27, 2021.**



In The

Fourteenth Court of Appeals

NO. 14-20-00794-CR

**IN RE THE STATE OF TEXAS EX REL. KIM OGG, HARRIS COUNTY
DISTRICT ATTORNEY, Relator**

**ORIGINAL PROCEEDING
WRIT OF PROHIBITION
County Criminal Court at Law No. 8
Harris County, Texas
Trial Court Cause No. 2232126**

MEMORANDUM OPINION

On November 24, 2020, relator the State of Texas ex rel. Kim Ogg, Harris County District Attorney, filed a petition for writ of prohibition in this court. *See* Tex. Gov't Code Ann. § 22.221; *see also* Tex. R. App. P. 52. In the petition, relator

asks this court to prohibit the Honorable Franklin Bynum, presiding judge of County Criminal Court at Law No. 8 of Harris County, to act as the factfinder in the underlying case without the State's consent.

The trial court held a bench trial in the underlying case and entered a judgment of acquittal. The State filed a motion to dismiss the petition for writ of prohibition as moot. The motion is GRANTED.

Accordingly, the State's petition for writ of prohibition is dismissed for lack of jurisdiction.

PER CURIAM

Panel consists of Justices Jewell, Poissant, and Wilson.
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