

**Petition for Writ of Mandamus Denied and Memorandum Opinion filed  
November 16, 2021.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-21-00606-CR**

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**IN RE JAMES NOLAN III, Relator**

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**ORIGINAL PROCEEDING  
WRIT OF MANDAMUS  
122nd District Court  
Galveston County, Texas  
Trial Court Cause No. 21CR1899**

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**MEMORANDUM OPINION**

On October 25, 2021, relator James Nolan III filed a petition for writ of mandamus 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 compel the Honorable John Ellisor, presiding judge of the 122nd District Court of Galveston County, to grant relator an examining trial. *See* Tex. Code Crim. Proc. art. 16.01.

In his petition, relator asserts that he “has filed timely requests for examining trial, but the trial court has ignored” his requests and “indicted [relator] on, 29<sup>th</sup> of July, 2021.” Relator contends this violated his constitutional rights. A defendant’s right to an examining trial is ended by the return of an indictment. *State ex rel. Holmes v. Salinas*, 784 S.W.2d 421, 427 (Tex. Crim. App. 1990); *see also In re Richardson*, No. 14-04-00713, 2004 WL 1797589, at \*1 (Tex. App.—Houston [14th Dist.] Aug. 12, 2004, orig. proceeding). “Due process considerations are not implicated since the primary purpose for the examining trial, a determination of probable cause, is at least as timely accomplished by presenting evidence directly to the grand jury.” *Salinas*, 784 S.W.2d at 427.

Relator has not established that he is entitled to mandamus relief. Accordingly, we deny relator’s petition for writ of mandamus.

PER CURIAM

Panel consists of Justices Wise, Bourliot, and Zimmerer.

Do Not Publish — Tex. R. App. P. 47.2(b).