

**Petition for Writ of Mandamus Denied and Memorandum Majority and Dissenting Opinions filed November 16, 2021.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-21-00608-CR**

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**IN RE CLINTON LEWIS DANIELS II, Relator**

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**ORIGINAL PROCEEDING  
WRIT OF MANDAMUS  
405th District Court  
Galveston County, Texas  
Trial Court Cause No. 20CR1464**

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**MEMORANDUM MAJORITY OPINION**

On October 25, 2021, relator Clinton Lewis Daniels II 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 Jared Robinson, presiding judge of the 405th District Court of Galveston County, to grant an examining trial. *See* Tex. Code Crim. Proc. art. 16.01.

Relator complains that the trial court has taken no action on his request for an examining trial. He contends that his constitutional rights to due process and access to the courts have been violated. A felony indictment was filed on May 26, 2020. 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 Jewell, Spain, and Wilson (Spain, J., dissenting).  
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