

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



**In The**  
**Fourteenth Court of Appeals**

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**NO. 14-21-00618-CR**

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**IN RE COURDELL DOMINIQUE MIDDLETON, Relator**

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**ORIGINAL PROCEEDING  
WRIT OF MANDAMUS  
122nd District Court  
Galveston County, Texas  
Trial Court Cause No. 20CR3626**

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**MEMORANDUM OPINION**

On November 1, 2021, relator Courdell Dominique Middleton 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 an examining trial. *See* Tex. Code Crim. Proc. art. 16.01.

Relator complains that the trial court failed to hold an examining trial before he was indicted by the grand jury. He contends that his constitutional rights to due process and access to the courts have been violated. Relator states in his petition that he was indicted on February 4, 2021. 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-CV, 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, Bourliot, and Poissant.  
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