

Petition for Writ of Mandamus Denied and Memorandum Majority and Dissenting Opinions filed August 17, 2023.



In The

Fourteenth Court of Appeals

NO. 14-23-00331-CR

NO. 14-23-00332-CR

IN RE JALAMAN ABDOUL MAREENA, Relator

ORIGINAL PROCEEDING

WRIT OF MANDAMUS

209th District Court

Harris County, Texas

Trial Court Cause Nos. 1817984 & 1817985

MEMORANDUM MAJORITY OPINION

On May 11, 2023, relator Jalaman Abdoul Mareena 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 Brian Warren, presiding judge of the 209th District Court of Harris County, to conduct an examining trial.

Relator states that an information was returned on May 5, 2023. Relator contends this violated his constitutional rights. Relator asserts that he requested an examining trial. However, the mandamus record does not reflect that relator requested an examining trial. Moreover, 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) (orig. proceeding); *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) (mem. op.). “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 Spain (J., Spain, dissenting).
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