

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



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-23-00331-CR**

**NO. 14-23-00332-CR**

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**IN RE JALAMAN ABDOUL MAREENA, Relator**

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**ORIGINAL PROCEEDING**

**WRIT OF MANDAMUS**

**209th District Court**

**Harris County, Texas**

**Trial Court Cause Nos. 1817984 & 1817985**

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**MEMORANDUM DISSENTING OPINION**

Persisting in my view that our duty as judges is to reach a decision on the merits based on a proper record and that due process and due course of law require that this court give notice when the original-proceeding record does not comply with the Texas Rules of Appellate Procedure, I would give relator notice of involuntary

dismissal for failure to comply with Texas Rule of Appellate Procedure 52.7(a) requiring (1) a certified or sworn copy of every document that is material to the relator's claim for relief and that was filed in any underlying proceeding and (2) a properly authenticated transcript of any relevant testimony from any underlying proceeding, including any exhibits offered in evidence, or a statement that no testimony was adduced in connection with the matter complained. Tex. R. App. P. 52.7(a); *see In re Kholaiif*, 624 S.W.3d 228, 231 (order), *mand. disp'd*, 615 S.W.3d 369 (Tex. App.—Houston [14th Dist.] 2020) (orig. proceeding); *see also* Tex. R. App. P. 52.3(k)(1) (necessary contents of petition); Tex. Civ. Prac. & Crim. Code Ann. § 132.001 (authorizing unsworn declarations).

I also question why the court treats this as two mandamus petitions as relator only refers to trial-court case number 1817984 in the body of his petition, which corresponds to appellate case number 14-23-00331-CR.

I dissent from the court's failure to provide notice and an opportunity to cure. Without a mandamus record, I express no opinion on the merits of the petition for a writ of mandamus in appellate case number 14-23-00331-CR. I would also not treat appellate case number 14-23-00332-CR as a separate original proceeding as relator has not requested mandamus relief in connection with trial-court case number 1817985.

/s/ Charles A. Spain  
Justice

Panel consists of Justices Wise, Bourliot, and Spain (Spain, J., dissenting).

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