

**Petition for Writ of Mandamus Dismissed and Memorandum Majority and Dissenting Opinions filed August 31, 2023.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-23-00623-CR**

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**IN RE JOHN DAVIS BERNARD, JR., Relator**

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**ORIGINAL PROCEEDING**

**WRIT OF MANDAMUS**

**185th District Court**

**Harris County, Texas**

**Trial Court Cause No. 1726657**

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**MEMORANDUM DISSENTING OPINION**

On August 15, 2023, this court dismissed a July 7, 2023 filing in which “John Davis Junior: Bernard” petitioned “the Judges of the Court of Criminal Appeals” to review actions of the 184th District Court of Harris County in cause number 1726657, which this court treated as a petition for a writ of mandamus. Because the court interpreted the petition as seeking habeas-corpus relief, the court dismissed the

petition for want of jurisdiction. *In re Bernard*, No. 14-23-00472-CR, 2023 WL 5217885 (Tex. App.—Houston [14th Dist.] Aug. 15, 2023, orig. proceeding) (mem, op., not designated for publication) (Spain, J., dissenting).

On August 24, 2023, “john davis junior of the Family of Bernard” filed an “Application for Writ of Mandamus” in our case number 14-23-00472-CR, trial court cause number 1726657, which the clerk of this court filed under new case number 14-23-00623-CR. This court has again treated this “application” as a petition for a writ of mandamus seeking habeas-corpus relief.

As I previously did, I agree that it appears we have no jurisdiction. I would give relator notice of an involuntary dismissal and an opportunity to respond before we dismiss.

I respectfully dissent to the lack of due process the court affords to relator.

/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Do Not Publish — Tex.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).