



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-20-0335-CR

IN RE Jimmy Coung Duc TRAN

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Rebeca C. Martinez, Justice
Luz Elena Chapa, Justice
Irene Rios, Justice

Delivered and Filed: July 22, 2020

PETITION FOR WRIT OF MANDAMUS DENIED

On May 19, 2020, relator filed in the trial court a pretrial application for writ of habeas corpus seeking a reduction in bail. On May 20, 2020, the trial court signed an order that stated the trial court heard relator's pretrial application for writ of habeas corpus and "[a]fter considering the merits of [the application], it is hereby ordered that the writ of habeas corpus" is denied. On or about June 2, 2020, relator's attorney filed a notice of appeal with this court in appellate cause number 04-20-00303-CR.

On July 1, 2020, relator filed a petition for writ of mandamus asking this court to order the trial court to issue a writ of habeas corpus and set the matter for a hearing. In his petition, relator

¹ This proceeding arises out of Cause No. 2019CR12300A, styled *Ex Parte Jimmy Coung Duc Tran*, pending in the 186th Judicial District Court, Bexar County, Texas, the Honorable Jefferson Moore, presiding.

states he filed the petition for writ of mandamus because a mandamus, rather than an appeal, is appropriate when a trial court does not issue a writ and no decision on the merits has been made.

An appellate court does not have jurisdiction to consider an interlocutory appeal from a motion to reduce bail; however, jurisdiction exists to consider an appeal from an order denying a pretrial application for writ of habeas corpus seeking a reduction in bail. *See Ex parte Smith*, 486 S.W.3d 62, 64 n.4 (Tex. App.—Texarkana 2016, no pet.); *Sanderson v. State*, 02-20-00006-CR, 2020 WL 827590, at *1 (Tex. App.—Fort Worth Feb. 20, 2020, no pet.) (per curiam) (mem. op., not designated for publication); *Hutchinson v. State*, 02-17-00262-CR, 2017 WL 4296385, at *1 n.2 (Tex. App.—Fort Worth Sept. 28, 2017, no pet.) (per curiam) (mem. op., not designated for publication). Here, the trial court considered the merits of and denied relator’s pretrial application for writ of habeas corpus. Therefore, an appeal is the appropriate vehicle to challenge this ruling. Because relator has an adequate remedy at law, we deny the petition for writ of mandamus.

PER CURIAM

Do not publish