

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-15-00319-CR

IN RE OTTO CAULEY

Original Proceeding
1A District Court of Newton County, Texas
Trial Cause No. ND-6336

MEMORANDUM OPINION

In his petition for a writ of mandamus, Otto Cauley asks that the Court compel the judge of the 1A District Court of Newton County, Texas to hold a hearing and make findings of fact and conclusions of law on a motion for new trial that Cauley says he filed in Trial Court Case Number ND-6336 on May 9, 2015. He identifies a case where his conviction has been affirmed on appeal and the mandate has issued. *See generally Cauley v. State*, No. 09-11-00034-CR, 2012 WL 1448375, at *4 (Tex. App.—Beaumont Apr. 25, 2012, pet. ref'd) (mem. op., not

designated for publication). “The trial court’s jurisdiction expires when a case becomes final or is taken to a higher court.” *In re State ex rel. Sistrunk*, 142 S.W.3d 497, 503 (Tex. App.—Houston [14th Dist.] 2004, orig. proceeding). Because the trial court had no jurisdiction to consider Cauley’s motion for new trial, the trial court did not err by refusing to hold a hearing on it. *See In re Pettigrew*, 301 S.W.3d 920, 922-23 (Tex. App.—Tyler 2009, orig. proceeding); *see also* Tex. R. App. P. 21.4(a).

PETITION DENIED.

PER CURIAM

Submitted on August 25, 2015
Opinion Delivered August 26, 2015
Do Not Publish

Before McKeithen, C.J., Horton and Johnson, JJ.