

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-15-00422-CR

IN RE CAROL ANN DAVIS

Original Proceeding
359th District Court of Montgomery County, Texas
Trial Cause No. 13-03-02547-CR

MEMORANDUM OPINION

In a petition for a writ of mandamus or prohibition, Carol Ann Davis asks that we compel the judge of the 359th District Court of Montgomery County to stay her trial pending the Court’s resolution of Davis’s appeal of the denial of her pre-trial application for a writ of habeas corpus.¹ After reviewing the petition and appendix, we conclude Davis has failed to establish that the trial court either denied a motion that it had a ministerial duty to grant or refused to rule on a motion

¹See generally *Ex parte Davis*, No. 09-15-00063-CR, 2015 WL 6121521, at *1 (Tex. App.—Beaumont Oct. 14, 2015, no pet. h.) (mem. op., not designated for publication).

properly filed and before the court. Davis has not shown that she has a clear right to the relief sought under “unequivocal, well-settled . . . and clearly controlling legal principles.” *Simon v. Levario*, 306 S.W.3d 318, 320 (Tex. Crim. App. 2009). Accordingly, we deny the petition. *See* Tex. R. App. P. 52.8(a).

PETITION DENIED.

PER CURIAM

Submitted on October 27, 2015
Opinion Delivered October 28, 2015
Do Not Publish

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