



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-11-00082-CV

IN RE: ZACHARY W. LAWSON

Original Mandamus Proceeding

Before Morriss, C.J., Carter and Moseley, JJ.
Memorandum Opinion by Justice Carter

MEMORANDUM OPINION

Zachary W. Lawson has filed a petition for writ of mandamus in which he asks this Court to order the 5th Judicial District Court of Cass County, Texas, to resolve cause number 07C477, a forfeiture proceeding filed in August 2007. Alternatively, Lawson asks this Court to order the trial court to rule on his motion to dismiss the forfeiture proceeding and motion to suppress evidence filed in the same cause number.

We may grant a petition for writ of mandamus when the relator shows there is no adequate remedy at law to redress the alleged harm and that the act to be compelled is purely ministerial. *Aranda v. Dist. Clerk*, 207 S.W.3d 785, 786 (Tex. Crim. App. 2006) (orig. proceeding) (per curiam) (citing *Winters v. Presiding Judge of Criminal Dist. Court No. Three*, 118 S.W.3d 773, 775 (Tex. Crim. App. 2003)). Lawson has no appellate remedy until such time as (1) a final hearing is held, or (2) the forfeiture action is dismissed.

The trial court conducted a hearing in cause number 07C477 on May 4, 2011. At that time, Lawson's (1) motion to dismiss, (2) motion for return of property, (3) motion for appointment of counsel, and (4) motion to suppress evidence were denied. Also on May 4, 2011, the trial court granted the State's forfeiture motion. Accordingly, because a final hearing has been conducted and each of Lawson's motions has been decided by the trial court, Lawson has an adequate remedy at law.¹

¹We have no record that the trial court has signed and entered a formal judgment memorializing the rulings of May 4, 2011. These rulings are, however, reflected on the docket sheet for cause number 07C477.

We, therefore, deny the petition for writ of mandamus.

Jack Carter
Justice

Date Submitted: August 31, 2011
Date Decided: September 1, 2011