



IN THE  
TENTH COURT OF APPEALS

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No. 10-16-00063-CR

IN RE CODY LEDBETTER

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Original Proceeding

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MEMORANDUM OPINION

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Relator Cody Ledbetter has filed a “motion for leave to file original petition for writ of mandamus”<sup>1</sup> and an “original petition for pre-trial writ of mandamus.”<sup>2</sup> The petition seeks mandamus relief in the form of compelling the Respondent trial court judge to perform the allegedly ministerial act of scheduling Ledbetter’s underlying criminal case for trial.

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<sup>1</sup> The motion for leave is dismissed as moot because motions for leave are no longer required in the courts of appeal. *See* TEX. R. APP. P. 52.1; *cf. id.* R. 72.1 (requiring motion for leave in Court of Criminal Appeals).

<sup>2</sup> The motion for leave and the petition lack proof of service on the State, which is a real party in interest in this proceeding because it is a party in the underlying criminal case. *See id.* R. 52.2. A copy of all documents presented to the Court must be served *on all parties* (*i.e.*, the trial court judge and the State through the district attorney in this proceeding) and must contain proof of service. *Id.* R. 9.5. To expedite this matter, we invoke Rule of Appellate Procedure 2 to suspend this requirement. *Id.* R. 2.

The petition is denied. *See* TEX. R. APP. P. 52.8(d).

REX D. DAVIS  
Justice

Before Chief Justice Gray,  
Justice Davis, and  
Justice Scoggins

(Chief Justice Gray would request a response. *See* TEX. R. APP. P. 52.8(b)).

Petition denied

Opinion delivered and filed March 10, 2016

Do not publish

[OT06]

