



**IN THE  
TENTH COURT OF APPEALS**

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**No. 10-20-00194-CR**

**IN RE EUGENE L. JENKINS**

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**Original Proceeding**

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**MEMORANDUM OPINION**

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Relator's Application for Writ of Mandamus is denied.<sup>1</sup>

REX D. DAVIS  
Justice

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<sup>1</sup> Relator includes a motion for leave to file the application for writ of mandamus. A motion for leave to file a petition for writ of mandamus is required when relief by mandamus is sought from the Court of Criminal Appeals. TEX. R. APP. P. 72.1. But the requirement for leave to file a petition for writ of mandamus at the court of appeals level was eliminated in 1997. See TEX. R. APP. P. 52, Notes and Comments. Thus, under the applicable rules, if mandamus relief is sought from an intermediate court of appeals, such as the Tenth Court of Appeals, a motion for leave to file the petition is unnecessary. Accordingly, Relator's motion for leave to file application for writ of mandamus is dismissed as moot. See *In re Dawson*, 10-19-00427-CR, 2019 WL 6827566 (Tex. App.—Waco Dec. 11, 2019, orig. proceeding).

Before Chief Justice Gray,  
Justice Davis, and  
Justice Neill

Application for writ of mandamus denied; motion dismissed  
Opinion delivered and filed July 29, 2020  
[OT06]

