



**IN THE
TENTH COURT OF APPEALS**

**No. 10-20-00230-CR
No. 10-20-00231-CR**

IN RE RYAN CARTER LEMON

Original Proceedings

MEMORANDUM OPINION

Relator's Petitions for Writ of Mandamus regarding two trial court proceedings were filed on August 27, 2020. Relator requested an emergency temporary stay of all of the proceedings in each of the matters pending in the trial court, which this Court granted, in part, on the same date, staying the jury trials scheduled for August 31, 2020 and September 2, 2020 until further order of the Court. The Court also requested a response from any party to the proceeding to be filed within 21 days from the date of the Court's order.

On its own motion, the Court has reconsidered the emergency motion and withdraws the order dated August 27, 2020 staying the scheduled jury trials and requesting a response and renders the following decisions.

Relator's Application for Emergency Temporary Stay Pending Disposition of Writ of Mandamus filed in each proceeding is denied.

Relator also presented Relator's Motion for Leave to File Petition for Writ of Mandamus in each proceeding. 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. However, 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, each Relator's Motion for Leave to File Petition for Writ of Mandamus is dismissed as moot. See *In re Dawson*, 10-19-00427-CR, 2019 Tex. App. LEXIS 10725, 2019 WL 6827566 (Tex. App.—Waco Dec. 11, 2019, orig. proceeding).

Further, each Petition for Writ of Mandamus filed on August 27, 2020 is denied.

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Neill
Motions denied
Motions dismissed as moot
Petitions denied
Opinion delivered and filed September 3, 2020
Do not publish
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