



NUMBER 13-24-00004-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

IN RE DANIEL LAROCK

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

**Before Chief Justice Contreras and Justices Benavides and Tijerina
Memorandum Opinion by Chief Justice Contreras¹**

Relator Daniel LaRock filed a petition for writ of mandamus contending that the trial court abused its discretion by awarding spousal maintenance to the real party in interest Daphne LaRock. This original proceeding arises from trial court cause number 22D36265 in the 273rd District Court of Shelby County, Texas.

Article V, § 6 of the Texas Constitution delineates the appellate jurisdiction of the

¹ See TEX. R. APP. P. 52.8(d) (“When denying relief, the court may hand down an opinion but is not required to do so. When granting relief, the court must hand down an opinion as in any other case.”); *id.* R. 47.4 (distinguishing opinions and memorandum opinions).

courts of appeals, and states that the courts of appeals “shall have such other jurisdiction, original and appellate, as may be prescribed by law.” TEX. CONST. art. V, § 6(a). The main source of original jurisdiction for the courts of appeals is provided by § 22.221 of the Texas Government Code. See TEX. GOV’T CODE ANN. § 22.221; *In re Cook*, 394 S.W.3d 668, 671 (Tex. App.—Tyler 2012, orig. proceeding). In pertinent part, this section provides that an intermediate appellate court may issue writs of mandamus against specified judges in its district and “all other writs necessary to enforce the jurisdiction of the court.” TEX. GOV’T CODE ANN. § 22.221(a), (b).

The Court, having examined and fully considered the petition for writ of mandamus, is of the opinion that we lack jurisdiction over this original proceeding. Relator seeks mandamus relief against the judge of the 273rd District Court of Shelby County. However, Shelby County is not located within the geographic district for the Thirteenth Court of Appeals and is instead located within the geographic district for the Twelfth Court of Appeals. See TEX. GOV’T CODE ANN. § 22.201(m) (delineating the counties comprising the Twelfth Court of Appeals District); *id.* § 22.201(n) (delineating the counties comprising the Thirteenth Court of Appeals District). Thus, we lack jurisdiction to issue a writ against the judge of the 273rd District Court of Shelby County. See *id.* § 22.221(b); *In re Cortez*, 415 S.W.3d 903, 904 (Tex. App.—Texarkana 2013, orig. proceeding) (per curiam). Further, there is no indication in the record that the requested relief is necessary to enforce our

appellate jurisdiction. See TEX. GOV'T CODE ANN. § 22.221(a). Accordingly, we dismiss the petition for writ of mandamus.

DORI CONTRERAS
Chief Justice

Delivered and filed on the
4th day of January, 2024.