

**NO. 12-13-00361-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

*IN RE: 123RD JUDICIAL DISTRICT* §

*ATTORNEY OF SHELBY COUNTY* § *ORIGINAL PROCEEDING*

*RELATOR* §

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***MEMORANDUM OPINION  
PER CURIAM***

On November 26, 2013, the Shelby County District Attorney filed a petition for a conditional writ of prohibition and a motion for temporary relief in this court. The real party in interest is Bart Hendricks. The respondent is the Honorable Charles “Brick” Dickerson, Judge of the 123rd Judicial District Court of Shelby County, Texas.

In the petition, Relator alleged that the District Attorney’s Office had obtained a final lifetime stalking protective order against Bart Hendricks in the County Court of Shelby County, but Hendricks’s attorney filed a motion for new trial and in arrest of judgment in the 123rd District Court of Shelby County. Relator alleged further that Respondent set the matter for a hearing on December 3, 2013, and ordered full briefing. Relator requested a conditional writ of prohibition directing Respondent not to exercise jurisdiction or do any act in regard to the application for a protective order in trial court cause number 13CV32,506. We granted Relator’s motion for temporary relief pending our disposition of the petition.

On December 9, 2013, counsel for Respondent notified this court that on December 3, 2013, the Honorable Rick Campbell, County Judge of Shelby County, granted Hendricks’s motion for new trial and also signed an order transferring the case “to District Court of Shelby County, Texas.” We notified Relator that it appears this proceeding was rendered moot by these orders. We also informed Relator that this original proceeding would be dismissed as moot unless, on or before Monday, January 6, 2014, the court was shown sufficient cause to proceed.

The January 6, 2014 deadline has now passed, and Relator has not responded to our notice. Accordingly, we lift our stay of November 27, 2013, and *dismiss* this original proceeding *as moot*. All pending motions are overruled as moot.

Opinion delivered January 15, 2014.

*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*

(DO NOT PUBLISH)



## COURT OF APPEALS

### TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

#### JUDGMENT

JANUARY 15, 2014

NO. 12-13-00361-CR

**KENNETH B. FLORENCE, JR., DISTRICT ATTORNEY OF SHELBY COUNTY,**

Relator

v.

**HON. CHARLES "BRICK" DICKERSON,**

Respondent

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#### ORIGINAL PROCEEDING

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ON THIS DAY came to be heard the petition for a conditional writ of prohibition and a motion for temporary relief filed by, **KENNETH B. FLORENCE, JR., DISTRICT ATTORNEY OF SHELBY COUNTY**, who is the prosecutor representing the State of Texas in Cause No. 13CV-32,506, pending on the docket of the 123rd Judicial District Court of Shelby County, Texas. Said petition for a conditional writ of prohibition and a motion for temporary relief having been filed herein on November 26, 2013, and the same having been duly considered, because it is the opinion of this Court that this Court does not have jurisdiction and that this original proceeding should be dismissed as moot, it is therefore **CONSIDERED, ADJUDGED and ORDERED** that the said petition for a conditional writ of prohibition be, and the same is, hereby **DISMISSED AS MOOT**. All pending motions are overruled as moot. This Court's stay of November 27, 2013, is lifted.

By *per curiam* opinion.

*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*