

Petition for Writ of Mandamus Denied and Memorandum Opinion filed June 23, 2020.



In The

Fourteenth Court of Appeals

NO. 14-20-00437-CR

NO. 14-20-00438-CR

NO. 14-20-00439-CR

NO. 14-20-00440-CR

**IN RE THE STATE OF TEXAS EX REL. KIM OGG, HARRIS COUNTY
DISTRICT ATTORNEY, Relator**

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
WRIT OF PROHIBITION
County Criminal Court at Law No. 16
Harris County, Texas
Trial Court Cause Nos. 2288950 & 2288951**

MEMORANDUM OPINION

On June 17, 2020, relator the State of Texas ex rel. Kim Ogg, Harris County District Attorney, filed a petition for writ of mandamus and a petition for writ of

prohibition in this court. *See* Tex. Gov't Code Ann. § 22.221; *see also* Tex. R. App. P. 52. In the petition for writ of mandamus, the State asks this court to compel the Honorable Darrell Jordan, presiding judge of Country Criminal Court at Law No. 16 in Harris County, to set aside his June 11, 2020 ruling granting Jacob Straughan's motion to conduct a bench trial without the State's consent to waiver of a jury trial. In the petition for writ of prohibition, the State seeks to prevent Judge Jordan from proceeding to trial with Judge Jordan acting as fact finder. The State also filed a motion for temporary relief, asking this court to stay the bench trial.

The State's petitions are deficient because they do not comply with Texas Rules of Appellate Procedure 52.3(j) and (k) in that the petitions do not include a certification that the person filing the petitions has reviewed them and concluded that every factual statement in the petition is supported by competent evidence include in the appendix or record and not all documents, including the docket sheet and the reporter's record, are not sworn or certified. *See* Tex. R. App. P. 52.3(j), (k).

Relator has not established that is it entitled to the issuance of a writ of mandamus or a writ of prohibition. Accordingly, we deny relator's petition for writ of mandamus and petition for writ of prohibition. We also deny relator's motion for temporary relief.

PER CURIAM

Panel consists of Justices Wise, Bourliot, and Spain.
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