

COURT OF APPEALS FOR THE NINTH DISTRICT OF TEXAS AT BEAUMONT

In re Mandy Jo Cook

No. 09-26-00217-CV · No. 09-26-00217-CV · Decided June 18, 2026

SUMMARY

The Ninth Court of Appeals of Texas denied Mandy Jo Cook’s petition for a writ of mandamus and motion for temporary relief. The court held that her challenge to the trial court’s judgment nunc pro tunc correcting a divorce decree could be addressed in her pending appeal, and that the benefits of mandamus review were outweighed by its detriments.

CASE DETAILS

|                       |                                                                                                                                                                                                                                            |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals for the Ninth District of Texas at Beaumont                                                                                                                                                                               |
| WRITING FOR THE COURT | Golemon, C.J.; Johnson, J.; Chambers, J.                                                                                                                                                                                                   |
| JURISDICTION          | Court of Appeals for the Ninth District of Texas at Beaumont                                                                                                                                                                               |
| DECIDED               | June 18, 2026                                                                                                                                                                                                                              |
| DOCKET                | 09-26-00217-CV                                                                                                                                                                                                                             |
| DISPOSITION           | writ_denied                                                                                                                                                                                                                                |
| PROCEDURAL POSTURE    | Original mandamus proceeding challenging a judgment nunc pro tunc entered after expiration of the trial court's plenary power. The relator had separately perfected an appeal from the judgment nunc pro tunc.                             |
| STANDARD OF REVIEW    | Mandamus relief is unavailable when the challenged dispute can be adequately addressed through an ordinary appeal; the adequacy of the appellate remedy is determined by balancing the benefits of mandamus review against its detriments. |
| PRECEDENTIAL VALUE    | Published memorandum opinion; precedential status is not otherwise specified in the opinion text.                                                                                                                                          |
| PARTIES               | Mandy Jo Cook                                                                                                                                                                                                                              |

TOPICS

- writ of certiorari
- appellate procedure
- family law procedure
- divorce
- remedies

PRACTICE AREAS

- family law
- appellate procedure
- civil procedure
- remedies

## QUESTIONS PRESENTED

1. Whether mandamus relief was appropriate to challenge a judgment nunc pro tunc allegedly entered after expiration of the trial court's plenary power.
2. Whether Cook had an adequate remedy by appeal when she had already perfected an appeal from the judgment nunc pro tunc.
3. Whether temporary relief was warranted to prevent enforcement of the substituted decree or distribution of disputed sale proceeds.

## HOLDINGS

1. Mandamus relief was not appropriate because Cook's challenge to the judgment nunc pro tunc could be addressed in the appeal she had already perfected.
2. The motion for temporary relief was denied.

## KEY QUOTATIONS

*“The adequacy of an appellate remedy must be determined by balancing the benefits of mandamus review against the detriments.” (at 3)*

*“Under the circumstances presented in the mandamus record, the benefits of mandamus review are outweighed by the detriments.” (at 4)*

## FACTUAL BACKGROUND

The trial court entered a divorce decree and related conservatorship and child-support order on December 4, 2025. On April 16, 2026, after a hearing, it granted a motion for judgment nunc pro tunc and entered a substituted decree that materially changed property allocations, debts, sanctions, possession of animals, visitation provisions, and injunctions. Cook argued that these were judicial rather than clerical corrections made after plenary power expired and that the substituted decree could affect a pending residence closing and enforcement proceedings.

## PROCEDURAL HISTORY

The 411th District Court of San Jacinto County signed a Final Decree of Divorce and Order for Conservatorship and Child Support on December 4, 2025. After the trial court granted a motion for judgment nunc pro tunc and entered a substituted decree on April 16, 2026, Mandy Jo Cook perfected an appeal from that judgment and sought mandamus relief, asserting that the substituted decree made judicial rather than clerical corrections and was being enforced while the appeal was pending. The court of appeals denied the mandamus petition and the motion for temporary relief because the dispute could be addressed in the appeal and the benefits of mandamus review were outweighed by its detriments.

## DISPOSITION

writ\_denied

## CASES CITED

- Castilleja v. Camero, 414 S.W.2d 431, 433 (Tex. 1967)
- In re Team Rocket, L.P., 256 S.W.3d 257, 262 (Tex. 2008)
- In re Prudential Ins. Co. of Am., 148 S.W.3d 124, 136 (Tex. 2004)

## OPINION

In Re Mandy Jo Cook v. the State of Texas

PER CURIAM.

In The Court of Appeals Ninth District of Texas at Beaumont \_\_\_\_\_

NO. 09-26-00217-CV

\_\_\_\_\_  
IN RE MANDY JO COOK

Original

\_\_\_\_\_  
Proceeding 411th District Court of San Jacinto County, Texas Trial Cause No. DV14,828

## MEMORANDUM OPINION

In a petition for a writ of mandamus, Relator Mandy Jo Cook contends the trial court abused its discretion by signing a judgment nunc pro tunc that corrected what she argues are judicial rather than clerical errors in the decree of divorce after the trial court's plenary power expired. We conclude the dispute can be addressed in the appeal Cook perfected from the judgment nunc pro tunc. Accordingly, we deny the petition for a writ of mandamus and the motion for temporary relief. 1 The trial court signed a Final Decree of Divorce and Order for Conservatorship and Child Support on December 4, 2025. On January 22, 2026, Real Party in Interest John William Cook III filed a Motion for Judgment Nunc Pro Tunc. In his motion, John Cook alleged "there were multiple proposed decrees filed by counsel for both parties and the wrong decree was signed by the Court." The trial court held a hearing on April 16, 2026.<sup>1</sup> At the conclusion of the hearing, the trial court signed an Order Granting Judgment Nunc Pro Tunc and a substituted Final Decree of Divorce and Order for Conservatorship and Child Support.<sup>2</sup> Relator did not include a transcript of the hearing in the mandamus record. 1 See Tex. R. App. P. 52.7(a)(2). 2 Relator identifies the following alterations of the December 4 Decree in the April 16 substituted Decree: (1) the debt section is rewritten to add specific dollar amounts (totaling \$48,288.35) to six credit cards that had no amounts in the December 4 Decree, with one card substituted and to add two entirely new community loans — 401(k) loan of \$12,510.94 and a CUTX Loan No. 73L0001 of \$15,546.67 — adding \$28,057.61 in new community debts; (2) the 50/50 split of mortgage payments, taxes, HOA fees, and insurance for one residence is changed to require Relator to pay 100% of the mortgage, interest, insurance, and taxes, with the Real Party in Interest paying only 50% of principal; (3) an undocumented mortgage due to Respondent's parents is inserted into the proceeds-distribution clause for a second residence; (4) a new sanctions section grants a motion

for sanctions, finds that Relator is in contempt of court, and imposes a \$1,000 attorney's-fee award payable from Relator's share of the sale proceeds for the first residence; (5) Relator's animals award divests Relator of two cats; (6) two protective debt provisions ("Secured Debt Not Specifically Assumed" and "Unsecured Debt Not Specifically 2 On May 7, 2026, Relator perfected an appeal from the judgment nunc pro tunc.<sup>3</sup> See Tex. R. Civ. P. 329b(h). In her mandamus petition, Relator complains that the trial court has not acted on a Motion to Vacate Void Order that she filed on May 18, 2026, after she perfected her appeal. See id. 329b(f). After Relator perfected her appeal, John Cook filed a Petition for Enforcement of Division of Property by Contempt pursuant to Chapter 9 of the Texas Family Code. See Tex. Fam. Code Ann. §§ 9.001-.014. Relator contends mandamus relief is required because the Petition for Enforcement of Division of Property by Contempt will proceed while her appeal is pending. In her mandamus petition, Cook contends "the void Decree is being treated as operative by a title company preparing a June 23, 2026 closing, and is being actively enforced through a contempt petition seeking Relator's jailing, a \$30,000 judgment, and a receiver." Cook states: Assumed") are deleted; (7) the summer-weekend "Location of Pickup and Return" provision is changed from a fixed location at the Real Party in Interest's residence to a location the Real Party in Interest may designate on fifteen days' written notice; and (8) the December 4 Decree's injunction that "no unrelated adult will be at home between the hours of 9pm and 6am" is deleted, and the injunction concerning John William Cook IV is altered from "will not be allowed within 200 ft of the children" to "will not be allowed unsupervised within 200 ft of the children." The appellate clerk docketed Appeal Number 09-26-00207-CV, Mandy Jo 3 Cook v. John William Cook III. 3 Relator does not seek to halt the [residence] closing; she seeks to ensure it proceeds, if at all, under the valid December 4 Decree rather than the void April 16 Decree. Only this Court's intervention can prevent the void orders from being given irreversible effect at closing and from serving as the predicate for a contempt-based deprivation of Relator's liberty. According to Cook, the parties agree the closing of the sale of the residence should proceed on June 23 as scheduled, but dispute whether the proceeds from the sale should be distributed under the terms of the challenged April 16 substituted Final Decree or under the terms of the December 4 Final Decree of Divorce and Order for Conservatorship and Child Support. Cook, however, has not asked the trial court to order the disputed portion of the proceeds of the sale to be deposited into the registry of the court until the dispute over which decree controls their distribution is resolved in the appeal. See *Castilleja v. Camero*, 414 S.W.2d 431, 433 (Tex. 1967) (Where the ownership of funds that are the subject of litigation between the parties is in dispute, and the fund is in danger of being lost or depleted, the trial court may order the parties to deposit the funds into the registry of the court until the ownership dispute is finally decided.). "The adequacy of an appellate remedy must be determined by balancing the benefits of mandamus review against the detriments." In re *Team Rocket, L.P.*, 256 S.W.3d 257, 262 (Tex. 2008) (citing In re *Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 136 (Tex. 2004)). Under the circumstances presented in the mandamus record, 4 the benefits of

mandamus review are outweighed by the detriments. Accordingly, we deny the petition for a writ of mandamus and the motion for temporary relief. See Tex. R. App. P. 52.8(a), 52.10. PETITION DENIED.

PER CURIAM

Submitted on June 17, 2026 Opinion Delivered June 18, 2026 Before Golemon, C.J., Johnson and Chambers, JJ. 5