

COURT OF APPEALS OF TEXAS, FOURTH DISTRICT AT SAN ANTONIO

In re Rebekah Killion

No. 04-23-00557-CV · No. No. 04-23-00557-CV · Decided August 30, 2023

SUMMARY

The Fourth Court of Appeals of Texas denied Rebekah Killion’s petition for a writ of mandamus arising from a Bexar County divorce proceeding. The court lifted its prior stay of trial and denied Killion’s motion for sanctions.

CASE DETAILS

COURT	Court of Appeals of Texas, Fourth District at San Antonio
WRITING FOR THE COURT	Per Curiam; Patricia O. Alvarez, Justice; Irene Rios, Justice; Lori I. Valenzuela, Justice
JURISDICTION	Texas
DECIDED	August 30, 2023
DOCKET	No. 04-23-00557-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original proceeding in which the relator petitioned for a writ of mandamus and separately moved to stay the pending trial and for sanctions.
PRECEDENTIAL VALUE	Unclear from the opinion text; the opinion is designated as a memorandum opinion.
PARTIES	Rebekah Killion, Relator

TOPICS

- writ of certiorari
- appellate procedure
- civil procedure
- family law procedure
- family law

PRACTICE AREAS

- Appellate procedure
- Civil procedure
- Family law

QUESTIONS PRESENTED

- Whether Relator was entitled to a writ of mandamus based on the petition, response, and record.
- Whether Relator's motion for sanctions should be granted.

HOLDINGS

1. Relator was not entitled to the requested mandamus relief, and the petition for writ of mandamus was denied.
2. Relator's August 18, 2023 motion for sanctions was denied.

KEY QUOTATIONS

“After considering the petition, Real Party in Interest’s Second Amended Response, and the record, we conclude Relator is not entitled to the relief sought.”

“Accordingly, Relator’s petition for writ of mandamus is denied.”

FACTUAL BACKGROUND

The proceeding arose from a divorce case, In the Matter of the Marriage of Matthew Killion and Rebekah M. Killion, pending in Bexar County. Rebekah Killion challenged an order signed by the presiding judge of the 166th Judicial District Court through a petition for writ of mandamus. The appellate court reviewed the petition, the Real Party in Interest's Second Amended Response, and the record, and concluded that mandamus relief was not warranted.

PROCEDURAL HISTORY

On May 30, 2023, Relator filed a petition for writ of mandamus. The court granted Relator's motion to stay the pending trial on June 1, 2023, requested a response, considered the petition, the Real Party in Interest's Second Amended Response, and the record, and denied mandamus relief. The court lifted the stay and denied Relator's motion for sanctions.

DISPOSITION

writ_denied

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas MEMORANDUM OPINION No. 04-23-00557-CV IN RE Rebekah KILLION Original Proceeding 1 PER CURIAM Sitting: Patricia O. Alvarez, Justice Irene Rios, Justice Lori I. Valenzuela, Justice Delivered and Filed: August 30, 2023 PETITION FOR WRIT OF MANDAMUS DENIED On May 30, 2023, Relator filed a petition for writ of mandamus.

The next day, Relator filed a motion to stay trial. On June 1, 2023, we granted the motion to stay the pending trial, and we requested a response from Real Party in Interest. After considering the petition, Real Party in Interest’s Second Amended Response, and the record, we conclude Relator is not entitled to the relief sought.

Accordingly, Relator's petition for writ of mandamus is denied. See TEX. R. APP. P. 52.8(a). Our June 1, 2023 stay of the then-pending trial is lifted. Relator's August 18, 2023 motion for sanctions is denied. PER CURIAM 1 This proceeding arises out of Cause No. 2020-CI-11671, styled In the Matter of the Marriage of Matthew Killion and Rebekah M. Killion, pending in the 285th Judicial District Court, Bexar County, Texas.

The Honorable Laura Salinas, Presiding Judge of the 166th Judicial District Court, Bexar County, Texas, signed the order that is the subject of Relator's petition for writ of mandamus.