

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS AT HOUSTON

In re The State of Texas, ex rel. Kim Ogg, Harris County District Attorney

In re State of Texas · No. 01-20-00612-CR; 01-20-00617-CR · Decided September 1, 2020

SUMMARY

The First Court of Appeals of Texas granted the State of Texas's emergency motion for temporary relief in connection with a petition for writ of mandamus. The court stayed enforcement of a trial court discovery order requiring production of an investigative report and requested a response to the mandamus petition within twenty days.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas at Houston
WRITING FOR THE COURT	Terry Adams
JURISDICTION	Texas
DECIDED	September 1, 2020
DOCKET	01-20-00612-CR; 01-20-00617-CR
DISPOSITION	other
PROCEDURAL POSTURE	The State filed a petition for writ of mandamus challenging a trial-court discovery order and requested emergency temporary relief staying enforcement of that order. The court granted the emergency motion, stayed enforcement, and requested a response to the mandamus petition.
PRECEDENTIAL VALUE	Published order granting temporary emergency relief; the mandamus petition remained pending and the order does not resolve the merits.
PARTIES	The State of Texas, ex rel. Kim Ogg, Harris County District Attorney v. Thomas Wood

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether enforcement of the trial court's discovery order requiring production of an investigative report should be temporarily stayed while the State's petition for writ of mandamus was pending.

KEY QUOTATIONS

“Enforcement of the trial court’s discovery order requiring production of the investigative report on or before Friday, September 4, 2020 is stayed.” (2)

FACTUAL BACKGROUND

The trial court ordered the State to produce an investigative report pursuant to article 39.14 of the Texas Code of Criminal Procedure. Production was required by Friday, September 4, 2020, prompting the State to seek mandamus relief and an emergency stay.

PROCEDURAL HISTORY

During an August 31, 2020 hearing, the respondent trial court adopted a prior order by visiting Judge Leslie Yates compelling the State to produce an investigative report under article 39.14 of the Texas Code of Criminal Procedure. The State filed a mandamus petition and an emergency motion for temporary relief on September 1, 2020. The court stayed enforcement of the discovery order until disposition of the mandamus petition or further order and ordered the real parties in interest to respond within twenty days.

DISPOSITION

other

OPINION

PER CURIAM.

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS AT HOUSTON ORDER
Appellate case name: In re The State of Texas, ex rel. Kim Ogg, Harris County District Attorney
Appellate case number: 01-20-00612-CR 01-20-00617-CR Trial court case number: 1680890
1680898 Trial court: 228th District Court of Harris County On September 1, 2020, relator, the State of Texas, ex rel.

Kim Ogg, Harris County District Attorney, filed a petition for writ of mandamus challenging an oral order of the trial court made during an August 31, 2020 hearing, in which respondent adopted a prior order by visiting judge, the Honorable Leslie Yates, granting real party in interest, Thomas Wood’s, motion to compel production of an investigative report pursuant to Article 39.14 of the Texas Code of Criminal Procedure.

The trial court’s discovery order requires relator to produce the investigative report on or before Friday, September 4, 2020. In conjunction with its petition for writ of mandamus, relator also filed

an “Emergency Motion for Temporary Relief to Stay Proceedings” in trial court cause numbers 1680890 and 1680898. Relator’s motion for emergency relief is granted.

Enforcement of the trial court’s discovery order requiring production of the investigative report on or before Friday, September 4, 2020 is stayed. The stay is effective until disposition of relator’s petition for a writ of mandamus or further order of this Court.

The Court requests a response to the petition for a writ of mandamus from real parties in interest. The response if any, is due no later than twenty days from the date of this order. It is so ORDERED. Judge’s signature: __/s/ Terry Adams_____
Acting individually Acting for the Court Date: __September 1, 2020_____ 2