

FOURTEENTH COURT OF APPEALS OF TEXAS

In re Andrew Pete

No. 14-21-00073-CR (Tex. App.—Houston [14th Dist.] Feb. 11, 2021) · No. No. 14-21-00073-CR · Decided February 11, 2021

SUMMARY

The Texas Fourteenth Court of Appeals abated Andrew Pete’s mandamus proceeding concerning a motion to compel production of law-enforcement disciplinary records. Because the respondent judge no longer held office, the court directed his successor to reconsider the ruling and report the action taken by March 11, 2021.

CASE DETAILS

COURT	Fourteenth Court of Appeals of Texas
WRITING FOR THE COURT	Chief Justice Christopher; Justice Jewell; Justice Hassan
JURISDICTION	Texas
DECIDED	February 11, 2021
DOCKET	No. 14-21-00073-CR
DISPOSITION	other
PROCEDURAL POSTURE	Original proceeding seeking a writ of mandamus concerning a trial court ruling on a motion to compel production of law-enforcement disciplinary records.
PRECEDENTIAL VALUE	Published
PARTIES	Andrew Pete

TOPICS

[appellate procedure](#) [criminal procedure](#) [discovery criminal](#) [remedies](#)

PRACTICE AREAS

[Texas appellate procedure](#) [criminal procedure](#) [mandamus](#)

QUESTIONS PRESENTED

1. Whether the mandamus proceeding should be abated because the respondent trial judge left office before the appellate court resolved the petition.

2. Whether the successor trial judge should be permitted to reconsider the challenged ruling concerning production of law-enforcement disciplinary records.

HOLDINGS

1. When the respondent trial judge ceases to hold office while a mandamus proceeding concerning that judge's ruling is pending, the appellate court must abate the proceeding to permit the successor judge to reconsider the challenged ruling.

KEY QUOTATIONS

“Therefore, we are required to abate this mandamus proceeding to permit respondent’s successor, the Honorable Ana Martinez, to reconsider the decision regarding relator’s request for relief.”

FACTUAL BACKGROUND

Pete sought production of disciplinary records concerning certain law-enforcement officers through a motion to compel. The trial court ruling challenged in mandamus was made by Judge Randy Roll, who ceased serving as judge of the 179th District Court on December 31, 2020.

PROCEDURAL HISTORY

Andrew Pete filed a petition for writ of mandamus on February 8, 2021, challenging a ruling by Judge Randy Roll of the 179th District Court of Harris County. Because Judge Roll left office before the petition was resolved, the court abated the proceeding to allow his successor, Judge Ana Martinez, to reconsider the ruling and report the action taken.

DISPOSITION

other

REMAND INSTRUCTIONS

The proceeding was abated until March 11, 2021. Judge Ana Martinez was directed to advise the court of the action taken on Pete's request for relief, after which the court would consider a motion to reinstate or dismiss the proceeding.

OPINION

PER CURIAM.

Abatement Order filed February 11, 2021 In The Fourteenth Court of Appeals NO. 14-21-00073-CR IN RE ANDREW PETE ORIGINAL PROCEEDING WRIT OF MANDAMUS 179th District Court Harris County, Texas Trial Court Cause No. 1535047 ORDER On February 8, 2021, relator Andrew Pete filed a petition for writ of mandamus in this court. See Tex. Gov’t Code Ann. § 22.221; see also Tex. R. App.

P. 52. In the petition, relator complains of a ruling made by the Honorable Randy Roll, presiding judge of the 179th District Court of Harris County, regarding relator's motion to compel production of the disciplinary records of certain law enforcement officers. Respondent ceased to hold the office of Judge of the 179th District Court of Harris County, Texas, on December 31, 2020.

Therefore, we are required to abate this mandamus proceeding to permit respondent's successor, the Honorable Ana Martinez, to reconsider the decision regarding relator's request for relief. See Tex. R. App. P. 7.2(b). This mandamus proceeding is abated until March 11, 2021, by which time Judge Martinez shall advise this court of the action taken on relator's request.

This court will then consider a motion to reinstate or dismiss this proceeding, as appropriate. PER CURIAM Panel consists of Chief Justice Christopher and Justices Jewell and Hassan 2