

FOURTH COURT OF APPEALS OF TEXAS

In re Jose Garcia-Vaquera

No. 04-23-00060-CR · No. 04-23-00060-CR · Decided January 17, 2023

SUMMARY

The Texas Fourth Court of Appeals issued an order in an original mandamus proceeding involving Jose Garcia-Vaquera. The court granted in part an emergency motion for a temporary stay, staying in-person pretrial settings and the January 23, 2023 trial setting pending further order, and set a deadline for responses to the mandamus petition.

CASE DETAILS

COURT	Fourth Court of Appeals of Texas
WRITING FOR THE COURT	Luz Elena D. Chapa, Justice; Irene Rios, Justice; Lori I. Valenzuela, Justice
JURISDICTION	Texas
DECIDED	January 17, 2023
DOCKET	04-23-00060-CR
DISPOSITION	other
PROCEDURAL POSTURE	Original mandamus proceeding in which the relator sought a writ of mandamus and an emergency temporary stay.
PRECEDENTIAL VALUE	Published
PARTIES	Jose Garcia-Vaquera

TOPICS

- writ of certiorari
- appellate procedure
- criminal procedure

PRACTICE AREAS

- appellate procedure
- criminal procedure
- mandamus

QUESTIONS PRESENTED

- Whether the relator was entitled to temporary emergency relief staying specified pretrial and trial settings while the mandamus petition received further consideration.

KEY QUOTATIONS

“This court believes a serious question concerning the mandamus relief sought requires further consideration.”

FACTUAL BACKGROUND

The relator had pretrial settings requiring an in-person appearance and a trial setting scheduled for January 23, 2023. The relator sought mandamus relief and an emergency stay of those proceedings. The appellate court stayed the in-person pretrial settings and the January 23 trial setting pending further order, while allowing pretrial settings not requiring the relator's in-person appearance to proceed.

PROCEDURAL HISTORY

On January 17, 2023, the relator filed a petition for writ of mandamus and an emergency motion to stay pending resolution of the petition. The court determined that a serious question concerning the requested mandamus relief required further consideration, ordered a response from the respondent and real party in interest, and granted the emergency motion for temporary stay in part.

DISPOSITION

other

REMAND INSTRUCTIONS

The respondent and real party in interest were ordered to file any response to the mandamus petition by February 6, 2023, conforming to Texas Rule of Appellate Procedure 52.4. The court stayed specified proceedings pending further order.

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas January 17, 2023 No. 04-23-00060-CR IN RE Jose GARCIA-VAQUERA Original Mandamus Proceeding ORDER Sitting: Luz Elena D. Chapa, Justice Irene Rios, Justice Lori I. Valenzuela, Justice On January 17, 2023, relator filed a petition for writ of mandamus and an emergency motion to stay pending final resolution of the petition for writ of mandamus.

This court believes a serious question concerning the mandamus relief sought requires further consideration. See TEX. R. APP. P. 52.8(b). Respondent and real party in interest may file a response to the petition in this court no later than February 6, 2023. Any such response must conform to Texas Rule of Appellate Procedure 52.4. Relator's emergency motion for temporary stay is GRANTED IN PART as follows: 1.

All pretrial settings requiring relator's in-person appearance are STAYED pending further order from this court. Pretrial settings that do not require relator's in-person appearance may proceed. 2. The January 23, 2023 trial setting is STAYED pending further order from this court. It is so ORDERED January 17, 2023. PER CURIAM ATTESTED TO: _____
MICHAEL A. CRUZ, CLERK OF COURT