



**COURT OF APPEALS FOR THE
FIRST DISTRICT OF TEXAS AT HOUSTON**

ORDER

Appellate case name: In re The State of Texas Ex Rel. Brian W. Wice
Appellate case number: 01-20-00477-CR; 01-20-00478-CR; 01-20-00479-CR;
Trial court case number: 1555100, 1555101, 1555102
Trial court: 177th District Court of Harris County

Relator, Brian W. Wice, has filed a petition for writ of mandamus (1) challenging an order signed by the 17th District Court of Harris County on June 25, 2020 vacating a change of venue order in the underlying cases and returning venue of the cases to Collin County; and (2) compelling rulings on certain motions. In conjunction with the petition, Wice filed a motion to stay enforcement of the June 25, 2020 order returning venue in the underlying cases to Collin County. On July 2, 2020, this Court ordered real party in interest, Warren Kenneth Paxton, Jr., to file a response to the stay motion within 7 days and a response to the mandamus petition within 20 days. On the same day, Paxton filed a combined response to the stay motion and a motion to dismiss the mandamus petition for lack of jurisdiction.

After due consideration, the Court (1) **denies** Paxton's motion to dismiss the mandamus petition for lack of jurisdiction and (2) **grants** Wice's request to stay enforcement of the June 25, 2020 order returning venue in the underlying cases to Collin County. Accordingly, enforcement of the June 25, 2020 order is ordered stayed until the mandamus petition in this Court is finally decided or the Court otherwise orders the stay lifted. *See* TEX. R. APP. P. 52.10(b). Any party may file a motion for reconsideration of the stay. *See* TEX. R. APP. P. 52.10(c).

Paxton's response to the mandamus petition is extended to **20 days from the date of this order**. As stated in this court's prior order, Paxton's response to the petition must address Wice's challenges to the June 25, 2020 order, but need not address Wice's request to compel rulings. In particular, the Court requests that Paxton address the arguments on pages 25 to 31 of the petition, asserting that Judge Gallagher could exchange benches and preside over the 416th District Court of Collin County without an appointment order.

It is so ORDERED.

Judge's signature: /s/ Gordon Goodman
Acting individually

Date: July 7, 2020