Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-16-00832-CR

IN RE Brian Keith **GORHAM**

Original Mandamus Proceeding[1]

PER CURIAM

Sitting: Karen Angelini, Justice
Rebeca C. Martinez, Justice
Patricia O. Alvarez, Justice

Delivered and Filed: January 11, 2017

PETITION FOR WRIT OF MANDAMUS DISMISSED AS MOOT

On December 27, 2016, Relator filed a petition for writ of mandamus complaining the trial judge, the Honorable Mary Roman, failed to follow the procedures required after Relator filed a motion to recuse her from presiding over a pending habeas corpus proceeding. *See* TEX. R. CIV. P. 18a. Relator also filed an emergency motion to stay proceedings at the trial court pending resolution of his petition for writ of mandamus.

Judge Roman has been succeeded on the bench, thus rendering Relator's motion to recuse Judge Roman moot. Generally, we are required to abate a mandamus proceeding when the original judge is succeeded, to allow the successor to reconsider the original judge's decision. TEX. R. APP. P. 7.2(b). However, because Relator's motion to recuse has been rendered moot, in the interest of

[1] This proceeding arises out of Cause No. 2012CR10383 W1, styled *State of Texas v. Brian Keith Gorham*, pending in the 175th Judicial District Court, Bexar County, Texas, the Honorable Mary D. Roman presiding.

judicial economy and for good cause, we suspend the application of rule 7.2(b) to the extent abatement of this case may be mandatory. TEX. R. APP. P. 2; *see In re Lawson*, No. 13-02-716-CV, 2003 WL 1562550 at *1 (Tex. App.—Corpus Christi 2003, orig. proceeding) (mem. op.). We dismiss the petition for writ of mandamus as moot, and deny Relator's motion for emergency stay. *See* TEX. R. APP. P. 2.

PER CURIAM

DO NOT PUBLISH