



IN THE
TENTH COURT OF APPEALS

No. 10-19-00035-CV

IN RE PATRICK BLANE WHERLAND, SR.

Original Proceeding

MEMORANDUM OPINION

The petition for writ of mandamus is denied.¹ TEX. R. APP. P. 52.8(d). The stay ordered by this Court on January 31, 2019 is lifted. Both parties' motions for sanctions are denied.

TOM GRAY
Chief Justice

¹ For purposes of further proceedings in the trial court, the denial of this petition for writ of mandamus should not be construed as a substantive determination on the merits of any issue. Given the current progress or phase of the trial court proceeding, intervention by mandamus now is at best premature and at worst is late. If necessary, a remedy by direct appeal, while possibly not as efficient, is nevertheless more appropriate. *See eg. Brown v. Fullenweider*, 52 S.W. 3d 169 (Tex. 2001) (Similar issues argued on direct appeal). Moreover, the arguments on the issues presented in the petition for writ of mandamus are not frivolous, as has been argued in the motions for sanctions. Those issues deserve the full attention, briefing, research, and analysis which are not necessarily commensurate with the accelerated process in a mandamus proceeding.

Before Chief Justice Gray,
Justice Davis, and
Justice Neill
Motions Denied
Petition Denied
Opinion delivered and filed April 3, 2019
[OT06]

