

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-18-00401-CR

IN RE ROLANDO GUTIERREZ

Original Proceeding
9th District Court of Montgomery County, Texas
Trial Cause No. 13-02-1981-CR

MEMORANDUM OPINION

Rolando Gutierrez filed a petition for a writ of mandamus to compel the trial court to enforce a standing discovery order. He argues the trial court abused its discretion by failing to enforce discovery in 2014. Gutierrez’s final conviction in this case has been affirmed on appeal. *See generally Gutierrez v. State*, No. 09-14-00505-CR, 2016 WL 157708, at *3 (Tex. App.—Beaumont Jan. 13, 2016, no pet.) (mem. op., not designated for publication).¹ Gutierrez cannot obtain mandamus relief

¹The judge who presided over the 9th District Court of Montgomery County at the time of his trial left the bench, and a different judge currently presides in that court.

because he had an adequate remedy at law through a direct appeal. *See Dickens v. Court of Appeals for the Second Supreme Judicial Dist. of Tex.*, 727 S.W.2d 542, 550 (Tex. Crim. App. 1987) (“In a criminal case, a defendant’s normal method for challenging pretrial orders is through appeal.”). Accordingly, we deny the petition for writ of mandamus.

PETITION DENIED.

PER CURIAM

Submitted on November 6, 2018
Opinion Delivered November 7, 2018
Do Not Publish

Before McKeithen, C.J., Kreger and Johnson, JJ.