



**IN THE
TENTH COURT OF APPEALS**

No. 10-21-00080-CR

No. 10-21-00081-CR

No. 10-21-00082-CR

IN RE RONNY JAMAAL SMITH

Original Proceeding

**From the 54th District Court
McLennan County, Texas
Trial Court Nos. 2002-161-C, 2004-757-C,
and 2004-758-C**

MEMORANDUM OPINION

Relator, Ronny Jamaal Smith, a prison inmate, seeks a mandamus in three trial court cases to compel the trial court judge to rule on relator's motion for judgment nunc pro tunc and motion for a status conference, filed in January and February of 2020, respectively, in each underlying case. We note that the trial court judge at that time, the Honorable Matt Johnson, is no longer the judge of the 54th District Court, but is now a justice, elected in 2020 to serve on this Court of Appeals. He has recused himself from participation in these proceedings. Aside from this, there are procedural problems with the petitions, such as no service on the current trial court judge as the respondent and the State of Texas as the real-party-in-interest, as required by the Rules of Appellate

Procedure. *See* TEX. R. APP. P. 9.5. However, on our own initiative, we suspend the operation of those rules to expedite the decision on the petitions. TEX. R. APP. P. 2.

Because it does not appear that relator has brought his motions to the attention of the new judge of the 54th District Court, the Honorable Susan Kelly, relator is not entitled to obtain relief from us, at this time. *See In re Chavez*, 62 S.W.3d 225, 228 (Tex. App.—Amarillo 2001, orig. proceeding) (relator “necessarily require[d]...to illustrate that the trial court was aware of the motion.”). Accordingly, relator's petitions for writ of mandamus are denied without prejudice to relator filing new petitions in the event the current judge of 54th District Court fails to timely rule on the motions within a reasonable time after they are brought to the judge’s attention, and relator has properly served his new mandamus petitions, if any, on all the parties as required by the Rules.

TOM GRAY
Chief Justice

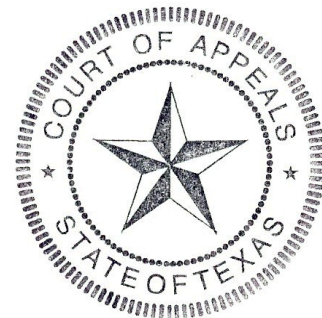
Before Chief Justice Gray,
Justice Neill, and
Justice Davis¹

Petitions denied

Opinion delivered and filed May 19, 2021

Do not publish

[OT06]



¹ The Honorable Rex Davis, Senior Justice of the Tenth Court of Appeals, sitting by assignment of the Chief Justice of the Texas Supreme Court. *See* TEX. GOV'T CODE ANN. §§ 74.003, 75.002, 75.003.