

Court Of Appeals
Fourth Court of Appeals District of Texas
San Antonio

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MEMORANDUM OPINION

No. 04-08-00366-CV

IN RE The Honorable Joe Frazier **BROWN**, Jr.

Original Mandamus Proceeding

Opinion by: Alma L. López, Chief Justice

Sitting: Alma L. López, Chief Justice
Catherine Stone, Justice
Phylis J. Speedlin, Justice

Delivered and Filed: July 14, 2008

PETITION FOR WRIT OF MANDAMUS DISMISSED AS MOOT

On May 28, 2008, relator, the Honorable Joe Frazier Brown, Jr., filed an original petition requesting a writ of mandamus to compel the respondent, the Honorable Boyd L. Richie, Chairman of the Texas Democratic Executive Committee, to declare Democratic nominee Lauro A. Bustamante, Jr. ineligible for the office of judge of the 57th District Court, Bexar County, Texas. *See* TEX. ELEC. CODE ANN. §§145.003, 161.009, 273.061 (Vernon 2003). This court determined the petition presented a serious question concerning the relief sought and requested a response. *See* TEX. R. APP. P. 52.8(b)(1).

On June 23, 2008, respondent filed a motion to dismiss relator's mandamus petition as moot. Attached to the motion is a letter showing respondent has declared Bustamante ineligible to be the Democratic nominee for the office of state district court judge. We are of the opinion respondent's motion to dismiss should be granted. Accordingly, the motion is granted, and the petition for a writ of mandamus is dismissed as moot.

Alma L. López, Chief Justice