

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



MEMORANDUM OPINION

No. 04-08-00450-CR

IN RE Larry **BUCHANAN**

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Alma L López, Chief Justice
Karen Angelini, Justice
Phylis J. Speedlin, Justice

Delivered and Filed: July 30, 2008

PETITION FOR WRIT OF MANDAMUS DENIED

In a pro se original petition filed in this court, relator Larry Buchanan requests a writ of mandamus directing the Honorable Andrew W. Carruthers “to set aside with prejudice the felony indictment” pending against him “due to excessive [trial] delay.” Mandamus relief is not available to a defendant seeking dismissal of a charge on speedy trial grounds. *Smith v. Gohmert*, 962 S.W.2d 590, 593 (Tex. Crim. App. 1998) (orig. proceeding); *In re Hearon*, 228 S.W.3d 466, 467 (Tex. App.—Waco 2007, orig. proceeding); *In re Thomas*, 119 S.W.3d 378, 378 (Tex. App.—Tyler 2003, orig. proceeding). Accordingly, relator’s petition is denied.

PER CURIAM

DO NOT PUBLISH

¹This proceeding arises out of Cause No. 2006-CR-9973, styled *State of Texas v. Larry Buchanan*, pending in the 399th Judicial District Court, Bexar County, the Honorable Juanita A. Vasquez-Gardner presiding. However, the respondent named in relator’s petition is the Honorable Andrew W. Carruthers, Criminal Law Magistrate, Bexar County, Texas.