



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-15-00169-CV

IN RE JUSTIN CHISUM, RELATOR

Original Proceeding Arising from the 364th District Court
Lubbock County, Texas
Trial Court No. 2015-820,779; Honorable William R. Eichman II, Presiding

May 4, 2015

MEMORANDUM OPINION

Before **CAMPBELL** and **HANCOCK** and **PIRTLE, JJ.**

Pending before this Court is a petition for writ of mandamus filed on behalf of Justin Chisum. He requests that we issue a writ of mandamus directing the Honorable William Eichman II, to enter an order staying grand jury proceedings pertaining to criminal accusations pending against him. We deny the petition as moot.

In February 2015, Chisum was arraigned for the murder of his four year old daughter.¹ In March, his attorneys filed a *Suggestion of Competency* and a trial court entered an *Order for Examination Regarding Incompetency*. After a court-appointed psychologist examined Chisum and, by affidavit, opined him to be not currently competent to proceed in defense of his case, Chisum filed a motion seeking to stay grand jury proceedings because he believed the district attorney intended to present his case to the grand jury on the morning of April 16. The trial court held a hearing on April 15 and denied the motion. That same day, Chisum filed with this Court his *Petition for Writ of Mandamus* and an *Emergency Motion for a Stay of Proceedings*. On April 16, we denied the motion seeking an emergency stay of the grand jury proceedings.

Pursuant to an inquiry by the Clerk of the Court, it has now come to our attention that the criminal accusations pending against Chisum have been presented to the grand jury and that an indictment has been returned. Because the relief being sought by his petition for writ of mandamus has now become moot, the petition is denied.

Patrick A. Pirtle
Justice

¹ Although Chisum never specifically states as much, we assume the arraignment was pursuant to an information based upon complaint. See TEX. CODE CRIM. PROC. ANN. art. 21.22.