



NUMBER 13-09-00508-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

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IN RE MARIO SALAZAR

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On Petition for Writ of Mandamus.

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MEMORANDUM OPINION

Before Justices Yañez, Benavides, and Vela  
Per Curiam Memorandum Opinion<sup>1</sup>

Relator, Mario Salazar, filed a petition for writ of mandamus in the above cause on September 2, 2009, through which he complains that the trial court erred in refusing to issue a nunc pro tunc judgment. Relator contends that his judgment of conviction erroneously states that relator was convicted of a first-degree felony offense rather than a third-degree felony offense. The Court requested and received a response from the real party in interest, the State of Texas, acting by and through the Criminal District Attorney of Hidalgo County, Texas. According to the response, the trial court issued the requested

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<sup>1</sup> See TEX. R. APP. P. 52.8(d) ("When denying relief, the court may hand down an opinion but is not required to do so."); TEX. R. APP. P. 47.4 (distinguishing opinions and memorandum opinions).

nunc pro tunc judgment on December 29, 2008. The State asks the Court to deny the petition for writ of mandamus on grounds that it “seeks relief concerning an issue which has already been addressed and is therefore moot.”

The Court, having examined and fully considered the petition for writ of mandamus and the response thereto, is of the opinion that the petition for writ of mandamus has been rendered moot. Accordingly, the petition for writ of mandamus is DISMISSED AS MOOT without reference to the merits thereof.

PER CURIAM

Do not publish. See TEX. R. APP. P. 47.2(b).

Memorandum Opinion delivered and filed  
this 30th day of September, 2009.