

DISMISS and Opinion Filed December 22, 2015.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-15-00684-CV

SUBRINA LYNN BRENHAM, Appellant

V.

**ERIK WILSON, DIANNE GIBSON,
CITY OF DALLAS, AND DALLAS COUNTY, Appellees**

**On Appeal from the 192nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-15-05433**

MEMORANDUM OPINION

Before Justices Francis, Evans, and Stoddart
Opinion by Justice Evans

In a letter dated November 19, 2015, the Court questioned its jurisdiction over this appeal. Specifically, it appears this appeal is moot. We instructed appellant to file, by December 4, 2015, a letter brief addressing our concern. We cautioned appellant that failure to file a jurisdictional brief by the specified date may result in dismissal of the appeal without further notice. As of today's date, appellant has not filed a response.

Appellant is appealing from the trial court's order denying her election contest. Appellant was a candidate for Dallas City Council District Seat 8 in an election held on May 9, 2015. When appellant did not receive enough votes to be included in a runoff election, she filed an election contest on May 15, 2015. In a judgment signed on May 28, 2015, the trial court denied the contest, and appellant filed an appeal. The runoff election has concluded.

A case becomes moot when any right that might be determined by a court could not be effectuated in the manner provided by law. *See Sterling v. Ferguson*, 122 Tex. 122, 142, 53 S.W.2d 753, 761 (1932). An election contest is moot if voting has begun. *See Price v. Dawson*, 608 S.W.2d 339, 340 (Tex. Civ. App.—Dallas 1980) (citing *Skelton v. Yates*, 131 Tex. 620, 119 S.W.2d 91, 92 (1938)). Because the runoff election has concluded, this appeal is now moot. Accordingly, we dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

/David W. Evans/

DAVID EVANS
JUSTICE

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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

SUBRINA LYNN BRENHAM, Appellant

No. 05-15-00684-CV V.

ERIK WILSON, DIANNE GIBSON,
CITY OF DALLAS, AND
DALLAS COUNTY, Appellees

On Appeal from the 192nd Judicial District
Court, Dallas County, Texas.

Trial Court Cause No. DC-15-05433.

Opinion delivered by Justice Evans.

Justices Francis and Stoddart participating.

In accordance with this Court's opinion of this date, the appeal is **DISMISSED**.

It is **ORDERED** that appellees ERIK WILSON, DIANNE GIBSON, CITY OF DALLAS, AND DALLAS COUNTY recover their costs of this appeal from appellant SUBRINA LYNN BRENHAM.

Judgment entered this 22nd day of December, 2015.