

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



MEMORANDUM OPINION

No. 04-12-00597-CV

IN RE Jerry VALDEZ

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Catherine Stone, Chief Justice
Karen Angelini, Justice
Marialyn Barnard, Justice

Delivered and Filed: October 3, 2012

PETITION FOR WRIT OF MANDAMUS DENIED

On September 17, 2012, relator Jerry Valdez filed a petition for writ of mandamus, complaining the probate court has indefinitely abated the trial and the hearings on two motions for summary judgment. Valdez contends “[t]he [t]rial [c]ourt . . . entered a series of orders abating indefinitely the trial of the Will Contest and Relator’s two motions for summary judgment.” However, no such orders are included in the record. Instead, Valdez directs the court to a letter from the trial court that indicates there is nothing set on the court’s docket for August 7, 2012 in Cause No. 2008-PC-3026. Valdez has the burden of providing this court with a record sufficient to establish his right to mandamus relief. *See* TEX. R. APP. P. 52.7(a)(1)-(2);

¹ This proceeding arises out of Cause No. 2008-PC-3026, styled *In the Estate of Martha Jane Valdez*, pending in the Probate Court No. 1, Bexar County, Texas, the Honorable Polly Jackson Spencer presiding. However, the petition for writ of mandamus names the Honorable John A. Hutchison, III, former Statutory Probate Judge sitting by assignment, as the respondent.

see also TEX. R. APP. P. 52.3(k)(1)(A); *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992).

Based on the record before us, we conclude Valdez has failed to establish he is entitled to the relief sought. Accordingly, the petition for writ of mandamus is DENIED. *See* TEX. R. APP. P. 52.8(a).

PER CURIAM