



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-12-00799-CR

IN RE Eduardo DE LA CRUZ

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Catherine Stone, Chief Justice
Karen Angelini, Justice
Santee Bryan Marion, Justice

Delivered and Filed: December 19, 2012

PETITION FOR WRIT OF MANDAMUS DENIED

On November 28, 2012, relator Eduardo De La Cruz filed a petition for writ of mandamus, complaining the trial court has failed to rule on his “Motion to Vacate Judgment.” However, relator has the burden of providing this court with a record sufficient to establish his right to mandamus relief. *See* TEX. R. APP. P. 52.3(k)(1); TEX. R. APP. P. 52.7(a); *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992) (orig. proceeding). Relator has failed to provide us with a record to support his claims. Accordingly, relator’s petition for writ of mandamus is DENIED. *See* TEX. R. APP. P. 52.8(a).

PER CURIAM

DO NOT PUBLISH

¹ This proceeding arises out of Cause No. K-96-00057, styled *State of Texas v. Eduardo De La Cruz*, in the 341st Judicial District Court, Webb County, Texas, the Honorable Elma T. Salinas Ender presiding.