



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-21-00375-CR

IN RE James LEGATE

Original Proceeding¹

PER CURIAM

Sitting: Rebeca C. Martinez, Chief Justice
Irene Rios, Justice
Liza A. Rodriguez, Justice

Delivered and Filed: October 13, 2021

PETITION FOR WRIT OF MANDAMUS DENIED

On September 7, 2021, James Legate filed a petition for writ of mandamus, complaining that the trial court had failed to rule on his “Petition for the Disclosure of the Grand Jury Testimony of Jesse Hernandez Pursuant to Article 20.02(d) of the Texas Code of Criminal Procedure.” On September 17, 2021, we requested the respondent and real party in interest file a response.

On September 22, 2021, the trial court filed a response, stating that it had ruled on Legate’s petition for disclosure. The trial court further attached its order dismissing Legate’s petition for disclosure on the basis that the trial court lacks jurisdiction. Thus, Legate’s complaint that the trial court has failed to rule on his petition for disclosure is moot.

¹This proceeding arises out of Cause No. 1998-CR-6480, styled *The State of Texas v. James Legate*, pending in the 290th Judicial District Court, Bexar County, Texas, the Honorable Jennifer Pena presiding.

After considering the petition and the record, this court concludes relator did not show 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

DO NOT PUBLISH