

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-21-00528-CV

In re Rodolfo C. Gomez

ORIGINAL PROCEEDING FROM COMAL COUNTY

MEMORANDUM OPINION

Relator has filed a petition for writ of mandamus complaining of the trial court’s failure to rule on his motion to dismiss the underlying criminal proceeding with cause number CR-2002-245. This Court subsequently received a supplemental record demonstrating the trial court has dismissed that proceeding. *See In re Kellogg Brown & Root, Inc.*, 166 S.W.3d 732, 737 (Tex. 2005) (orig. proceeding) (“A case becomes moot if a controversy ceases to exist between the parties at any stage of the legal proceedings”); *see also In re Martinez*, No. 04-14-00293-CR, 2014 WL 2548571, at *1 (Tex. App.—San Antonio June 4, 2014, orig. proceeding) (per curiam) (mem. op.) (holding that a “failure to rule” issue becomes moot once the trial court has acted). Accordingly, we dismiss the petition for writ of mandamus as moot.

Chari L. Kelly, Justice

Before Chief Justice Byrne, Justices Triana and Kelly

Filed: November 3, 2021