



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

EX PARTE

BILAL MUHAMMAD.

§

No. 08-16-00079-CR

§

Appeal from the

§

168th District Court

§

of El Paso County, Texas

§

(TC# 2016DCV1452)

§

MEMORANDUM OPINION

This is an attempted appeal from an order setting Bilal Muhammad's bail at \$450,000. We dismiss the appeal for want of jurisdiction.

FACTUAL SUMMARY

Appellant is charged with murder in cause number 20160D01015, and the trial court has appointed the El Paso Public Defender to represent him. On April 4, 2016, Appellant filed a *pro se* application for writ of habeas corpus seeking to have his bail reduced.¹ In his writ application, Appellant asserts that his bond was originally set at \$750,000, but was reduced to \$250,000 by the jail magistrate. Appellant filed his writ application after his bail was reduced to \$250,000. On April 14, 2016, the trial court entered an "ORDER SETTING BOND" in the murder prosecution setting Appellant's bond at \$450,000.

¹ The El Paso County District Clerk filed the pre-trial writ application in a separate cause number, but assigned the case a civil number (cause number 2016DCV1452) even though it is a criminal law matter.

APPELLATE JURISDICTION

Appellant asserts in his *pro se* notice of appeal that the trial court denied habeas corpus relief in an order entered on April 14, 2016, but the only order found in the record is the order setting Appellant's bail at \$450,000. This order was entered in the murder prosecution (cause number 20160D01015) in connection with a motion to set or reduce bond, and it makes no reference to the *pro se* writ application filed in cause number 2016DCV1452.² The jurisdictional issue before us has made it necessary to review the publicly-available records in cause numbers 2016DCV1452 and 20160D01015. An appellate court has the discretion to take judicial notice of adjudicative facts that are matters of public record on its own motion. *See* TEX.R.EVID. 201(b), (c); *see In re Estate of Hemsley*, 460 S.W.3d 629, 638 (Tex.App.--El Paso 2014, pet. denied); *Gaston v. State*, 63 S.W.3d 893, 900 (Tex.App.--Dallas 2001, no pet.). The records related to cause number 2016DCV1452 do not show that the trial court has entered any order in connection with the writ application. In cause number 20160D01015, the public records reflect that Appellant filed a motion to reduce bond in that case on February 19, 2016, the trial court conducted the bond hearing on April 14, 2016, and it entered the bond order in question on that same date. We conclude that the April 14, 2016 order is an interlocutory order on Appellant's motion to reduce bond filed in cause number 20160D01015, and it cannot be reasonably construed as a denial of habeas corpus relief in cause number 2016DCV1452. A court of appeals does not have jurisdiction to hear an interlocutory appeal regarding excessive bail or the denial of bail. *Ragston v. State*, 424 S.W.3d 49, 50 (Tex.Crim.App. 2014). Accordingly, we dismiss the appeal for want of jurisdiction. All pending motions are denied as moot.

STEVEN L. HUGHES, Justice

June 29, 2016

² There is no evidence in the record that the trial court has refused to rule on the writ application.

Before McClure, C.J., Rodriguez, and Hughes, JJ.

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