



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

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| THOMAS LEONARD, | § | No. 08-17-00038-CR |
| Appellant, | § | Appeal from the |
| V. | § | 120th District Court |
| | § | of El Paso County, Texas |
| THE STATE OF TEXAS, | § | (TC# 20110D02415) |
| Appellee. | § | |

MEMORANDUM OPINION

Appellant, Thomas Leonard, is attempting to appeal an order of the trial court denying his motion to vacate an order pertaining to the appeal bond. *See* TEX.CODE CRIM.PROC.ANN. art. 44.04(g)(West Supp. 2016). The State has filed a motion to dismiss the appeal for lack of jurisdiction alleging that Appellant did not timely file his notice of appeal.

This is the second appeal Appellant has taken to challenge an order related to his appeal bond. The Court dismissed the first appeal as moot because Appellant was released on a personal recognizance bond while the appeal was pending. *See Thomas Leonard v. State*, No. 08-15-00163-CR, 2016 WL 685834 (Tex.App.--El Paso February 19, 2016, no pet.). Appellant has remained free on bond and there is no evidence that the trial court has imposed any new conditions on that bond. In this appeal, Appellant is challenging the denial of his motion to vacate all rulings related

to his appeal bond. Appellant argued that his four convictions of aggravated assault with a deadly weapon are void because he was denied counsel at a critical stage, and therefore, all orders related to the appeal bond are also void and should be set aside. In his appeal from the judgments of conviction, Appellant likewise argued that his convictions are void because he was denied counsel at a critical stage. On April 26, 2017, the Court issued its opinion and judgment rejecting that argument and affirming Appellant's convictions. *See Thomas Leonard v. State*, No. 08-14-00139-CR, 2017 WL 1496973 (Tex.App.--El Paso April 26, 2017, no pet. h.). The Court denied Appellant's motion for rehearing on May 11, 2017. Consequently, the instant appeal is moot. We dismiss the appeal for want of jurisdiction. All pending motions, including the State's motion to dismiss, are denied as moot.

May 17, 2017

YVONNE T. RODRIGUEZ, Justice

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

(Do Not Publish)