



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-21-00196-CR

HAWA MOHAMMED NAAATA, Appellant

v.

THE STATE OF TEXAS

On Appeal from County Criminal Court No. 10
Tarrant County, Texas
Trial Court No. 1674099

Before Womack, Wallach, and Walker, JJ.
Memorandum Opinion by Justice Womack

MEMORANDUM OPINION

Appellant Hawa Mohammed Naaata appealed the trial court's denial of her motion to suppress. The parties previously briefed Naaata's appeal, and we submitted the case with oral argument on October 4, 2022. Following oral argument, we abated the appeal and remanded the case to the trial court so that the current judge of County Criminal Court No. 10 of Tarrant County could conduct a hearing on Naaata's motion to suppress and make findings of fact and conclusions of law following that hearing.¹ Following our abatement order, the current judge of County Criminal Court No. 10 conducted a hearing on Naaata's motion to suppress and made findings of fact and conclusions of law. The parties subsequently entered a plea-bargain agreement.

¹As explained in our abatement order, the former judge of County Criminal Court No. 10 had conducted the initial hearing on Naaata's motion to suppress. Thereafter, the former judge resigned, and the presiding judge of County Criminal Court No. 2 signed findings of fact and conclusions of law relating to the denial of Naaata's motion to suppress. Because the former judge of County Criminal Court No. 10 was unavailable to make findings of fact and conclusions of law, we abated Naaata's appeal and remanded the case to the current judge of County Criminal Court No. 10 so that he could conduct a new suppression hearing and make findings of fact and conclusions of law following that hearing. *See Garcia v. State (Garcia I)*, 15 S.W.3d 533, 535–37 (Tex. Crim. App. 2000); *Garcia v. State (Garcia II)*, No. 07-97-0008-CR, 2000 WL 991638, at *1 (Tex. App.—Amarillo July 19, 2000, order) (per curiam) (not designated for publication); *see also Douglas v. State*, 900 S.W.2d 760, 762 (Tex. App.—Corpus Christi–Edinburg 1995, pet. ref'd).

Naaata has now moved to dismiss her appeal. Because we have not yet decided the case on its merits, we grant the motion and dismiss the appeal. *See* Tex. R. App. P. 42.2(a), 43.2(f).

/s/ Dana Womack

Dana Womack
Justice

Do Not Publish
Tex. R. App. P. 47.2(b)

Delivered: December 22, 2022