



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

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No. 02-23-00154-CR  
No. 02-23-00155-CR

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EX PARTE DANIEL LEE HARRIS II

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On Appeal from the 89th District Court  
Wichita County, Texas  
Trial Court Nos. DC89-CR2023-0265, DC89-CR2023-0276

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Before Sudderth, C.J.; Wallach and Walker, JJ.  
Memorandum Opinion by Justice Wallach

## MEMORANDUM OPINION

Appellant Daniel Lee Harris II filed a notice of appeal from the trial court's order denying his pretrial "Application for Writ of Habeas Corpus Seeking Bail Reduction," which related to his pretrial confinement in trial court cause numbers DC89-CR2023-0265 and DC89-CR2023-0276. On July 25, 2023, we notified Appellant of our concern that his appeals had become moot because he had been convicted in trial court cause number DC89-CR2023-0265 (appellate cause number 02-23-00154-CR) and because the trial court had dismissed trial court cause number DC89-CR2023-0276 (appellate cause number 02-23-00155-CR). We cautioned him that the appeals would be dismissed unless he or another party filed a response showing grounds for continuing the appeals.

We did not receive a response from Appellant, but the State filed a "State's Unopposed Motion to Dismiss Appeals as Moot," which we construe as a response. The response acknowledges that on July 21, 2023, Appellant was convicted in trial court cause number DC89-CR2023-0265 and that DC89-CR2023-0276 was dismissed. The response further states that Appellant does not oppose dismissal of the appeals.

A pretrial application for writ of habeas corpus is appropriate only when granting relief would result in the applicant's release. *Ex parte Hammons*, 631 S.W.3d 715, 716 (Tex. Crim. App. 2021) (quoting *Ex parte Weise*, 55 S.W.3d 617, 619 (Tex.

Crim. App. 2001)). Thus, “[a]n applicant must be restrained illegally to be entitled to relief.” *Headrick v. State*, 988 S.W.2d 226, 228 (Tex. Crim. App. 1999).

Appellant’s conviction in one cause number and the dismissal of the other cause number renders his application moot. *Martinez v. State*, 826 S.W.2d 620, 620 (Tex. Crim. App. 1992). We have no jurisdiction to decide moot controversies. *Ex parte Huerta*, 582 S.W.3d 407, 411 (Tex. App.—Amarillo 2018, pet. ref’d). Accordingly, we dismiss these appeals for lack of jurisdiction. *See* Tex. R. App. P. 43.2(f).

/s/ Mike Wallach  
Mike Wallach  
Justice

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

Delivered: September 7, 2023