



**In the
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-24-00037-CR

EX PARTE LUIS ANGEL MARTINEZ HERNANDEZ

On Appeal from the County Court
Kinney County, Texas
Trial Court No. 10984CR

Before Stevens, C.J., van Cleef and Rambin, JJ.
Memorandum Opinion by Chief Justice Stevens

MEMORANDUM OPINION

This Court previously reversed the trial court’s denial of Appellant’s pretrial writ of habeas corpus and remanded the matter to the trial court for an evidentiary hearing.¹ *Ex parte Hernandez*, No. 06-23-00207-CR, 2023 WL 8422012 (Tex. App.—Texarkana Dec. 5, 2023, pet. filed) (mem. op., not designated for publication). Before the issuance of our mandate, and while the State’s petition for discretionary review was pending before the Texas Court of Criminal Appeals, the trial court issued another denial of Appellant’s pretrial writ of habeas corpus, which is the subject of this appeal.

Recognizing that the trial court’s action prior to the issuance of our mandate was a nullity, TEX. R. APP. P. 25.2(g) (“Once the record has been filed in the appellate court, all further proceedings in the trial court—except as provided otherwise by law or by these rules—will be suspended until the trial court receives the appellate-court mandate.”), Appellant filed a motion to voluntarily dismiss this appeal, *see* TEX. R. APP. P. 42.2(a). Appellant’s motion to dismiss also states his desire to “await a decision from the Court of Criminal Appeals before pursuing his claim again.”

¹Originally appealed to the Fourth Court of Appeals, this case was transferred to this Court by the Texas Supreme Court pursuant to its docket equalization efforts. *See* TEX. GOV’T CODE ANN. § 73.001 (Supp.).

We vacate the trial court's denial of Appellant's pretrial writ of habeas corpus issued on January 22, 2024, grant the appellant's motion to voluntarily dismiss the appeal, and dismiss this appeal.

Scott E. Stevens
Chief Justice

Date Submitted: March 11, 2024
Date Decided: March 12, 2024

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