

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

**NO. 03-17-00333-CR
NO. 03-17-00334-CR**

The State of Texas, Appellant

v.

Brandom Garrett, Appellee

**FROM COUNTY COURT AT LAW NO. 1 OF COMAL COUNTY
NOS. 2015CR1742 & 2015CR1738
HONORABLE CHARLES A. STEPHENS, II, JUDGE PRESIDING**

MEMORANDUM OPINION

Following a traffic stop, Brandom Garrett was charged with unlawfully carrying a firearm and with unlawful possession of less than two ounces of marijuana. *See* Tex. Penal Code § 46.02 (setting out elements of offense of unlawfully carrying weapon and providing that offense is, in general, “a Class A misdemeanor”); Tex. Health & Safety Code § 481.121 (governing offense of possession of marijuana and stating that offense is “a Class B misdemeanor if the amount of marihuana possessed is two ounces or less”). After his arrest, Garrett filed a motion to suppress evidence obtained as a result of the traffic stop, and the county court at law granted the motion. Subsequently, the State appealed the county court at law’s ruling. *See* Tex. Code Crim. Proc. art. 44.01(a)(5) (allowing State to appeal trial court order granting motion to suppress). After the appeal was filed, this Court abated the case and requested that the county court at law issue

supplemental findings of fact and conclusions of law pertaining to its ruling. While the case was abated, Garrett entered into a plea-bargain agreement with the State, and the county court at law deferred Garrett's adjudication and placed him on community supervision for twelve months in both cases. *See id.* art. 42A.053 (setting out "[t]he maximum period of supervision in a misdemeanor case"). A supplemental clerk's record has been filed in both cases containing the plea-bargain agreements, and the county court at law has certified in both cases that these cases are plea-bargain cases and that Garrett has no right to appeal. *See* Tex. R. App. P. 25.2(a)(2). Accordingly, we dismiss the appeals as moot.

David Puryear, Justice

Before Justices Puryear, Pemberton, and Bourland

Dismissed as Moot

Filed: August, 24, 2018

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