

**NO. 12-10-00012-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

*IN RE: MAURICE MOODY,  
RELATOR*

§

§ ORIGINAL PROCEEDNG

§

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**MEMORANDUM OPINION  
PER CURIAM**

Relator Maurice Moody filed a petition for writ of mandamus seeking an order directing the trial court to grant Relator's motion for a judgment nunc pro tunc.<sup>1</sup> In his motion, Relator requested the respondent to delete the affirmative deadly weapon finding in the judgment of conviction in trial court cause number 18,637-B. By order filed on October 16, 2009, the respondent denied Relator's motion.

The State, as real party in interest in this proceeding, filed a response to Relator's petition. Attached to the response is a copy of an order signed by the respondent, which was filed on January 26, 2010. The order states that the respondent has reconsidered Moody's motion for judgment nunc pro tunc, finds that it should be granted, and orders that the judgment be corrected to delete the deadly weapon finding. The State urges, and we agree, that this order renders Relator's petition moot. Accordingly, we *dismiss* this original proceeding.

Opinion delivered February 10, 2010.

*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*

(DO NOT PUBLISH)

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<sup>1</sup> The respondent is the Honorable Alfonso Charles, Judge of the 124th Judicial District Court, Gregg County, Texas.