



# **IN THE COURT OF CRIMINAL APPEALS OF TEXAS**

**NO. PD-0677-16**

**EX PARTE JEFFREY PEYTON, Applicant**

**ON STATE'S PETITION FOR DISCRETIONARY REVIEW  
FROM THE SECOND COURT OF APPEALS  
WICHITA COUNTY**

*Per curiam.*

## **O P I N I O N**

By way of an application for a writ of habeas corpus, Jeffrey Peyton sought a bail reduction claiming the set bail amount was unconstitutionally excessive and in violation of Texas Code of Criminal Procedure Articles 1.09 and 17.15. The trial judge denied the application. The court of appeals reversed the judge's order and remanded the case to the trial court.<sup>1</sup> We granted the State's petition for discretionary review to review the court of appeals' analysis.

---

<sup>1</sup> *Ex parte Peyton*, No. 02-16-00029-CR, 2016 WL 2586698, at \*6 (Tex. App.—Fort Worth Sept. 14, 2016) (mem. op, not designated for publication).

Peyton was subsequently convicted of criminal solicitation of capital murder and sentenced to twenty-one years' confinement. Because Peyton is no longer confined by virtue of the allegedly excessive pre-trial bail amount, the issue the State presents is now moot. The petition for discretionary review is dismissed.

DELIVERED: March 22, 2017

DO NOT PUBLISH