



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. AP-77,080

MARVIN CHARLES FARRIEL, Appellant

v.

THE STATE OF TEXAS

**ON APPEAL FROM DENIAL OF BAIL
CAUSE NO. 1590083 IN THE 209TH DISTRICT COURT
HARRIS COUNTY**

Per curiam.

OPINION

This is an appeal from an order denying bail under Article 1, § 11a, of the Texas Constitution.¹ On May 6, 2018, Appellant was arrested and jailed for robbery. On May

¹After a hearing the trial court granted the State's motion to deny bail under Article 1, §11a, which provides in part:

Any person . . . (1) accused of a felony less than capital in this State, who has been theretofore twice convicted of a felony, the second conviction being subsequent to the first, both in point of time of commission of the offense and conviction therefor, . . . after a hearing, and upon evidence substantially showing the guilt of the accused of the offense

11, 2018, the trial court granted the State's motion to deny bail pursuant to Article 1, Section 11a of the Texas Constitution. Appellant has appealed the trial court's decision. See Tex.R.App.P. 31.1.

Article I, Section 11a mandates that "if the accused is not accorded a trial upon the accusation, . . . within sixty (60) days from the time of his incarceration upon the accusation, the order denying bail shall be automatically set aside, unless a continuance is obtained upon the motion or request of the accused. . . ." In this case, the sixty day period has expired. Nothing indicates any continuance has been obtained, therefore we assume the order denying bail has been automatically set aside as the Constitution requires. Thus, the issue before us is now moot and we dismiss the appeal. See *Criner v. State*, 878 S.W.2d 162 (Tex.Crim.App. 1994); *Holloway v. State*, 781 S.W.2d 605 (Tex.Crim.App. 1989).

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. . . may be denied bail pending trial, by a district judge in this State, if said order denying bail pending trial is issued within seven calendar days subsequent to the time of incarceration of the accused.