



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-80,123-01

EX PARTE JACK MANISCALCO JR., Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 11-DCR-56387HC1 IN THE 434TH DISTRICT COURT
FROM FORT BEND COUNTY

Per curiam.

OPINION

This is a post-conviction application for a writ of habeas corpus forwarded to this Court pursuant to TEX. CODE CRIM. PROC. art. 11.07, § 3, *et seq.* Applicant was convicted of the state jail felony offense of interference with an emergency call, and punishment was assessed at six months' confinement. The Fourteenth Court of Appeals affirmed his conviction. *Maniscalco v. State*, No. 14-11-00594-CR (Tex. App.—Houston [14th] March 19, 2013).

The habeas application was filed in the trial court on June 25, 2013 and this Court received it on August 22, 2013. On September 18, 2013, this Court issued an opinion granting relief. However, on September 4, 2013, while the application was still pending in this Court, Applicant was

released from custody pursuant to his motion for “shock probation”. This Court was not notified of Applicant’s release until September 23, 2013.

This Court had jurisdiction to consider the 11.07 habeas application at the time it was filed, but the order granting shock probation meant the conviction was no longer final. After reconsideration on our own motion, the Court withdraws its previous opinion and substitutes this opinion. Applicant’s application is hereby dismissed.

DO NOT PUBLISH
DELIVERED: October 23, 2013