

DISMISSED and Opinion Filed December 16, 2016



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-16-00870-CR

EX PARTE ARCHIE WILLIAMS

**On Appeal from the 382nd Judicial District Court
Rockwall County, Texas
Trial Court Cause Nos. 2-15-162, 2-15-502, 2-16-0307, 2-16-0308**

MEMORANDUM OPINION

Before Justices Lang, Brown, and Whitehill
Opinion by Justice Whitehill

This case is **REINSTATED**.

The records in this cause and companion cause no. 05-16-00877-CR reveal the following procedural history. In trial court cause no. 2-15-162, Archie Williams was indicted for tampering with evidence. Subsequently, in trial court cause no. 2-15-502, he was charged with assault of a public servant. On June 23, 2016, appellant filed a pretrial application for writ of habeas corpus contending he was entitled to release in both cases under article 17.151 of the code of criminal procedure. *See* TEX. CODE CRIM. PROC. ANN. art. 17.151, § 1 (West 2015) (requiring trial court to either release accused on personal recognizance or else effectuate his release by reducing pretrial bail when State is not ready for trial within prescribed time period). On June 29, 2016, the State reindicted appellant on both charges with the new cases being assigned trial court cause nos. 2-16-0307 and 2-16-0308.

On July 5, 2016, the trial court conducted an arraignment hearing on the reindicted cases and, at the same time, heard brief testimony and argument about appellant's request for article 17.151 relief. The trial court orally denied relief.

On July 18–20, 2016, appellant was tried before a jury on the reindicted tampering charge in cause no. 2-16-0307. The jury convicted appellant and it assessed punishment at twenty years' imprisonment and a \$10,000 fine. On July 20, 2016, the trial court granted the State's motion to dismiss cause no. 2-15-162 on the ground the charge therein had been reindicted as cause no. 2-16-0307.

On July 22, 2016, appellant filed a notice of appeal to challenge the trial court's order denying relief on his pretrial application for writ of habeas corpus and a separate notice of appeal to contest the trial court's judgment in the tampering case tried under cause no. 2-16-0307. The habeas appeal was assigned appellate court cause no. 05-16-00870-CR. The appeal of the conviction in cause no. 2-16-0307 was assigned appellate cause no. 05-16-00877-CR. On August 2, 2016, the trial court entered a written order denying the pretrial application for writ of habeas corpus. The trial court's order denied relief on all four of appellant's charged case numbers: 2-15-162, 2-15-502, 2-16-0307, and 2-16-0308. On August 30, 2016, appellant's trial counsel, Antonius B. Massar, filed an affidavit with the Court in cause no. 05-16-00870-CR that averred, among other items, that the trial court had dismissed the assault case against appellant on July 20, 2016—the same date appellant was convicted in the tampering case. Appellant has filed two letters with this Court to inform the Court of his state prison mailing address.

By order entered on September 14, 2016, the Court abated this appeal pending receipt and review of the appellate record in cause no. 05-16-00877-CR.¹ The records filed in cause nos. 05-16-00870-CR and 05-16-00877-CR show that appellant is no longer subject to pretrial detention and, therefore, the appeal in cause no. 05-16-00870-CR is moot. *See Martinez v. State*, 826 S.W.2d 620, 620 (Tex. Crim. App. 1992) (court would not address merits of petition complaining about pretrial detention when appellant had been convicted of underlying offense rendering the petition moot); *Danziger v. State*, 786 S.W.2d 723, 724 (Tex. Crim. App. 1990) (per curiam) (appeal of pretrial detention rendered moot by conviction of offense).

We **DISMISS** this appeal.

/Bill Whitehill/

BILL WHITEHILL
JUSTICE

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¹ Because cause no. 05-16-00870-CR is an accelerated appeal while cause no. 05-16-00877-CR is a regular appeal, the dates to file the clerk's and reporter's records were on different time tracks.



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

EX PARTE ARCHIE WILLIAMS

No. 05-16-00870-CR

On Appeal from the 382nd Judicial District
Court, Rockwall County, Texas
Trial Court Cause Nos. 2-15-16, 2-15-502,
2-16-0307, 2-16-0308.

Opinion delivered by Justice Whitehill.
Justices Lang and Brown participating.

Based on the Court's opinion of this date, the appeal is **DISMISSED AS MOOT**.

Judgment entered December 16, 2016.