

DISMISSED and Opinion Filed November 29, 2018



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

No. 05-18-01045-CR

No. 05-18-01046-CR

EX PARTE DAVIS NOE PEREZ

**On Appeal from the 366th Judicial District Court
Collin County, Texas
Trial Court Cause Nos. 366-04225-2018 & 366-04247-2018**

MEMORANDUM OPINION

Before Chief Justice Wright and Justices Myers and Stoddart
Opinion by Chief Justice Wright

We **REINSTATE** these appeals.

Davis Noe Perez appealed the trial court's order denying relief on his application for writ of habeas corpus seeking to be released on bond while proceedings were pending for his extradition to the State of Kansas to stand trial for aggravated robbery.

On October 3, 2018, counsel filed motions to dismiss these appeals. The Court denied the motions because they were not signed by appellant and thus did not comply with the rules of appellate procedure. *See* TEX. R. APP. P. 44.2(a). The Court gave appellant fourteen days to file motions that comply with the rules. After the deadline for filing complying motions passed, the Court abated these appeals to the trial court to determine their status.

On November 15, 2018, the trial court conducted a hearing and made findings of fact that have been filed with the Court. The trial court found that: (1) appellant does not desire to pursue

the appeals; (2) appellant desires to dismiss the appeals; (3) the appeals are moot because appellant has been extradited to Kansas; and (4) retained counsel does not know appellant's location following his extradition and thus is unable to obtain appellant's signature on motions to dismiss.

We **ADOPT** the trial court's finding that the appeals are moot.

We **DISMISS AS MOOT** these appeals.

/Carolyn Wright/
CAROLYN WRIGHT
CHIEF JUSTICE

Do Not Publish
TEX. R. APP. P. 47.2(b)
181045F.U05



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

JUDGMENT

EX PARTE DAVIS NOE PEREZ

No. 05-18-01045-CR

On Appeal from the 366th Judicial District
Court, Collin County, Texas

Trial Court Cause No. 366-04225-2018.

Opinion delivered by Chief Justice Wright.

Justices Myers and Stoddart participating.

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

Judgment entered November 29, 2018_.



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

JUDGMENT

EX PARTE DAVIS NOE PEREZ

No. 05-18-01046-CR

On Appeal from the 366th Judicial District
Court, Collin County, Texas
Trial Court Cause No. 366-04247-2018.
Opinion delivered by Chief Justice Wright.
Justices Myers and Stoddart participating.

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

Judgment entered November 29, 2018.