

DISMISSED and Opinion Filed December 7, 2021



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

No. 05-20-00781-CR

EX PARTE ERIC DEAN KING

**On Appeal from the 366th Judicial District Court
Collin County, Texas
Trial Court Cause No. 366-03461-2020**

MEMORANDUM OPINION

Before Justices Molberg, Goldstein, and Smith
Opinion by Justice Smith

Eric Dean King appealed the trial court's determination to deny his pretrial application for writ of habeas corpus seeking a reinstatement of his pretrial bond. The habeas proceedings arose out of appellant's indictment in trial court case number 366-84144-2019 for injury to a disabled individual.

On October 15, 2021, the State filed a motion to dismiss the appeal. In its motion, the State reported that it had dismissed the underlying case against appellant and he has been released from custody, thus rendering issues regarding his pretrial confinement moot. On the same day, the trial court clerk filed a supplemental clerk's record containing the State's motion to dismiss the underlying proceeding and the

trial court's order dismissing the case against appellant. Appellant has not filed a response to the State's motion.

If the premise of a habeas claim is destroyed by subsequent events, the case is rendered moot. *Ex parte Huerta*, 582 S.W.3d 407, 410 (Tex. App.—Amarillo 2018, pet. ref'd). We have no jurisdiction to decide moot controversies and issue advisory opinions. *Id.* at 411.

Habeas is only appropriate when granting the writ would result in the release of the habeas applicant. *See Ex parte Hammons*, 631 S.W.3d 715, 716 (Tex. Crim. App. 2021). We agree with the State that the dismissal of the charges and release of appellant renders moot the issues regarding his pretrial confinement addressed in this appeal. *See Martinez v. State*, 826 S.W.2d 620, 620 (Tex. Crim. App. 1992) (dismissing appeal as moot where applicant was convicted during pendency of appeal); *Ex parte Sewell*, 495 S.W.3d 54, 55 (Tex. App.—Houston [14th Dist.] 2016, no pet.) (granting State's motion to dismiss and dismissing appeal of pretrial writ of habeas corpus because State's dismissal of charge rendered appeal moot); *Ex parte Joyner*, 367 S.W.3d 737, 738 (Tex. App.—Houston [14th Dist.] 2012, no pet.) (habeas appeal rendered moot by appellant's imprisonment after conviction on unrelated charge); *see also Ex parte Davis*, No. 12-20-00141-CR, 2020 WL 6164465, at *1–2 (Tex. App.—Tyler Oct. 21, 2020, no pet.) (mem. op., not designated for publication) (granting State's motion to dismiss and dismissing

pretrial habeas appeal as moot after trial court dismissed charges and released applicant).

Accordingly, we grant the State's motion to dismiss and dismiss the appeal.

/Craig Smith/

CRAIG SMITH
JUSTICE

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TEX. R. APP. P. 47.2(b)
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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

EX PARTE ERIC DEAN KING

No. 05-20-00781-CR

On Appeal from the 366th Judicial
District Court, Collin County, Texas
Trial Court Cause No. 366-03461-
2020.

Opinion delivered by Justice Smith.
Justices Molberg and Goldstein
participating.

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

Judgment entered December 7, 2021.