

**DISMISS and Opinion Filed September 21, 2021**



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

---

**No. 05-21-00186-CR**

---

**EX PARTE ZAVIER COMMINEY**

---

**On Appeal from the 292nd Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. WX21-90360-V**

---

**MEMORANDUM OPINION**

Before Chief Justice Burns and Justices Myers and Nowell  
Opinion by Chief Justice Burns

Zavier Comminey appeals the trial court's ruling denying his pretrial application for writ of habeas corpus seeking a reduction in bail. No written order denying the writ application was filed in the clerk's record or a supplemental clerk's record.

After the Court requested letter briefs to address its jurisdiction, appellant filed a letter brief and an amended notice of appeal that addressed problems with the record, but never indicated that a final written order had been signed. The State's letter brief indicated that there was no final written order and proposed the Court either dismiss the appeal or abate the appeal to allow entry of a final written order.

On September 9, 2021, the district clerk filed a second supplemental clerk's record showing appellant was tried on July 12, 2021, convicted of manslaughter, and sentenced to ten years in prison.

Because the trial court has not entered an appealable order in the habeas proceeding, appellant's notice of appeal does not confer jurisdiction upon the Court. *See Henderson v. State*, 153 S.W.3d 735, 735–36 (Tex. App.—Dallas 2005, no pet.); *Ex parte Evans*, 611 S.W.3d 86, 88 (Tex. App.—Waco 2020, no pet.); *see also Ex parte Terry*, No. 12-20-00006-CR, 2020 WL 827591, at \*1 (Tex. App.—Tyler Feb. 19, 2020, no pet.) (mem. op., not designated for publication) (habeas appeal seeking bond reduction must be dismissed if no final written order has been entered).

Moreover, appellant's conviction renders moot his habeas contentions regarding pre-trial confinement. *Martinez v. State*, 826 S.W.2d 620, 620 (Tex. Crim. App. 1992).

Concluding we lack jurisdiction and the matter is moot, we dismiss the appeal.

/Robert D. Burns, III/  
\_\_\_\_\_  
ROBERT D. BURNS, III  
CHIEF JUSTICE

Do Not Publish  
TEX. R. APP. P. 47.2(b)  
210186F.U05



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

**JUDGMENT**

EX PARTE ZAVIER COMMINEY

No. 05-21-00186-CR

On Appeal from the 292nd Judicial  
District Court, Dallas County, Texas  
Trial Court Cause No. WX21-90360-  
V.

Opinion delivered by Chief Justice  
Burns. Justices Myers and Nowell  
participating.

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

Judgment entered September 21, 2021.