

**Opinion issued December 23, 2021**



**In The  
Court of Appeals  
For The  
First District of Texas**

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**NO. 01-21-00265-CR**

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**EX PARTE KENNEDY FITZGERALD JOHNSON, Appellant**

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**On Appeal from the 208th District Court  
Harris County, Texas  
Trial Court Case Nos. 1715831 & 1723488**

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**MEMORANDUM OPINION**

Appellant, Kennedy Fitzgerald Johnson, appeals from the denials of his pretrial petitions for writ of habeas corpus concerning bail. On August 23, 2021, the trial court entered judgments of conviction, adjudicating appellant guilty of the offenses of injury to a child under age 15 and sentenced him to five years' incarceration in the Correctional Institutions Division of the Texas Department of

Criminal Justice, with the sentences to run concurrently. These sentences were in accordance with plea bargains with the State.

An appeal from the denial of a pretrial application for writ of habeas corpus is rendered moot when the appellant is convicted of the underlying offense before the appellate court rules on the habeas appeal. *See Martinez v. State*, 826 S.W.2d 620, 620 (Tex. Crim. App. 1992); *Ex parte Cole*, No. 01-20-00748-CR, 2021 WL 3624713, at \*1 (Tex. App.—Houston [1st Dist.] Aug. 17, 2021, no pet.). Because appellant has now been convicted of the underlying offense, this appeal from the denial of appellant’s pretrial application for writ of habeas corpus is moot.

Accordingly, the appeals are dismissed as moot. *See Cole*, 2021 WL 3624713, at \*1. Any pending motions are dismissed as moot.

**PER CURIAM**

Panel consists of Justices Hightower, Countiss, and Guerra.

Do not publish. TEX. R. APP. P. 47.2(b).