

Dismissed and Memorandum Opinion filed November 15, 2011.



In The

Fourteenth Court of Appeals

NO. 14-11-00775-CR

EX PARTE DAVID LORENZA JOYNER

**On Appeal from the 174th District Court
Harris County, Texas
Trial Court Cause No. 1278852**

MEMORANDUM OPINION

This is an appeal from the denial of a pre-trial application for writ of habeas corpus. In his writ application, appellant raised several challenges to the theft indictment in his underlying case and alleged the denial of his right to self-representation, among other matters. On August 31, 2011, the trial court conducted a hearing on the writ and denied relief. Appellant filed a timely notice of appeal.

According to information provided by the Harris County District Clerk, appellant was convicted of theft of less than \$1,500, as a third offense, in the underlying case, and he was sentenced to confinement for fifteen years in the Institutional Division of the Texas Department of Criminal Justice. Appellant has also filed a notice of appeal from the

judgment of conviction in the underlying case, and that appeal has been docketed under our case number 14-11-00807-CR.

Because appellant has been convicted, he is no longer subject to “pre-trial” confinement.” *See Martinez v. State*, 826 S.W.2d 620, 620 (Tex. Crim. App. 1992). When an appellant has a means to address his complaints by way of an appeal from his conviction, his appeal from the denial of pre-trial habeas relief may be dismissed. *See Hubbard v. State*, 841 S.W.2d 33, 33 (Tex. App.—Houston [14th Dist.] 1992, no pet.). Appellant’s claims need not be addressed in an appeal from habeas proceedings because they can be raised in an appeal from the conviction itself. *See Kniatt v. State*, 206 S.W.3d 657, 665 (Tex. Crim. App. 2006) (Keller, P.J., concurring).

Accordingly, we dismiss the appeal as moot.

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Anderson and Christopher.
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