

Motion Granted, Appeal Dismissed and Memorandum Opinion filed July 19, 2016.



In The

Fourteenth Court of Appeals

NO. 14-16-00368-CR

EX PARTE LEE BROWN

**On Appeal from County Criminal Court at Law No. 14
Harris County, Texas
Trial Court Cause No. 2076342**

M E M O R A N D U M O P I N I O N

Appellant Lee Brown was charged by information with violating the Harris County Game Room Regulations by failing to comply with the record keeping requirements. Appellant filed a pretrial application for writ of habeas corpus challenging the constitutionality of the regulations. This appeal is from the denial of his application.

On July 8, 2016, the State filed a motion to dismiss this appeal as moot because the trial court quashed the information and dismissed the underlying case. A certified copy of the dismissal is attached to the State's motion.

The dismissal of the case renders appellant’s challenge to the constitutionality of the regulations moot. *See Ex parte Morgan*, 335 S.W.2d 766, 766 (Tex. Crim. App. 1960); *Ex parte Bennet*, 818 S.W.2d 199, 200 (Tex. App.—Houston [14th Dist.] 1991, no pet.) (stating that “where the premise of a habeas corpus application is destroyed by subsequent developments, the legal issues raised thereunder are rendered moot.”). Because the sole issue in this appeal is moot, the appeal must be dismissed. *See Danziger v. State*, 786 S.W.2d 723, 724 (Tex. Crim. App. 1990) (per curiam).

Accordingly, the State’s motion to dismiss is **GRANTED** and the appeal is **DISMISSED**.

PER CURIAM

Panel consists of Chief Justices Frost and Justices McCally and Brown.
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