Motion Granted; Dismissed and Memorandum Opinion filed October 17, 2023

In The

Fourteenth Court of Appeals

NO. 14-23-00277-CR

EX PARTE RONALD ORTIZ-NAVARRETE

On Appeal from the 400th District Court
Fort Bend County, Texas
Trial Court Cause No. 23-DCR-102952

MEMORANDUM OPINION

Appellant was charged by indictment with aggravated assault with a deadly weapon. *See* Tex. Penal Code § 22.02(a)(2). Appellant filed a pretrial application for writ of habeas corpus seeking release for lack of probable cause. On April 20, 2023, the trial court denied appellant's motion. The following day, appellant filed a notice of appeal.

During the pendency of this appeal, the trial court dismissed the indictment against appellant on the State's motion. A supplemental clerk's record filed with this court contains an order, signed by the trial court on August 29, 2023,

dismissing the case. Because the indictment against appellant has been dismissed, he is no longer subject to pretrial confinement for the charged offense. The longstanding rule in Texas regarding habeas corpus is that "where the premise of a habeas corpus application is destroyed by subsequent developments, the legal issues raised thereunder are rendered moot." *Saucedo v. State*, 795 S.W.2d 8, 9 (Tex. App.—Houston [14th Dist.] 1990, no writ) (citing *Ex parte Branch*, 553 S.W.2d 380 (Tex. Crim. App. 1997)). Thus, the appeal of the trial court's denial of appellant's pretrial application for writ of habeas corpus has been rendered moot. *See Ex parte Castillo*, No. 03-20-00260-CR, 2020 WL 4462315 at *1 (Tex. App.—Austin July 17, 2020, no pet.) (mem. op., not designated for publication).

On September 5, 2023, the State filed a motion to dismiss the appeal for mootness. We requested a response from appellant to the motion. Appellant did not respond. Accordingly, we grant the state's motion and dismiss the appeal as moot.

PER CURIAM

Panel consists of Chief Justice Christopher and Justices Bourliot and Hassan.

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