

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-17-00061-CR

EX PARTE AARON WAYNE COTTON

On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause No. 13-17767

MEMORANDUM OPINION

This is an appeal by Aaron Wayne Cotton of the trial court's denial of his application for writ of habeas corpus. After Cotton filed his notice of appeal, the Court received a supplemental clerk's record, which includes an order showing that the trial judge dismissed the case that the State filed against Cotton. On April 4, 2017, we notified the parties that the appeal appeared to be moot, and we warned that we would dismiss Cotton's appeal unless he showed that we had jurisdiction over his appeal. Neither Cotton nor the State filed a response.

The record reflects that the case against Cotton has been dismissed. Because Cotton is not under any form of restraint based on his indictment in Cause Number

13-17767, Cotton's appeal of the trial court's decision denying his application for writ of habeas corpus is moot. *See Armes v. State*, 573 S.W.2d 7, 9 (Tex. Crim. App. [Panel Op.] 1978). Accordingly, the appeal is dismissed as moot.

APPEAL DISMISSED.

HOLLIS HORTON
Justice

Submitted on April 25, 2017
Opinion Delivered April 26, 2017
Do Not Publish

Before Kreger, Horton, and Johnson, JJ.