



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-16-00258-CV

IN RE ADAM SMITH

RELATOR

ORIGINAL PROCEEDING
TRIAL COURT NO. 360-541003-13

MEMORANDUM OPINION¹

On July 22, 2016, Relator Adam Smith filed a petition for writ of habeas corpus seeking relief from an order of commitment signed on July 1, 2016. See Tex. Gov't Code Ann. § 22.221(d) (West 2004); see also Tex. R. App. P. 52.1. This court conditionally ordered Relator released on a \$500.00 bond during the pendency of this proceeding. Relator posted bond on July 30, 2016.

On August 8, 2016, Relator filed "Petitioner's Motion To Dismiss Appeal," which we construe as a motion to dismiss his petition for writ of habeas corpus.

¹See Tex. R. App. P. 47.4.

Relator's motion seeks dismissal because (1) the parties "have conferred and agreed to [Relator's] release from jail" and (2) Relator is no longer in custody.²

We grant Relator's motion to dismiss. We dismiss Relator's petition for writ of habeas corpus without prejudice and without reference to the merits.

But because we are unable to determine whether the parties have entered into a settlement agreement concerning the merits of Relator's petition for writ of habeas corpus, we remand this proceeding to the trial court. The trial court shall conduct a hearing and determine whether, in fact, the parties have conferred and entered into some type of agreement concerning Relator's release from jail. If such an agreement exists, the trial court shall order Relator released from bond. If no such agreement exists, the trial court may revoke Relator's bond and remand Relator to the custody of the Tarrant County Sheriff in accordance with the terms of the trial court's July 1, 2016 commitment order.

PER CURIAM

PANEL: WALKER, GARDNER, and GABRIEL, JJ.

DELIVERED: August 11, 2016

²On August 8, 2016, Real Party in Interest Lauren Smith informed this court that she does not plan to file a response. Prior to the filing of Relator's motion to dismiss, RPI had filed a motion for additional time to file a responsive brief; we deny her motion as moot.