

NO. 07-03-0079-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL E
AUGUST 22, 2003

JAMES WARREN BRIGHT, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

FROM THE 137TH DISTRICT COURT OF LUBBOCK COUNTY;
NO. 16,336; HONORABLE CECIL G. PURYEAR, JUDGE

Before REAVIS and CAMPBELL, JJ, and BOYD, S.J.¹

Appellant brought this appeal from an order of the trial court denying his motion for appointment of counsel pursuant to Chapter 64 of the Code of Criminal Procedure to aid him in his proceeding seeking DNA testing. On May 29, 2003, this court entered its order

¹John T. Boyd, Chief Justice (Ret.), Seventh Court of Appeals, sitting by assignment. Tex. Gov't Code Ann. §75.002(a)(1) (Vernon Supp. 2003).

abating the appeal and remanding the matter to the trial court for the purpose of determining if appellant was indigent and thus entitled to the furnishing of a clerk's record and the appointment of an attorney.

We have been advised that the trial court has now found appellant to be indigent and appointed an attorney to represent him on the DNA application. Thus, the relief for which appellant sought and was initially denied, has now been afforded him. This appeal has now become moot.

Accordingly, the appeal is now reinstated and because of its mootness, must be, and is hereby, dismissed.

John T. Boyd
Senior Justice

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