



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-10-00014-CR

THE STATE OF TEXAS, Appellant

V.

JOHN HARDY TAYLOR, Appellee

On Appeal from the 336th Judicial District Court
Fannin County, Texas
Trial Court No. 22888

Before Morriss, C.J., Carter and Moseley, JJ.
Memorandum Opinion by Justice Moseley

MEMORANDUM OPINION

In its indictment, the State alleged that on or about August 13, 2008, John Hardy Taylor was criminally negligent in failing to secure his dog, which made an unprovoked attack on Judy Pless, causing serious bodily injury—a violation of Section 822.005(a)(1) of the Texas Health and Safety Code.¹ TEX. HEALTH & SAFETY CODE ANN. § 822.005(a)(1) (Vernon 2010). The trial court quashed the indictment against Taylor on the grounds that the statute on which the indictment is based is unconstitutionally vague. The State appeals from the order quashing the indictment in trial court cause number 22888.

The State also appeals from the order quashing the indictment in trial court cause number 22840, and has filed a single brief, in which the State raises issues common to both appeals. The State contends the statute in question is not unconstitutionally vague, and the order quashing the indictment should therefore be reversed. We addressed these issues in detail in our opinion of this date in cause number 06-10-00013-CR. For the reasons stated therein, we likewise conclude that the statute is constitutional.

Accordingly, we reverse the order quashing the indictment and remand to the trial court for further proceedings.

Bailey C. Moseley
Justice

¹Because this is an appeal of a pretrial order, no testimony or evidence appears in the record.

Date Submitted: July 6, 2010
Date Decided: July 23, 2010

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