



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

No. 06-17-00125-CR

CHAD ALAN CAPPIELLO, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 8th District Court
Hopkins County, Texas
Trial Court No. 1725812

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

MEMORANDUM OPINION

Chad Alan Cappiello appeals¹ from the trial court's refusal to admit him to bail pending the appeal of his conviction for theft of property in the amount of \$1,500.00 or more, but less than \$20,000.00.² Cappiello argues that the trial court abused its discretion in summarily denying his motion for bail pending appeal. This summary denial took place immediately after Cappiello was sentenced, when the trial court indicated that it would deny any request that a reasonable bail be set in this case.

We addressed Cappiello's argument in detail in our opinion of this date in companion cause number 06-17-00124-CR. For the reasons stated therein, we likewise sustain Cappiello's sole point in this appeal, to the extent that a hearing was not held on his motion requesting bail pending appeal.

Accordingly, we reverse the order denying Cappiello's request for bail pending appeal and remand to the trial court for a hearing to be conducted on the motion.

Bailey C. Moseley
Justice

Date Submitted: August 7, 2017
Date Decided: August 18, 2017

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¹Cappiello was convicted of a second theft of property offense in the amount of \$1,500.00 or more, but less than \$20,000.00. In companion case number 06-17-00124-CR, he also appeals the denial of bail pending appeal in that case.

²See Act of May 29, 2011, 82d Leg., R.S., ch. 1234, § 21, 2011 Tex. Gen. Laws 3302, 3310 (amended 2015) (current version at TEX. PENAL CODE § 31.03 (West Supp. 2016)).