

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-11-00109-CR**

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**Ex parte Jorge Gutierrez**

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**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 167TH JUDICIAL DISTRICT  
NO. D-1-DC-10-203162, HONORABLE MICHAEL LYNCH, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

Appellant filed his notice of appeal in 2011. In June 2011, the court reporter informed us that appellant's attorney had told her not to continue to work on the reporter's record because the case was moot and he would be filing a motion to abate the appeal. After a long delay with no communication from counsel, we abated the appeal to the trial court to hold a hearing to determine whether the cause is moot. The trial court held the hearing as requested, and the reporter's record reflects that appellant's attorney stated that this appeal, which involved a bond setting, was now moot. The trial court and prosecutor agreed.

Because the issues in the cause are moot, we cannot exercise jurisdiction over the appeal. *See State v. Curl*, 28 S.W.3d 838, 841 (Tex. App.—Corpus Christi 2000, no pet.); *Lee v. State*, 425 S.W.2d 698, 699 (Tex. Civ. App.—San Antonio 1968, no writ) (dismissing juvenile adjudication case as moot). We reinstate the appeal and dismiss it for want of jurisdiction.

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David Puryear, Justice

Before Justices Puryear, Pemberton and Rose

Dismissed for Want of Jurisdiction

Filed: June 25, 2013

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