

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-15-00213-CR

Ex parte Kelly James McCarty

**FROM THE DISTRICT COURT OF BURNET COUNTY, 33RD JUDICIAL DISTRICT
NO. 30842C, HONORABLE J. ALLAN GARRETT, JUDGE PRESIDING**

MEMORANDUM OPINION

Kelly James McCarty appeals the denial of his application for a writ of habeas corpus seeking an out-of-time appeal under Texas Code of Criminal Procedure article 11.08. This Court has been informed that, by order dated July 8, 2015, the trial court granted McCarty's request for an out-of-time appeal in a habeas proceeding filed under Texas Code of Criminal Procedure article 11.072 that addressed the same judgment he seeks to challenge here. Because McCarty has received the relief he requests in this proceeding, we dismiss this appeal as moot. *See* Tex. R. App. P. 43.2(f).

Jeff Rose, Chief Justice

Before Chief Justice Rose, Justices Pemberton and Field

Dismissed as Moot

Filed: October 28, 2015

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