

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

**NO. 03-16-00124-CR
NO. 03-16-00137-CR**

Ex parte Daniel Lee Miller

**FROM THE COUNTY COURT AT LAW NO. 2 OF WILLIAMSON COUNTY,
NOS. 15-00262-2A & 14-03937-2A,
THE HONORABLE DAVID L. HODGES, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Daniel Lee Miller appeals the denial of his applications for writ of habeas corpus seeking release from jail after the trial court ordered him transferred to a therapeutic mental health facility for the purpose of competency restoration treatment. *See* Tex. Code Crim. Proc. arts. 11.05, 11.09 (provisions relating to habeas corpus applications by person confined on misdemeanor charge); *see also id.* art. 46B.073(b)(1) (provision concerning commitment for restoration to competency for defendant charged with misdemeanor). Since the filing of these appeals, this Court has received two supplemental clerk's records in each case.

The first supplemental record contains documentation that indicates that appellant was transferred to the Austin State Hospital for competency restoration treatment, and that the court ordered an extension of his commitment for further evaluation and treatment to obtain competency upon the hospital's request. Thus, the record reflects that appellant received the relief he sought in his applications for writ of habeas corpus.

The second supplemental record contains an order signed by the trial court, which granted the State’s motion to dismiss the underlying pending criminal case.¹ Because the charges against him have been dismissed, appellant is no longer subject to pretrial confinement or commitment for competency restoration.

For the above reasons, the appeals of the trial court’s ruling on appellant’s pretrial applications for writ of habeas corpus have been rendered moot. Therefore, we dismiss these appeals as moot. *See* Tex. R. App. P. 43.2(f); *see also Alexander v. State*, No. 03-13-00337-CR, 2014 WL 3562719, at *1 (Tex. App.—Austin July 18, 2014, no pet.) (mem. op., not designated for publication).

Melissa Goodwin, Justice

Before Justices Puryear, Goodwin, and Field

Dismissed as Moot

Filed: June 29, 2016

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¹ The stated reason for seeking the dismissal in each case is “in the interest of justice” because “[d]efendant found incompetent to stand trial and unable to regain competency.”