



**NUMBER 13-20-00276-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI – EDINBURG**

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**EX PARTE H.E.A.**

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**On appeal from the 440th District Court  
of Coryell County, Texas.**

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**MEMORANDUM OPINION**

**Before Chief Justice Contreras and Justices Hinojosa and Silva  
Memorandum Opinion by Justice Silva**

Before this Court is a restricted appeal of a trial court's order expunging all files and records relating to appellee H.E.A.'s 2005 driving while intoxicated charge of which he was acquitted.<sup>1</sup> See TEX. PENAL CODE ANN. § 49.04(d); TEX. CODE CRIM. PROC. ANN. art. 55.01. On May 2, 2022, this Court sua sponte issued an order abating the appeal pending the Texas Supreme Court's resolution of a sister court case concerning a similar

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<sup>1</sup> This case is before the Court on transfer from the Tenth Court of Appeals in Waco pursuant to a docket equalization order issued by the Supreme Court of Texas. See TEX. GOV'T CODE ANN. § 73.001.

issue. See *Ex parte Ferris*, 613 S.W.3d 276 (Tex. App.—Dallas 2020), *aff'd sub nom. Ex parte K.T.*, No. 20-0977, 2022 WL 1510329 (Tex. May 13, 2022). Appellant, the Texas Department of Public Safety, was instructed to promptly file a motion to reinstate the appeal following the Texas Supreme Court's issuance of its opinion.

On May 31, 2022, appellant filed a motion to reinstate the appeal and requested a dismissal pursuant to Texas Rule of Appellate Procedure 42.1(a)(1). See TEX. R. APP. P. 10.1; 42.1(a)(1). We construe appellant's filing as two motions. The Court, having considered the motions, is of the opinion that they should be granted. See TEX. R. APP. P. 42.1(a)(1). Therefore, we grant appellant's motions, this cause is reinstated, and we dismiss this appeal. See *id.* Because the appeal is dismissed at appellant's request, no motion for rehearing will be entertained.

CLARISSA SILVA  
Justice

Delivered and filed on the  
9th day of June, 2022.