COURT OF APPEALS FOR THE SECOND APPELLATE DISTRICT OF TEXAS AT FORT WORTH

Ex parte Rudy Garza

Nos. 02-25-00232-CR, 02-25-00233-CR (Tex. App.—Fort Worth May 7, 2026) (mem. op.) · No. Nos. 02-25-00232-CR and 02-25-00233-CR · Decided May 7, 2026

SUMMARY

The Second Court of Appeals of Texas dismissed as moot two appeals from the denial and dismissal of pretrial habeas corpus petitions. The appeals became moot after the trial court dismissed the indictments against Rudy Garza, eliminating the restraint challenged in the petitions.

CASE DETAILS

COURT	Court of Appeals for the Second Appellate District of Texas at Fort Worth
WRITING FOR THE COURT	Wade Birdwell; Wallach; Christopher Taylor, sitting by assignment
JURISDICTION	Court of Appeals for the Second Appellate District of Texas at Fort Worth
DECIDED	May 7, 2026
DOCKET	Nos. 02-25-00232-CR and 02-25-00233-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Garza appealed the denial and dismissal of two pretrial petitions for writ of habeas corpus challenging his confinement and conditions of release. While the appeals were pending, the trial court dismissed both indictments, and the State moved to dismiss the appeals as moot.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Rudy Garza v. The State of Texas

TOPICS

mootness · habeas corpus · criminal procedure · appellate procedure

PRACTICE AREAS

criminal procedure · habeas corpus · appellate procedure · mootness · remedies

QUESTIONS PRESENTED

1. Whether the dismissal of the indictments rendered moot Garza's appeals from orders denying or dismissing his pretrial habeas petitions.

HOLDINGS

1. The dismissal of the indictments rendered Garza's appeals moot because he was no longer subject to pretrial confinement for the charged offenses or to any current restraint on his liberty.

KEY QUOTATIONS

> *"Where the premise of a habeas corpus application is destroyed by subsequent developments, the legal issues raised thereunder are rendered moot."* (at 2)

> *"Because the indictments against Garza have been dismissed, he is no longer subject to pretrial confinement for the charged offenses or to any current restraint on his liberty. These appeals are therefore moot."* (at 3)

FACTUAL BACKGROUND

Garza was indicted on two aggravated-sexual-assault-of-a-child charges in 1994 and was found incompetent to stand trial, resulting in his commitment. After release to a group home, he was arrested in 2023 for failing to appear at a specialty-docket setting and again in December 2024 for alleged violations of release conditions. He filed pretrial habeas petitions challenging his confinement, but while his appeals were pending the State obtained dismissal of both indictments.

PROCEDURAL HISTORY

Garza was indicted in 1994 on two charges of aggravated sexual assault of a child and was adjudged incompetent to stand trial. After later arrests based on failure to appear and alleged violations of release conditions, he filed pretrial habeas petitions seeking release from confinement. A magistrate denied one petition, dismissed the other, and amended his release conditions; the trial court adopted the magistrate's orders. During the appeals, the trial court dismissed both indictments at the State's request, and the appellate court granted the State's unopposed motion to dismiss the appeals as moot.

DISPOSITION

dismissed

CASES CITED

- Ex parte Ellis, 309 S.W.3d 71, 79 (Tex. Crim. App. 2010)
- Ex parte Kerr, 64 S.W.3d 414, 419 (Tex. Crim. App. 2002)
- Ex parte Robinson, 641 S.W.2d 552, 553 (Tex. Crim. App. [Panel Op.] 1982)
- Ex parte Smith, 178 S.W.3d 797, 801 (Tex. Crim. App. 2005)
- Darnell v. State, No. 02-10-00208-CR, 2010 WL 5019589, at *1 (Tex. App.—Fort Worth Dec. 9, 2010, no pet.) (mem. op. on reh'g, not designated for publication)

- Hubbard v. State, 841 S.W.2d 33, 33 (Tex. App.—Houston [14th Dist.] 1992, no pet.)
- Ex parte Cole, No. 14-25-00313-CR, 2025 WL 2451093, at *1 (Tex. App.—Houston [14th Dist.] Aug. 26, 2025, no pet.) (mem. op., not designated for publication)
- Ex parte King, No. 05-20-00781-CR, 2021 WL 5817329, at *1 (Tex. App.—Dallas Dec. 7, 2021, no pet.) (mem. op., not designated for publication)

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