

Dismissed and Opinion filed July 19, 2001.



In The

Fourteenth Court of Appeals

NO. 14-00-01301-CR

CURTIS WAYNE RAWLS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 23rd District Court
Brazoria County, Texas
Trial Court Cause No. 36,555**

MEMORANDUM OPINION

Appellant was convicted of the offense of indecency with a child and was sentenced on August 10, 2000, to 15 years confinement in the Institutional Division of the Texas Department of Criminal Justice. Appellant filed a timely motion for new trial, alleging that trial counsel rendered ineffective assistance. An evidentiary hearing was held without the presence of appellant. The motion was overruled by operation of law and appellant filed a timely notice of appeal. Appellant subsequently filed a motion to abate the appeal and remand to the trial court for an evidentiary hearing on the motion for new trial at which appellant was present. On May 10, 2001, this Court granted appellant's motion and

ordered the trial court to hold an evidentiary hearing. By order dated July 6, 2001, the trial court granted appellant's motion for new trial. Because the judgment and sentence appealed from is no longer in effect, the appeal is moot.

Accordingly, we order the appeal dismissed.

PER CURIAM

Judgment rendered and Opinion filed July 19, 2001.

Panel consists of Justices Yates, Fowler, and Wittig.

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