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1           **IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

2 **STATE OF NEW MEXICO,**

3           Plaintiff-Appellee,

4 v.

**NO. 34,847**

5 **KEITH RUSSELL JUDD,**

6           Defendant-Appellant.

7 **APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY**

8 **Stan Whitaker, District Judge**

9 Hector H. Balderas, Attorney General

10 Santa Fe, NM

11 for Appellee

12 Keith Russell Judd

13 Midland, TX

14 Pro Se Appellant

15   **MEMORANDUM OPINION**

16 **KENNEDY, Judge.**

1 {1} Appellant, who is self-represented, appeals from a district court order denying  
2 his motion to vacate a 1999 order. We issued a calendar notice proposing to dismiss.  
3 Appellant has responded with a memorandum in opposition. We dismiss.

4 {2} Appellant's appeal is from a July 2015 district court order [RP 1815] that  
5 denied a motion to vacate a 1999 district court order that dismissed criminal charges  
6 against him and released him from probation. [RP 1570, 74-75; 1815-16] In June  
7 1998, the district court entered a judgment and sentence after finding Appellant guilty  
8 of two misdemeanors. [RP 1528] Appellant appealed that judgment [RP 1544], and  
9 this Court affirmed the convictions. [RP 1580] Appellant served his sentence by the  
10 time mandate was issued by this Court, as indicated by the 1999 order now being  
11 challenged. [RP 1570]. Appellant is arguing that the district court should not have  
12 issued the 1999 dismissal order while his appeal from the underlying judgment was  
13 pending. We are aware of no authority for the proposition that a court may not address  
14 a situation where a defendant has served his full sentence prior to the disposition of  
15 his appeal. In any event, we conclude that the current appeal is moot, because there  
16 is no remedy that this Court could grant that would afford actual relief. *See State v.*  
17 *Sergio B.*, 2002-NMCA-070, ¶ 9, 132 N.M. 375, 48 P.3d 764 (“An appeal is moot  
18 when no actual controversy exists, and an appellate ruling will not grant the appellant  
19 any actual relief.”). There also are no collateral consequences that would otherwise

1 allow us to address the appeal. *See id.* ¶ 10. Accordingly, we dismiss the appeal. *See*  
2 *id.*

3 {3} **IT IS SO ORDERED.**

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**RODERICK T. KENNEDY, Judge**

6 **WE CONCUR:**

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**MICHAEL E. VIGIL, Chief Judge**

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**J. MILES HANISEE, Judge**