

NO. 07-08-0507-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL C
MARCH 12, 2009

LISA JANELL SMITH,

Appellant

v.

THE STATE OF TEXAS,

Appellee

FROM THE 31ST DISTRICT COURT OF WHEELER COUNTY;
NO. 4413; HON. STEVEN RAY EMMERT, PRESIDING

Dismissal

Before QUINN, C.J., and HANCOCK and PIRTLE, JJ.

Lisa Smith (appellant) filed an appeal from the trial court's refusal to reduce her bond, pending an adjudication hearing, from \$500,000.00. On February 20, 2009, appellant's counsel filed a motion to dismiss the appeal and attached an affidavit wherein he stated that appellant had been released from custody on a personal recognizance bond and that appellant no longer desired to pursue her appeal. Because the case has become moot, we dismiss the matter.

A case is moot when (1) a party seeks a judgment to resolve a controversy, but no controversy exists, or (2) judgment is sought on a matter which cannot have any practical legal effect on an existing controversy. *Texas Health Care Info. Council v. Seton Health Plan, Inc.*, 94 S.W.3d 841, 846-47 (Tex. App.–Austin 2002, no pet.). Because appellant received the relief requested, a controversy no longer exists. Nor would our proceeding with the appeal and rendering an opinion and judgment have any practical legal effect on an existing controversy. So, we conclude that the appeal has become moot and dismiss it. *In re R.M.*, 234 S.W.3d 103, 104 (Tex. App.–El Paso 2007, no pet.).

Accordingly, the appeal is dismissed as moot.

Brian Quinn
Chief Justice

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