



COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

EX PARTE: MARCO NAVA

§

No. 08-17-00243-CR

§

Appeal from

§

210th District Court

§

of El Paso County, Texas

§

(TC # 2017DCV3981)

§

**MEMORANDUM OPINION**

Appellant, Marco Nava, has filed a motion to dismiss this interlocutory appeal as moot because he has entered a plea of guilty to a lesser-included offense of murder. It is well established that a court is prohibited from deciding moot controversies. *National Collegiate Athletic Association v. Jones*, 1 S.W.3d 83, 86 (Tex. 1999); *see Ex parte Flores*, 130 S.W.3d 100, 104-05 (Tex.App.--El Paso 2003, pet. ref'd). A case is moot if a justiciable controversy ceases to exist at any stage of the legal proceedings, including the appeal. *In re Kellogg Brown & Root, Inc.*, 166 S.W.3d 732, 737 (Tex. 2005). Nava was originally charged with capital murder. This appeal is from an order denying Nava's pre-trial writ of habeas corpus challenging the constitutionality of the capital murder sentencing scheme as applied to a defendant under the age of eighteen. Because Nava pled guilty to the lesser-included offense of murder, the capital sentencing statute has not been applied to him. Accordingly, we grant the motion and dismiss the appeal as moot.

December 20, 2017

ANN CRAWFORD McCLURE, Chief Justice

Before McClure, C.J., Rodriguez, and Palafox, JJ.

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