



NUMBER 13-16-00165-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

**IN RE STATE OF TEXAS EX REL. MARK SKURKA
DISTRICT ATTORNEY FOR THE 105TH JUDICIAL DISTRICT**

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

**Before Justices Benavides, Perkes, and Longoria
Memorandum Opinion Per Curiam¹**

The State of Texas, ex rel. Mark Skurka, the District Attorney for the 105th Judicial District Court of Nueces County, Texas, filed a petition for writ of mandamus contending that the trial court abused its discretion by rendering a discovery order that requires the State to “obtain information and items that it does not already possess” and to provide

¹ See TEX. R. APP. P. 52.8(d) (“When denying relief, the court may hand down an opinion but is not required to do so. When granting relief, the court must hand down an opinion as in any other case.”); *Id.* R. 47.4 (distinguishing opinions and memorandum opinions).

this data to the real party in interest, Luis Gonzalez.² The State has now filed a motion to dismiss this original proceeding as moot because Gonzalez has entered into a plea bargain agreement with the State, which was approved by the trial court, and the underlying charges against Gonzalez have been dropped.

The Court, having examined and fully considered the motion to dismiss, is of the opinion that this original proceeding has been rendered moot. See *Jack v. State*, 149 S.W.3d 119 n.10 (Tex. Crim. App. 2004) (“A case becomes moot on appeal when the judgment of the appellate court can no longer have an effect on an existing controversy or cannot affect the rights of the parties.”); *Chacon v. State*, 745 S.W.2d 377 (Tex. Crim. App. 1988) (noting that “generally a cause, issue or proposition is or becomes moot when it does not, or ceases to, rest on any existing fact or right”). Accordingly, we LIFT the stay previously imposed in this cause, GRANT the motion to dismiss, and DISMISS this original proceeding as moot.

PER CURIAM

Do not publish.
TEX. R. APP. P. 47.2(b).

Delivered and filed the
15th day of July, 2016.

² This original proceeding arises from *State v. Gonzalez*, cause number 15-CR-1586-E in the 148th District Court of Nueces County, Texas, the Honorable Guy Williams presiding. See TEX. R. APP. P. 52.2.